

**MINUTES  
OF THE MAYOR AND COUNCIL MEETING,  
BOROUGH OF HOPATCONG,  
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD  
HOPATCONG, NEW JERSEY  
AUGUST 5, 2015  
OPEN PUBLIC MEETING 7:30 PM**

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**CALL TO ORDER:** Announce Quorum

**OPEN PUBLIC MEETINGS ACT STATEMENT:** Mayor Petillo stated "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, and posted on the bulletin board maintained in the Municipal Building for public announcements." (Mayor noted fire exits)

**ROLL CALL:** The Clerk called the roll and the following members were present: Councilman Bunce, Councilman Francis, Councilwoman Galate, Councilman Padula, Councilman Schindelar, Councilman Young and Mayor Petillo.

**MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE:** Mayor Petillo invited all present to salute the flag and to remain standing for a moment of silence.

**AUCTION OF MUNICIPAL PROPERTY:**

Block 41204, Lot 2 – 450 Maxim Drive (conforming – Minimum bid \$9,950)

There being no one from the public who wished to bid on Block 41204, Lot 2 – 450 Maxim Drive, Councilman Young made a motion to close the auction and return to the regular order of business. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Request to Allow Wall and Walk to Remain in the Right of Way – 9 Normandy Circle

At this time Bernd Hefe, attorney for the homeowner, addressed the Governing Body regarding the request to allow a wall and walk to remain in the municipal right-a-way at 9 Normandy Circle. He stated that they have been before the Land Use Board and that they told him that they would have to come before the Governing Body for approval to allow the improvements to remain in the right-of-way. He stated that the homeowner is more than willing to comply with the requirements set forth by John Ruschke, the Borough Engineer.

Councilman Bunce, along with the rest of the Governing Body, stated that until they have the request signed off by Ron Jobeless, our DPW Superintendent, they won't vote on the issue.

Mr. Ursin stated that this is by far the largest encroachment to date that a homeowner has requested and as such the Council has to do its due diligence to make sure that the plan is ok with all of its professionals.

Councilman Bunce made a motion to table, until the September 2, 2015 meeting, a request from the owners of 9 Normandy Circle to allow a wall and walk to remain in the right-of-way. Seconded by Councilman Young. All were in favor.

**COMMITTEE REPORTS:** Mayor Petillo allowed each member of the Council, to present their respective committee reports.

Councilwoman Galate reported that the Seniors will meet tomorrow and that their Senior Picnic was a huge success. Ida Brown and Rene Hoer were chosen as the 2015 Seniors of the Year. She stated that they are both in the running for "Sussex County Senior of the Year" which will be chosen at the Fair this coming week. There is a lovely article in the Hopatcong News about both of them.

Councilwoman Galate also reported on the success of this year's Hopatcong Days celebration. She stated that she has been participating since 1994 and this was by far

the greatest year yet. There were almost 1000 children who attended and almost 3000 people total. They gave out over 2000 hotdogs! So many town groups participated and she gave a huge thank you to Sue Parichuk, the Recreation Commission and the Business League for helping make the day so wonderful.

Mayor Petillo echoed Councilwoman Galate's sentiment and stated that it was just a perfect day. She thanked everyone who worked so hard to make it such a huge success.

Councilwoman Galate stated that the Farmer's Market is continuing and that this past Sunday a fabulous band performed. The Community Garden had a booth there this week and told her that they have 30 people on the waiting list to join the garden. She also stated that members of the Community Garden have been donating veggies to the Senior Center. To date they have donated over 25 pounds of fresh vegetables. Councilwoman Galate reported that the market will be holding a "Dog Days" event on August 16<sup>th</sup> and encouraged everyone to come and to bring their dogs.

Councilman Francis also reported on the Farmers Market and stated that each week they have a steady flow of people. All of the vendors are doing well. He also reported that he is considering holding a Flea Market on Sundays at Modick Park. He is working with Councilman Young to come up with a plan and they are contemplating only letting Hopatcong residents participate.

Councilman Francis also stated that the Deer Management Committee is working on an ordinance that will broaden the spectrum with regards to Wildlife Management in the Borough. He hopes that within another two to three weeks he will have a draft ordinance and new application to send to the Borough Attorney for review.

Councilman Schindelar also stated that Hopatcong Days was a huge success. The Environment Commission had a booth that day and they highlighted a local bee keeper who brought with him a "see through" display hive. Councilman Schindelar also thanked everyone for all of the hard work that went into making the day such a success.

Councilman Young stated that the Environmental Commission had a great booth at Hopatcong Days and that they did a wonderful job. He stated that the Recreation Commission, at their last meeting, also discussed Hopatcong Days and reviewed their other programs that they currently run. They have had great success this year with the movies in the park and stated that the last one will be held on August 25<sup>th</sup> where they will show "The Lego Movie". He also stated that Ryan has done a wonderful job with the Summer Recreation program and that there are over 140 campers signed up this year.

Councilman Young also stated that Hopatcong Days started off on Friday night with the pageants. The following are a list of the winners in each contest: Miss Hopatcong, Megan Donnelly - Jr. Miss Hopatcong, Abigail McDonough - Little Miss Hopatcong, Phoenix Sherlock - Mini Miss Hopatcong, Vanessa Gleason - Mini Mr. Hopatcong, James Lahe. They all represented the Borough wonderfully. Megan represented the Borough at the Queen of the Fair Pageant. She did an outstanding job.

Councilman Young also reported that Hopatcong Days ended with a volley ball tournament. They had enough players to field a couple of teams. It was a lot of fun and hopefully next year it will be better attended. He also stated that the Borough should be proud of one of its own – Zach Rey – who won a gold medal in the Pan Am Games for wrestling. Councilman Young stated that he wouldn't be surprised if Zach makes it to the Olympics next year.

Councilman Bunce reported that there is a change order on for consideration this evening for the Wildwood Shores project and that it is actually a decrease. There is also a bond ordinance on this evening for consideration but it is only a correction to an ordinance that was previously adopted this year by the Council. It is only correcting a typographical error. He also stated that we are on track to begin the salt shed and are in the process of ironing out some other issues with the DEP.

Councilman Bunce also stated that the plans for the County Fire parade are moving along nicely and that all of the permits are in the process of being obtained. He thanked the Clerk for all of her help and stated that the Fire Department appreciated it. He stated that a lot of donations are coming in. Councilman Bunce also stated that the Ambulance Squad is closer to getting approvals for their new building and that the Borough will be working with them to obtain an easement on the property next door which the Borough owns. They will be using it for overflow parking. The Ambulance Squad is constructing the building with their own money.

**PUBLIC COMMENT:** Mayor Petillo opened the meeting to the public for any questions or comments concerning items on the agenda for which no public discussion is provided. (Comments limited to 5 minutes).

Terry Walker, Staten Trail, asked if someone could explain the resolution in regards to the OPRA litigation settlement.

Mr. Ursin explained that there was an OPRA request submitted by the Tax Assessor for data regarding the program that we use in the Tax Assessor's office. The Borough gave him all of the information that we had in our possession. The requestor insisted however, that the vendor who provides the program had access to the rest of the information that he wanted and that they were obligated to give it to him. The Borough asked the vendor for the information, even saying that we would pay to obtain it. In the meantime the requestor filed a law suit against the vendor and named numerous municipalities in the suit. It was decided in a pre-trial conference that the vendor would provide the information and pay a substantial part of the requestor's legal bills. The towns agreed to split the rest, which amounted to about \$300.00 per municipality. After consideration it was decided that it was in the Borough's best interest to settle instead of paying more trying to fight the suit. The Borough did not do anything wrong and provided all of the information that we had in our possession.

David Harris asked about the resolution to purchase the fire vehicle and stated that he thinks it is too much money to pay.

Mr. Elia responded that it is replacing the Chief's old vehicle and that it is what the cost is to buy such a vehicle. We went out to bid for the vehicle.

Councilman Bunce stated that it is a much needed vehicle because it is used by the Chief during an emergency for incident command purposes.

After giving all persons present an opportunity to address the Governing Body, Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Young. All were in favor.

#### **APPROVAL OF MINUTES:**

Councilman Young made a motion to approve the meeting minutes of the Regular Meeting held on July 1, 2015 and the Special Meeting held on July 22, 2015. Seconded by Councilman Bunce. All were in favor.

#### **ADMINISTRATOR'S REPORT:**

At this time Robert Elia, Borough Administrator, presented his report for the meeting of August 5, 2015.

Mr. Elia stated that we have two resolutions on this evening regarding the 2014 audit. One is to accept the audit and the other is for the Corrective Action Plan. He also stated that there is a resolution on the agenda to award the bid for a new vehicle for the fire chief. The bid came in at \$45,000 and the funds will be taken from the capital budget. He also stated that there is a resolution on to accept the \$15,000 from Hudson Farm Foundation and to put it into the budget for this year.

**CONSENT AGENDA:** Mayor Petillo requested that all persons present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall so be made at this time.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Councilman Bunce made a motion to approve the consent agenda. Seconded by Councilman Young. All were in favor.

#### **CORRESPONDENCE** (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

#### **REPORTS** (ACCEPTANCE FOR FILING OF THE FOLLOWING)

1. Zoning Department Monthly Report, June 2015.
2. Tax Collector Monthly Report, June 2015.

**APPLICATIONS** (APPROVAL OF THE FOLLOWING):

1. Social Affair Permit: Durga Tree International: Hudson Farm Club, November 7, 2015.
2. Social Affair Permit: Beyond the Walls: Hudson Farm Club, September 12, 2015.
3. Social Affair Permit: Oasis-a Haven for Women & Children: Hudson Farm Club, Sept. 25, 2015.
4. Social Affair Permit: Good Shepherd Sustainable Learning Foundation, Hudson Farm Club, September, 26, 2015.
5. Social Affair Permit: Hopatcong Fire Department, Veterans Field, October 3, 2015.
6. Fireman's Association Membership Application: Ryan A. Lucas.
7. Firemen's Association Membership Application: David J. Smith.

**RESOLUTIONS:** (APPROVAL OF THE FOLLOWING):

1. Resolution # 2015-195 – Outside Lien Redemption, Blk: 41005 Lt: 1.
2. Resolution # 2015-196 – Outside Lien Redemption, Blk: 40211 Lt: 17.
3. Resolution # 2015-197 – Outside Lien Redemption, Blk: 40211 Lt: 6.
4. Resolution # 2015-200 – Modify Tax Bill, Blk: 11303 Lt: 12.
5. Resolution # 2015-202 – Outside Lien Redemption, Blk: 40205 Lt: 5.
6. Resolution # 2015-203 – Outside Lien Redemption, Blk: 30104 Lt: 19.
7. Resolution # 2015-205 – Outside Lien Redemption, Blk: 10106 Lt: 11.
8. Resolution # 2015-207 – Refund Tax Overpayment, Blk: 30202 Lt: 11.
9. Resolution # 2015-211 – Outside Lien Redemption, Blk: 31104 Lt: 3.

**INTRODUCTION OF ORDINANCES:**

**Introduction Ordinance #26-2015 – Amending and Restating Bond Ordinance #15-2015**

Councilman Bunce made a motion to introduce an ordinance entitled “A BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE #15-2015 (WHICH PROVIDES FOR VARIOUS 2015 SEWER UTILITY IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, ON MAY 6, 2015”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

**FINAL ADOPTION: SEPTEMBER 2, 2015**

**ADOPTION OF ORDINANCES:**

**RESOLUTIONS:**

**Resolution #2015-198 – Certification of the Annual Audit**

Councilman Bunce made a motion to adopt a resolution entitled “Governing Body certification of the annual audit”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

**Resolution #2015-199 – Corrective Action Plan, 2014 Audit**

Councilman Bunce made a motion to adopt a resolution approving the Corrective Action Plan for the 2014 Audit. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

**Resolution #2015-201 – Renewal of 2015-2016 Liquor Licenses**

Councilman Bunce made a motion to adopt a resolution authorizing the renewal of certain 2015-2016 liquor licenses in the Borough of Hopatcong. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-204 – Approving Settlement of Pending OPRA Litigation

Councilman Young made a motion to adopt a resolution approving a settlement of pending OPRA Litigation. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-206 – Municipal Shared Services Defense Agreement

Councilman Schindelar made a motion to adopt a resolution authorizing a Municipal Shared Services Defense Agreement. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-208 – Hiring of Special Police, Class II Officer

Councilman Young made a motion to adopt a resolution hiring Michael Novak as a Special Police, Class II Officer for the Borough of Hopatcong as recommended by Chief Robert Brennan. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-209 – Change Order #4, Elba Point Infrastructure Improvements

Councilman Bunce made a motion to adopt a resolution approving Change Order #4 for the Elba Point Infrastructure Improvements Contract #3 – Water Main Replacements in the net decrease amount of (\$4,010.20). Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-210 – Award Contract for Pick-Up Truck

Councilman Young made a motion to adopt a resolution awarding a contract to Beyer Brothers Corp., Fairview, NJ for the purchase of a 4 x 4 crew cab pick-up truck for the Fire Chief in an amount not to exceed \$44,468.00. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-212 – Special Item of Revenue, Hudson Farm Foundation Donation

Councilman Bunce made a motion to adopt a resolution asking the Director of the Division of Local Government Services to approve the insertion of \$15,000 into the 2015 budget for the Borough of Hopatcong under the caption "Hudson Farm Foundation Donation". Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-213 – Promotion of Keyboarding Clerk 1

Councilman Young made a motion to adopt a resolution promoting Joy Basenese to the position of Keyboarding Clerk 2 in the Tax Collector's Office, effective January 1, 2015, with an increase of \$2,400.00 to an annual salary of \$31,388.58. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-214 – Approve Duties, Responsibilities, And Compensation for Assistant Tax Collector

Councilman Bunce made a motion to adopt a resolution approving the duties, responsibilities and compensation for Assistant Tax Collector Shawna Jonach, awarding an increase of \$3,600 to a total salary of \$47,109.37, effective January 1, 2015. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-215 – Sale of Alcoholic Beverages – Firemen’s Parade

Councilwoman Galate made a motion to adopt a resolution allowing the sale of alcoholic beverages at Veterans Park during the County Firemen’s Parade. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Resolution #2015-216 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of August 5, 2015, pulling check numbers 1236, 36112, 36114, 36130, 36134, 36141, and 36151. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

Councilman Bunce made a motion to approve the payment of check numbers 1236, 36112, 36114, 36130, 36134, 36141 and 36151. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

Resolution #2015-217 – Refund Tax Overpayment Cancel Property Taxes Due to 100% Disabled Veteran Status

Councilman Bunce made a motion to adopt a resolution to refund tax overpayment and to cancel future property taxes due to 100% disabled veteran exemption approval Block 10709, Lot 3. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

**OLD BUSINESS:**

**NEW BUSINESS:**

Agreement – Phoenix Advisors

Councilman Young made a motion to enter into an agreement with Phoenix Advisors to provide Continuing Disclosure Agent Services and Independent Registered Municipal Advisor of Record. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

### Request to Install a Wall and Pillars in the Right of Way – 42 Rapalyea Road

Councilman Francis made a motion to approve a request from the owners of 42 Rapalyea Road to install a wall and pillars in the municipal right-of-way. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar

Nays: None Absent: None Abstentions: Galate, Young

### **PUBLIC COMMENT:**

**Mayor Petillo** opened the meeting to the public for any questions or comments concerning the good and welfare of the Borough. (Comments limited to 5 minutes).

David Harris asked why the Hudson Farm donation was only \$15,000 this year and not \$45,000 which was given last year.

Mayor Petillo stated that amount was probably donated to town organizations from the hike that Hudson Farm sponsors. This was a different donation.

Mr. Harris stated that he moved here from the city and was wondering why he didn't see as many deer in the Borough.

Councilman Francis stated that the deer have become such a problem because they are overpopulated. They create a huge nuisance and carry diseases such as Lyme disease. The Borough has actively been trying to cull the herd by allowing hunting on municipally owned property.

Mr. Harris also asked if the "seasonal" DPW workers could paint the gazebo.

James May, 155 Hudson Avenue addressed the Council regarding the problems that he was having with his next door neighbors. He stated that the owners are renting out the house on a weekend basis and at times there are 15 or more people. They are outside until all hours of the night drinking and making noise. He stated he has small children and that he is worried about the types of people that are renting the house. He asked if there was anything that the town can do to prevent homeowners from renting their house on a weekend or a weekly basis.

Mr. Ursin responded that an ordinance can be adopted that would limit the rental period if the Governing Body chose to go that route.

Mayor Petillo responded that she would call Mr. May to discuss and that the Council will weigh the options with regards to adopting such an ordinance. She agreed with Mr. May that this is a huge problem and that it needs to be addressed.

After giving all persons present an opportunity to address the Governing Body, Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Young. All were in favor.

### **ADJOURNMENT:**

Councilman Bunce made a motion to adjourn the meeting of August 5, 2015. Seconded by Councilman Young. All were in favor.

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Sylvia Petillo, Mayor

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Catherine Schultz, RMC