

MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
DECEMBER 2, 2015
OPEN PUBLIC MEETING 7:30 PM

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 role 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.

COMMITTEE REPORTS:

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

Councilwoman Galate reported that the Seniors will be having their last meeting tomorrow. She also stated that Sue Parichuk, on behalf of the Borough, was able to secure a grant which would allow the town to purchase another Senior bus. We will either get it in 2016 or 2017. Councilwoman Galate reported that the Farmer's Market will reopen on June 19, 2016. She also stated that the police department participated in "No Shave November".

Councilman Francis stated that the Finance Committee is working on the 2016 budget and that an RFP was put out for a Real Estate Broker to help us sell some of our town owned properties. The Committee will be reviewing the one proposal that was received. He also stated that the River Styx area redevelopment is moving along. They are working on the curbing, the lighting and the sidewalks.

Councilman Schindelar reported that the Borough and the Environmental Commission was in Atlantic City during the League Conference to receive the Sustainable NJ Bronze Award.

Councilman Young reported that the Recreation Commission, at their last meeting, reviewed the Halloween festivities and talked about the plans for next year. He also stated that the Basketball program is in full swing and that on Friday night the Commission will be showing the "Polar Express" movie at the High School. The Commission is working on the movie schedule for next year. He also stated that the equipment that was purchased last year to lower the basketball hoops for the younger age children is being very well used. He also stated, as Councilman Schindelar mentioned, that the Environmental Commission received the Sustainable NJ Bronze award after many years of work. The Commission has also planned some of their events for 2016 – the "Tree Giveaway" will be on April 24th, the hike will be held on June 6th and Hopatcong Days is scheduled for July 8th, 9th and 10th.

Councilman Young also congratulated the Warriors Pee Wee team which went undefeated this year.

Councilman Bunce stated that the Fire Department held a drill behind Firehouse #3 over the weekend. He also stated that the water line installation is going nicely on Conduit. Councilman Bunce reported that the DPW is ready for winter weather and that tonight there is a resolution on for consideration rejecting the bids for the pole barn. They came in above the cost estimates.

Mayor Petillo stated that CERT will be holding a craft fair this Saturday from 10 am to 2 pm. She also mentioned that the Christmas Tree lighting will be on Saturday at 6 pm and the Menorah lighting will be on Sunday at 7 pm. She also congratulated the Environmental Commission on attaining the Bronze Award. A lot of hard work went into receiving it.

Mayor Petillo also reported that the 2016 Borough Calendar is out to print and that everyone should keep an eye out for it in the mail. Not only are there old pictures of Hopatcong but there is a lot of information that is useful to our residents.

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).

Elaine Vigliotti, 6 Maple Place, addressed the Governing Body regarding the shooting range that was constructed for the police up in her neighborhood. She stated that she and her neighbors had been to the Land Use Board a number of times to ask why there was never a site plan put before them to approve. She stated that she was told that it didn't have to go before the Land Use Board. She asked the Council why it didn't have to go for approvals and wanted to know if it was in compliance with regard to rules of operation and environmental protocol. She stated that the residents weren't given any notice that the police would be there to qualify on November 4th, 5th, and 6th and that the noise is a huge disturbance to her and her neighbors.

Bob McBriar, Borough Attorney, stated that it didn't have to go before the Land Use Board and that in the coming months more work will be done regarding the rules of operation and environmental protocols. He stated that a site plan is not necessary.

Mayor Petillo stated that the range allows our police officers to qualify on weapons that would be used in such events as an "Active Shooter" situation. Our police used to go to Sparta to qualify at their range but the range is now closed. We need an area where they can qualify at a range of 100 yards. Mayor Petillo also stated that the range is a permitted use on that property.

Ms. Vigliotti stated that the range is impacting their quality of life and she doesn't understand why the residents weren't notified that the town was planning on constructing a range in the area. She stated that not only do they shoot during the day but also at night.

Mayor Petillo stated that the police have to qualify both during the day and during the night. If they don't qualify then they won't be able to use rifles if there were to be an "Active Shooter" situation. She stated that unfortunately in the times we live in that these types of situations have become commonplace.

Ms. Vigliotti stated that she believes that the construction of the range is bringing down property values in her neighborhood.

Ms. Alice Stolarz, 8 Maple Place, also addressed the Council regarding the shooting range. She stated that she only was made aware of the construction because she heard the shooting and called the police. She stated that she has the utmost respect for the police and what they do but that she is very upset with the way that it was done. At this time she played a recording of what the shooting sounded like. Attached is a list of questions that she had for the Governing Body regarding such things as the Highland Council, Conservation restrictions, material used on the access road, funding, discussions in open public session regarding the construction, Green Acres program, Open Space and Recreation Plan, endangered species and why the police can't use other ranges to qualify. She also gave the Governing Body a copy of a petition signed by her neighbors.

Mr. McBriar and the Mayor once again reiterated that the police need this range to qualify on long guns. They will be using it approximately four times a year. They both stated that this will be discussed at a later date, at an open public meeting, once the protocols are fully determined. The Mayor asked Ms. Stolarz to give her a copy of her questions so that she can try to get answers for her.

Rita Sussaro stated that she is currently under contract to purchase a home at 28 Jefferson Trail, Block 40217, Lot 16. She stated that there is a small piece of property that adjoins that property and asked if the Borough would be interested in foreclosing on it and then putting it up for auction. Right now, the Borough has a lien on the property.

Mayor Petillo asked Ms. Sussaro to provide her contact information and that she would look into it for her.

Robert McGoldrick, 31 Lebanon Trail asked if the police will be shooting 50 caliber guns and Councilman Bunce stated that they don't shoot ammunition that large.

Mayor Petillo once again stated they will be shooting the ammunition that they need to qualify. The State sets the standards by which the police departments need to qualify on certain weaponry.

Mara Modes, Ithanel Road, asked if children could somehow get caught in the shooting, going through the trails, even though the property is marked.

Mayor Petillo stated that the range is on Borough property and that no one should be using the property other than the police and Borough employees.

Ms. Modes asked why the police can't go to Hudson Farm to qualify and the Mayor responded that the police have not been invited to train there. Hudson Farm is a private club, not open to the public.

David Harris, 125 Dupont, asked why the police went up there if all of the protocols weren't established yet.

Mayor Petillo stated that the Chief has been working on the protocols and that the police needed to qualify. The police have nowhere else to go.

Elaine Vigliotti asked where other towns go.

Mayor Petillo stated that some towns have their own ranges and that other departments unfortunately don't qualify. She stated that our range will only be used by our police department.

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 November 4, 2015. Seconded by Councilman Bunce. All were in favor.

Councilman Young made a motion to approve the meeting minutes of the Special Meeting of November 24, 2015. Seconded by Councilman Bunce. All were in favor except for Councilman Francis who abstained.

ADMINISTRATOR'S REPORT:

At this time Robert Elia, Borough Administrator, presented his report for the meeting of December 2, 2015.

Mr. Elia stated that there is a resolution on this evening for consideration which would accept an additional \$3000 from the County towards the Nutrition Center and also one that would allow the employees to carry over \$500 of their money that they put into their Flex Spending Account. He stated that there is another resolution which would allow NJ Manufacturer's Insurance company to come in and offer discounted policies to the employees. Any costs would be paid by the individual employee.

Mr. Elia also reported that he received a resignation from the Pound Project. They gave 30 days' notice that they will be terminating the contract. He stated that he will be posting an ad on the website for additional help at the pound since the ACO cannot be there all of the time. He also stated that all of the departments have turned in their 2016 budget sheets and that he will have a draft of the budget for the Council later this month.

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)

Tax Collector Dept. Monthly Report: September and October 2015.
Zoning Dept. Monthly Report: October 2015.
Construction Dept. Monthly Report: October 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

NJ State Firemen's Assoc. Application: James F. Chaffee, Jr.
NJ State Firemen's Assoc. Application: Mauricio Montoya.
Application for Volunteer Firefighter: James F. Chaffee.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

Resolution # 2015-276: Outside Lien Redemption, Blk: 30403 Lt: 14.
Resolution # 2015-277: Outside Lien Redemption, Blk: 40205 Lt: 9.
Resolution # 2015-280: Tax Refund Overpayment, Blk: 50001 Lt: 1.
Resolution # 2015-283: Outside Lien Redemption, Blk: 30104 Lt: 20.
Resolution # 2015-284: Outside Lien Redemption, Blk: 11014 Lt: 1.
Resolution # 2015-285: Outside Lien Redemption, Blk: 30704 Lt: 14.
Resolution # 2015-286: Outside Lien Redemption, Blk: 10807 Lt: 2.
Resolution # 2015-287: Outside Lien Redemption, Blk: 11013 Lt: 8.
Resolution #2015-289: Outside Lien Redemption, Blk: 10707 Lt: 3 & Blk:40209 Lt: 31

INTRODUCTION OF ORDINANCES:

Introduction Ordinance #35-2015 – Partially Vacating a Portion of Mountain Road Right-of-Way.

Councilman Young made a motion to introduce an ordinance entitled "AN ORDINANCE PARTIALLY VACATING A PORTION OF MOUNTAIN ROAD RIGHT-OF-WAY IN THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY". Seconded by Councilwoman Galate

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

FINAL READING: DECEMBER 16, 2015

ADOPTION OF ORDINANCES:

RESOLUTIONS:

Resolution #2015-281 – Agreement with Sussex County for Nutrition Program

A motion is in order to adopt a resolution approving modification to the Borough of Hopatcong Shared Service Agreement with the County of Sussex for the management of the Hopatcong Congregate Nutrition Program in accordance with the provisions of N.J.S.A.40A:65-1 ET SEQ_increasing award by \$3,000.00 for 2015 to \$25,700.00.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-282 – Flex Spending Plan, Aetna

A motion is in order to adopt a resolution entering into an agreement with the Aetna FSA Plan to use the relaxed rule and incorporate the \$500 carry over plan.

Upon roll call vote:
Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young
Nays: None Absent: None Abstentions: None

Resolution #2015-288 – 2015-2016 Liquor License Renewal – Dock N Drink Inc.

A motion is in order to adopt a resolution authorizing the renewal of Liquor License #1912-31-014-004, Dock N Drink Inc. for the 2015-2016 licensing year.

Upon roll call vote:
Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young
Nays: None Absent: None Abstentions: None

Resolution #2015-290 – Rejection of Bids for Construction of Pole Barn

A motion is in order to adopt a resolution rejecting bids for construction of a pole barn for road salt storage at the DPW facility as exceeding cost estimates and appropriations.

Upon roll call vote:
Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young
Nays: None Absent: None Abstentions: None

Resolution #2015-291 – Payment of Bills

A motion is in order to adopt a resolution authorizing the payment of bills for the meeting of December 2, 2015.

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 number.....Seconded by Councilman Young.

Upon roll call vote:
Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young
Nays: None Absent: None Abstentions: Galate

Resolution #2015-292 – New Jersey Manufacturers

A motion is in order to adopt a resolution permitting New Jersey Manufacturers Insurance Company to provide financial services to Borough Employees.

Upon roll call vote:
Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young
Nays: None Absent: None Abstentions: None

Water Service Application – 28 Lincoln Trail, Block 40909, Lot 21

Councilman Young made a motion to approve a water service application submitted by the owner of 28 Lincoln Trail, block 40909, Lot 21. Seconded by Councilman Bunce.

Upon roll call vote:
Ayes: Bunce, Francis, Galate, Padula, Schindelar, Young
Nays: None Absent: None Abstentions: None

OLD BUSINESS:

NEW BUSINESS:

Discussion – Redevelopment of Sparta-Stanhope Road

Councilman Francis stated that the Borough has been approached by a developer who may be interested in building in the Highland's Preservation Area on the site of the old kennel. He came in to have a preliminary meeting to discuss putting in a factory that manufactures coffee k-cups. Because it is in the Highland's area there will be a lot of hurdles to overcome but nothing is impossible. The Borough would actually be the applicant. There would be some DEP issues that would have to be addressed.

Mayor Petillo stated that we might want to designate that as an area in need of redevelopment. If we do that, then there would be grant monies available from the Highlands Council.

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).

Mara Modes requested a bill list.

David Harris asked if there are recreation leagues for young adults that are sponsored by the Borough.

Mayor Petillo stated that he should look into the YMCA. They have many programs available.

Mr. Harris also asked about the repairs to the skate park and Mayor Petillo stated that we are still waiting on parts.

Ms. Stolarz once again addressed the Council stating that her dog gets very upset about the shooting. She also asked if the property is in the Highlands why it can be used as a gun range.

Councilman Francis stated that even though it is in the Highland's planning area that it is still under the control of the Borough.

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 December 2, 2015.

Catherine Schultz, RMC

Sylvia Petillo, Mayor

My name is Alice Stolarz and I live on Maple place. I am here today regarding the recently constructed firing range located in the Natural area preserve. I learned about this firing range after contacting the Police regarding the intense and prolonged shooting over several days. I was shocked when they told me that it was them. When I asked the police who authorized a firing range I was told the Council. On 11/7, I went up into the Natural area preserve and saw that the firing range was surrounded with signs that say "Hopatcong Police Firing Range Keep Out" I was very upset at what I saw and started researching for information about this range. There was none that I could find. I appreciate that the Council wants to assist the police department and I respect the police, I respect what ^{that's} ~~what~~ ^{why I go} they do. I have nothing but 100% appreciation for them. That ^{to them} being said, I'm still upset about the whole way this was done. So I have some additional questions. First I'd like to play a short clip of what it sounds like.

Questions

- 1. Did the construction of the firing range require a waiver from the Highland Council?
 - a. Can you tell me how many square feet were disturbed in the construction of the range.
 - b. How many square feet does the range occupy?

- c. Doesn't a firing range requiring the resurfacing of the area and a restriction of access constitute a surface use of the property occupied by the range?
2. How does a firing range meet the "Conservation restriction" definition?
3. Is the material on the access road milling?
 - a. If yes, does milling have oil in it?
 - b. If the milling has oil in it, Can that oil get into the ground water?
 - c. If it can get into the ground water, is the Borough aware that our wells are lower than the millings?
4. Was the firing range funded by the Borough?
 - a. If no, how was the range funded
 - b. If yes, what was the cost"
 - c. If yes, how were the funds appropriated
 - d. If yes, was there any public approval of the expenditure of these funds specifically mentioning the firing range
 - e. Why wasn't this listed in the budget under Police Department Capital Projects?
5. Is the decision to construct a firing range somehow exempt from the Open Public Meeting law?

6. Is the land subject to the NJ DEP Green Acres Program and how do I document that?
7. Is the block and lot listed in the Borough of Hopatcong Highlands Environment Resource Inventory?
8. According to the Open Space and Recreation plan updated in 2011 for the Borough of Hopatcong, page 2 says “The Goals Section of the Open Space and Recreation Plan Update acts as a guide for Hopatcong to preserve open space and create recreation areas for residents.” How does the installation of firing range with “Keep Out” signage for municipal use only support this goal?
9. The same document mentions endangered species residing on the property and that the area environmentally sensitive. Are the endangered species gone? Is the land no longer environmentally sensitive?
10. Why can’t they use the Jenny Jump outside range in Warren County? Or the Fort Dix Military range? It’s my understanding that a 50yard range can be used with a decreased target? Why can’t we do that?

The Groves are away on vacation and wanted their statements to be read so if the Council is interested, they were submitted to the Land Use Board.

Petition to relocate and/or eliminate the firing range located above the Maple Grove area in Hopatcong NJ.

We, the undersigned, are opposed to the location of the recently installed firing range located in the Natural Area Preserve above the Maple Grove area of Hopatcong.

Celia M. Stolar - 8 Maple Pl.
Stanley W. Nichols - 4 Maple Pl.
Charles A. Trimmer - 2 Maple Pl.
Clayton W. Nichols - 6 Maple Place
D. J. Nichols - 6 Maple Place
NORMAN W. NICHOLS - 11 Maple Pl.
[Signature] - 10 Maple Place
X Thelma R. O'Brien - 10 Maple Place
[Signature] - 203 3rd St. Hopatcong
[Signature] - 203 3rd St. Hopatcong
[Signature] - 7 Maple Place
Elizabeth M. Nichols - 7 Maple Place