

**MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
AUGUST 2, 2017
EXECUTIVE SESSION 6:00 PM
OPEN PUBLIC MEETING 7:30 PM**

CALL TO ORDER: Announce Quorum

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Francis 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, Councilwoman Galate, Councilman Hoferkamp, Councilman Padula, Councilman Schindelar, Councilman Young and Mayor Francis.

RESOLUTION FOR EXECUTIVE SESSION:

Mayor Francis requested a motion to adopt a resolution to adjourn into Executive Session to conduct interviews for Business Administrator.

Councilman Bunce made a motion to adopt a resolution to adjourn into Executive Session to conduct interviews for Business Administrator. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HOPATCONG THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK’S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

Councilman Bunce made a motion to adjourn Executive Session and return to regular order of business. Seconded by John Young. All were in favor.

OPEN PUBLIC MEETINGS ACT STATEMENT: Mayor Francis 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, Councilwoman Galate, Councilman Hoferkamp, Councilman Padula, Councilman Schindelar, Councilman Young and Mayor Francis.

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

PUBLIC COMMENT: Mayor Francis 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).

Councilman Bunce made a motion to open the meeting to the public. Seconded by Councilman Young. All were in favor.

David Harris questioned the security system/upgrade which was in the newspaper and voiced his concern with the ordinance being at a special meeting; further questioning the location of the cameras and the pricing of the system. Mr. Harris also questioned if they could do special meetings at 7:30pm.

Mayor Francis explained that the system was high priority for the protection of the public as well as the employees and they were unable to share the location of the cameras for security reasons.

Councilman Padula clarified that the special meeting was to pay bills, not for the cameras; the cameras were put on the agenda to take advantage of timing. This has been in the process for 18 months. Councilman Padula further explained that the pricing was not just for the cameras, but for the infrastructure and wiring as well. Councilman Padula went on to explain the emergency appropriation for the dual phone systems. Councilman Padula also explained that they had the meeting at 4:00pm due to their scheduling.

Kerry Kirk Pflugh, Director of the Office of Local Government Assistance at the NJDEP, came before the Council to answer questions about the Lake Hopatcong Memorandum of Agreement.

Councilman Schindelar questioned the amount of money given for the 2017-2020 MOA. He also questioned if the money stops, does anything required of the towns stop in 2020 as well.

Ms. Pflugh explained that currently the State appropriates \$155,000.00 (a part of the Parks budget) to pay for two full time employees and some seasonal employees to get the equipment out on the lake to do weed harvesting. There is additional money that the State would like to give to the lake communities; an additional \$200,000.00 for a period of three years to focus on the weed harvesting program and the Parks program. The Parks program would be able to do additional hiring and they could probably get all the equipment out on the lake and get ahead of the weeds. Ms. Pflugh explained that this would improve water quality, remove biomass, and reduce phosphorus to help them to meet their TMDL (total maximum daily load for phosphorus). The additional funds are funds that went unspent from other water quality project that they would like to give to the lake. Ms. Pflugh explained that the town is not obligated to sign the MOA, but that means the money will not be appropriated. She also explained that the money would stop in 2020, but they would be required to keep the MS4 permits which is required by law. Jefferson and Mount Arlington have signed the MOA.

A discussion ensued with Ms. Pflugh regarding the pros and cons of the MOA as well as the Borough's septic ordinance.

John Ruschke, Borough Engineer, commented on the obligations that the Borough has regarding septic that are in the agreement.

Mayor Francis stated that the sunset of the agreement is important.

Councilwoman Galate asked if it was still a working document.

Ms. Pflugh stated that it was no longer a working document.

The Mayor and Council thanked Ms. Pflugh for coming.

Barbara Loring came before the Council expressing her concern for the water quality of the lake, stating that it is imperative to the town. Ms. Loring also expressed her concern for the property values going down.

Councilman Bunce expressed his concern for the taxes going up and the State not helping to contribute with the water quality.

A discussion ensued regarding the DEP, the taxpayers, and the State Lake.

Ms. Loring made a suggestion that the Council call a meeting for the public and inviting the Lake Hopatcong Foundation and the Lake Hopatcong Commission.

Councilman Bunce stated that the State will not spend the money.

A discussion ensued regarding the pumps in the lake.

Ms. Loring also expressed her concern for the pricing for the cameras.

Councilman Padula stated that we only got two bids, and this was the lower priced one.

A discussion ensued on the pricing of a camera system.

Mara Modes came before the Mayor and Council, asking for clarification on the amount of money being given for the Lake.

Mr. Ruschke explained that the State gives \$150,000.00 whether the agreement is signed or not. If it is signed they will receive an additional \$200,000.00.

Mayor Francis explained that it is clean water money that they want the water quality to be taken care of.

Ms. Modes questioned the resolution and the ordinance for the security cameras.

Councilman Padula explained that the ordinance was to approve the amount and the resolution was to award the bid.

Ms. Modes questioned Resolution 2017-148 regarding the reimbursing of tuition for online courses.

Mayor Francis explained that the current handbook says that they will reimburse for college courses and explained the percentage. Mayor Francis explained that they would like to apply the same principles to online courses so a degree pertaining to their job can be achieved.

Helmut Rehe came before the Mayor and Council questioning if the cameras would be at the parks; further stating that the Naritcong Ball field netting was being fixed every two weeks. Mr. Rehe also mentioned his concerns regarding a dumpster at the Naritcong field not being empty and a soda machine that doesn't look nice. Mr. Rehe also stated that the cameras were expensive.

Councilman Padula explained that they will have to decide where the best use of the cameras are.

Mayor Francis stated that the price of cameras for a house versus the price for the system that the Borough needs is different.

Peter Frechtling, came before the Mayor and Council questioning if the phosphorus levels in the lake effect the weed health and density.

Councilman Bunce explained that there are a lot of weeds that do contribute to the phosphorus levels.

After giving all persons present an opportunity to address the Governing Body, **Mayor Francis** requested a motion to close the meeting to the public and return to the regular order of business.

Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilwoman Galate. All were in favor.

APPROVAL OF MINUTES:

A motion is in order to approve the meeting minutes of the Executive Session held on June 21, 2017, the Special Meeting and Executive Session held on June 29, 2017, the Regular Meeting of July 5, 2017, and the Special Meeting of July 19, 2017.

Councilman Bunce made a motion to approve the meeting minutes of the Executive Session held on June 21, 2017. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: Abstentions: None

Councilman Young made a motion to approve the meeting minutes of the Special Meeting and Executive Session held on June 29, 2017. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Galate, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Abstentions: Bunce

Councilman Young made a motion to approve the meeting minutes of the Regular Meeting held on July 5, 2017. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Abstentions: Bunce and Padula

Councilman Young made a motion to approve the meeting minutes of the Special Meeting held on July 19, 2017. Seconded by Councilman Bunce.

Councilman Bunce mentioned that a correction needed to be made for the July 19, 2017 meeting; his name needed to be added to the roll call.

Upon roll call vote:

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

Nays: None Absent: Abstentions: None

CONSENT AGENDA: Mayor Francis 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, Mayor Francis requested a motion to approve the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Tax Collector's Report: June 2017.
2. Zoning Dept. Report: June 2017.
3. Comp Hour Report: Year to Date.
4. Overtime Report: Year to Date.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Water Service Application: Block: 11205 Lot: 5.
2. Sewer Allocation Application: Block: 11205 Lot: 5.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution # 2017-142: Refund Tax Overpayment Block: 30707 Lot: 14.
2. Resolution # 2017-146: Outside Lien Redemption Block: 11101 Lot: 2.

Councilwoman Galate questioned if they could get a more itemized report of what was collected.

Mayor Francis stated they could get that

Councilman Bunce made a motion to approve the Consent Agenda. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

INTRODUCTION OF ORDINANCES:

Introduction Ordinance #13-2017 – Sale of Municipal Property – 12 Keith Road, Block 40105, Lot 6

Councilman Young made a motion to approve an the introduction of an ordinance entitled “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 12 KEITH ROAD, BLOCK 40105, LOT 6”. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

FINAL READING: SEPTEMBER 6, 2017

AUCTION: SEPTEMBER 20, 2017

ADOPTION OF ORDINANCES:

Adoption Ordinance #11-2017 – Auction of Municipal Property, 8 Chamberlain Street, Block 31701, Lot 31

Councilman Schindelar made a motion to approve the adoption of an ordinance entitled “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 8 CHAMBERLAIN STREET, BLOCK 31701, LOT 31”. Seconded by Councilman Bunce

Before final roll call, Mayor Francis opened the meeting to the public for any questions for comments regarding Ordinance #11-2017.

David Harris questioned the minimum bid set on the properties.

Councilman Bunce stated that the formula/amount is in the Ordinance.

After all persons had an opportunity to address the Governing Body regarding Ordinance #11-2017, Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

AUCTION: SEPTEMBER 6, 2017

Adoption of Ordinance #12-2017 - Capital Ordinance Providing For Purchase And Installation Of Security Cameras Including Improvements In Wiring

Councilman Schindelar made a motion to adopt an ordinance entitled “CAPITAL ORDINANCE PROVIDING FOR PURCHASE AND INSTALLATION OF SECURITY CAMERAS INCLUDING IMPROVEMENTS IN WIRING BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY; APPROPRIATING \$65,000 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF”. Seconded by Councilman Young.

Before final roll call, Mayor Francis opened the meeting to the public for any questions for comments regarding Ordinance #12-2017.

There being no one from the public who wished to address the Governing Body regarding Ordinance #12-2017, Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

RESOLUTIONS:

Resolution #2017-147 – Heavy Equipment Operator, Kenneth Barry

Councilman Bunce made a motion to adopt a resolution approving the duties, responsibilities and compensation for Heavy Equipment Operator, Kenneth Barry. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2017- 148 – Reimbursement of Tuition for Online Courses

Councilman Young made a motion to adopt to adopt a resolution to amend Section 4.10 of the Personnel Manual to allow reimbursement of tuition for online courses. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2017-149 – Bid 01-2017 Security Camera Wiring and Telecommunications Wiring Bid

Councilman Bunce made a motion to adopt a resolution awarding Eastern Datacomm a contract to accomplish the scope of work as outlined within Bid 01-2017 Security Camera Wring and Telecommunication Wiring in the amount of \$17,670.00. Seconded by Councilman Padula.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2017-150 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for meeting of August 2, 2017, pulling purchase order number 17-01259. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

Councilman Bunce made a motion to authorize the payment of purchase order number 17-01259. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Padula, Schindelar

Nays: None Absent: None Abstentions: Young

Resolution #2017-151 – Renewal of Certain 2017-2018 Liquor Licenses

Councilman Bunce made a motion to adopt a resolution renewing certain 2017-2018 Liquor Licenses (FTN Liquors dba The Lake House). Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

OLD BUSINESS:

NEW BUSINESS:

Certification for Rescue Squad Contribution

Councilman Bunce made a motion to approve the Hopatcong First Aid Squad receiving financial assistance in the amount of \$2,800 from the County of Sussex for calendar year 2017. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Discussion - Memorandum of Agreement with the NJDEP

At this time a discussion continued to take place among the Mayor and Council regarding the MOA. Councilman Padula stated that they would need more information after the septic ordinance is sent to the DEP. Mayor Francis stated that he would like any current statutes to sunset at the time of the agreement. Councilman Hoferkamp asked if they could come up with a basic cost for the tax payers due to the requirements that the DEP is asking of the town. Mr. Ruschke explained that there is a permit that is imposed on every municipality and it is not optional; and we have to bear the cost of it every year due to state mandate. Mr. Ruschke further explained that the agreement stated the Division of Parks and Forestry has a current responsibility for weed harvesting for \$155,000.00; so this agreement may turn into being the only funding they have for weed harvesting over the next three years. Mr. Ruschke further discussed the lack of penalties for what needs to be done each year for the three years; he further explained the requirements and responsibilities for years one, two, and three. Councilman Padula stated that having the \$155,000.00 in the agreement jeopardizes the \$200,000.00.

A discussion ensued.

Mayor Francis explained that the triploid grass carp has been proven effective for weed harvesting; herbicides will allow the weeds to grow back. Mayor Francis stated that he has offered alternatives to the DEP.

A discussion ensued regarding the meetings that the Mayor and Council have had with the DEP regarding the lake.

The Mayor and Council agreed to protecting the town and waiting for more information.

Request for Permission to Place a Retaining Wall in the Right-of-Way

Mr. Ruschke explained that he denied the first request and explained when they came back to him with the wall a little farther back, he spoke to Ron Jobeless about snow removal he said he could fit a truck in there (as long as they had an indemnification agreement). The wall is a landscaping wall.

Councilman Bunce explained that they generally deny requests of putting up new construction in the right of way; if it was already there and they are fixing it that is fine.

Councilwoman Galate explained that people pulling out from the side street won't be able to see past the four foot wall.

A discussion ensued about the size of the wall.

Councilman Bunce made a motion to deny the request from the owner of 8 Williams Trail, Block 40104, Lot 1 (Mr. Pollara) to place a retaining wall in the right of way. Seconded by Councilman Padula.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Report of BAN Sale

Councilwoman Galate made a motion to approve the Council's acknowledgement of their receipt of the Report of BAN Sale which was held on July 26, 2017. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

PUBLIC COMMENT:

Councilman Young made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. (Comments limited to 5 minutes). Seconded by Councilman Bunce. All were in favor.

Maryanne Fox, Papoose Tail/Squaw Trail, came before the Mayor and Council, mentioning her concerns regarding getting her road resurfaced rather than patched. Ms. Fox further explained that the road is heavily traveled by trucks that turn around at the dead end; and that it would be hard for a fire truck to get down there.

Councilman Bunce explained that there is no list of roads to be paved, and they put money in their capital budget every year to pave. The grants that they get are very specific to areas. Councilman Bunce further explained that there are many roads in Hopatcong that the fire trucks would have a hard time getting down. Paving all the roads can't be done because it is too expensive.

A discussion ensued regarding the town's roads.

Ms. Fox questioned who would take care of overgrown vegetation in her area.

Councilman Bunce explained that it depended on who owned the property.

Lyn Owens, 14 Papoose Trail, came before the Mayor and Council explained that she has sent emails and that her section of the road is a disgrace and the center of town gets all the attention. They have a beautiful beach club at the end of the road and everything else looks like a disgrace; there is so much overgrowth. Ms. Owens commented that she didn't know who John Ruschke was or what his name was while he was speaking and that the DPW men are great. She also stated that she would send a list of the properties.

Councilman Bunce stated that he would have Mr. Donegan look into it.

Mayor Francis stated that it is one of his pet peeves and it is a bad reflection on the town.

Mara Modes came before the Mayor and Council questioning if anyone had heard anything regarding the smashing of mailboxes on Ithanell Road.

Mayor Francis commented that they haven't heard of this.

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 Schindelar. All were in favor.

Councilman Bunce made a motion to adopt a resolution to adjourn into Executive Session to discuss personnel matters. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HOPATCONG THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

Councilman Bunce made a motion to Executive Session and return to regular order of business. Seconded by John Young. All were in favor.

COUNCIL COMMENTS:

ADJOURNMENT:

Councilman Bunce made a motion to adjourn meeting of August 2, 2017. Seconded by Councilman Young. All were in favor.