

**MINUTES  
OF THE MAYOR AND COUNCIL MEETING,  
BOROUGH OF HOPATCONG,  
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD  
HOPATCONG, NEW JERSEY  
OCTOBER 7, 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 50409, Lot 6, 3 Washaw Trail (Non-conforming, Minimum Bid \$2,475.00)

Mr. Ursin opened up the bidding for the above mentioned property. A member of the public bid the minimum, \$2,475. There being no other bids, Mr. Ursin closed the auction and recommended to the Council to make a motion to accept the bid.

Councilman Young made a motion to accept the bid of \$2,475 for the purchase of Block 50409, Lot 6, 3 Washaw Trail. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**PRESENTATION:**

2015 Sussex County Firemen's Parade Grand Marshals

At this time, Mayor Petillo recognized the Grand Marshals of the 2015 Sussex County Firemen's Parade: Jim Franco, Forrest (Jim) Sutton, Marty Rosenbaum and Jim Vanderhoof.

Councilman Bunce made a motion to take a 15 minute recess. Seconded by Councilman Young. All were in favor.

Lake Hopatcong Commission

At this time Dan McCarthy and Fred Steinbaum from the Lake Hopatcong Commission discussed the water level in Lake Hopatcong. Both Mr. Steinbaum and Mr. McCarthy outlined their plan regarding the water level, each disagreeing on the total amount of inches necessary during the drawdown. Mr. Steinbaum proposed that the yearly drawdown should be reduced from 26 inches to 16 inches to protect the docks. He also proposed that the five year 60 inch drawdown continue but be quicker at 2 inches a day instead of 1.5. He also stated that the DEP should be more flexible in the plan when the lake level is below normal.

Mr. McCarthy disagreed with Mr. Steinbaum with regard to the yearly drawdown. He stated that the plan should continue as is so that there aren't any problems with ice creep during the winter months. He stated that town ordinances have been based on the current plan and to stray from that plan would have unintended consequences. He urged the Governing Body to be careful of making a recommendation that would impose radical changes.

Both men, and the Governing Body agreed that representatives from the surrounding towns should get together to discuss. They all agreed that the problem may not necessarily be the drawdown but the amount of water that is allowed to be released from the lake. The DEP should be more flexible and monitor the levels of the lake and then decide how much water to let out. Mayor Petillo stated that this fight has been going on for many years and she is not confident that the DEP will listen to the towns' recommendations.

Fred Steinbaum stated that he disagrees with Mr. McCarthy's statements made earlier and feels that Mr. McCarthy is jeopardizing summer recreation for winter recreation. He stated that ice creep can occur at any water level.

Mr. McCarthy stated that he does care about recreation during the summer on the lake but feels that ice creep is a safety issue during the winter months.

John Kinsman stated that the DEP always references the "Miller Agreement" when they discuss the water level plan but to his knowledge there is no record of such an agreement. He believes that the real issue is the 12 CFS that the State goes by. When there are drought conditions then the lake cannot refill to adequate levels.

Mayor Petillo stated that the problem is that the DEP is misleading the public. As far as she knows there is no agreement that can be found and all the DEP is doing is pitting town against town.

Councilman Bunce stated that our representatives on the Commission need to reach out to the State and be our voice.

Barbara Loring stated that the State and the DEP need to be flexible and take the conditions of the lake and its water levels before they decide how much to let out of the lake. She stated that perhaps a Social Media campaign would get the true facts out to the public.

Councilman Schindelar stated that the towns need to get together to come up with a unified plan for the lake levels.

Councilman Bunce stated that the DEP needs to be more flexible and use common sense when it comes to the levels.

Mayor Petillo stated that there are three issues that she sees – the amount of the drawdown, the water leaving the lake and the weed harvesting.

Councilman Francis stated that the common thread amongst everyone is the outflow issue. And we all agree that the weed problem needs to be managed.

Mayor Petillo stated that she will contact the Mayors of the surrounding towns

**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).

Mara Modes asked if the peddling ordinance could include a section that would allow the police to revoke their license if they created a disturbance at the residence and Mr. Ursin responded that no, we can't.

Ms. Modes asked about the In-Rem Resolution and Mr. Elia responded that the town will foreclose on these properties that haven't had taxes paid in a long time.

Ms. Modes asked about the resolution regarding the court position transfer and Mr. Elia responded that there is going to be a retirement in the court and that Ms. Bell will be filling that position.

Ms. Modes asked about the two resolutions that deal with electric purchasing and Mr. Elia responded that one is for street lights and the other is for all other electric service.

Ms. Modes asked about the change order resolution and Councilman Bunce stated that at the beginning of the project there is an estimate on how much stone will be used and now we have the correct amount so the contract has to be amended.

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 Bunce made a motion to approve the meeting minutes of the Regular Meeting held on September 16, 2015. Seconded by Councilman Young. All were in favor except for Councilwoman Galate who abstained.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

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

At this time Robert Elia, Borough Administrator, presented his report for the meeting of October 7, 2015. Mr. Elia reported that the bids for the pole barn came in substantially higher than expected so there is a resolution on this evening to reject the bids. We will be rebidding the project right away. He also stated that there is a resolution on this evening to put the Municipal Alliance grant money into the budget. He also reported that Joanna Pagano, an employee in the Court, will be retiring and Ann Marie Bell is being transferred to that department. Mr. Elia stated that there is also a resolution to hire a new employee in Administration now that Ms. Bell is moving over to the court.

**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, Mayor Petillo requested a motion to approve the consent agenda.

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

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

1. Construction Department Monthly Report, August 2015.
2. Overtime Report Year to Date, 2015.

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

1. Social Affair Permit: Philip's Education Partners, Hudson Farm Club. May 12, 2016.
2. NJ State Firemen's Assoc. Application: Dave J. Smith, Jr.

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

1. Resolution # 2015-246: Outside Lien Redemption, Blk: 30611 Lt: 3.
2. Resolution # 2015-247: Outside Lien Redemption, Blk: 40107 Lt: 5.

Councilman Bunce made a motion to approve the Consent Agenda for the meeting of October 7, 2015. Seconded by Councilman Young. All were in favor.

#### **INTRODUCTION OF ORDINANCES:**

#### **Introduction Ordinance #30-2015 – Vacating a Portion of Squaw Trail**

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

Mr. Ursin explained to the Council, and to Mr. Horak, the resident seeking the road vacation, that he has written a letter to the requestor's attorney telling him all of the things that need to be completed before the Council would be able to approve this request. He stated that the ordinance was being considered tonight in order to expedite the process but that in the last few days many questions have been raised by not only

the requestor but by the Tax Assessor. He stated that although a survey was provided there was no metes or bounds information.

Councilman Bunce reiterated to Mr. Horak that the Council would not consider the request until the Borough's attorney was satisfied that all of the information is gathered and is acceptable for him to recommend to the Governing Body that they approve the vacation.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**FINAL READING: OCTOBER 21, 2015**

Introduction Ordinance #31-2015 – Authorization to Amend Zoning Map

Councilman Bunce made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING AMENDING THE ZONING MAP FOR BLOCK 10601, LOTS 1, 8, 14, 15 AND 17 TO BE INCLUDED IN THE B-2 ZONE". Seconded by Councilwoman Galate.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**FINAL READING: OCTOBER 21, 2015**

Introduction Ordinance #32-2015 –River Styx Corridor Overlay Zone Amendment

Councilman Francis made a motion to introduce an ordinance entitled "AN ORDINANCE TO AMEND SECTION 242-49.1 RIVER STYX CORRIDOR OVERLAY ZONE TO PERMIT RESIDENTIAL USE OF A FIRST FLOOR UNIT COMPLYING WITH THE REQUIREMENTS OF AMERICAN DISABILITIES ACT". Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**FINAL READING: OCTOBER 21, 2015**

Introduction Ordinance #33-2015 – Exemption of Fire Permit Fees for Non Profits

Councilman Bunce made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 120 ENTITLED 'FIRE PREVENTION' TO PROVIDE AN EXEMPTION OF PERMIT FEES FOR NON PROFIT CORPORATIONS". Seconded by Councilman Padula.

The Governing Body discussed the ordinance and agreed that there should only be an exemption from fees for non-profit groups who are participating in Borough sponsored events. They directed Mr. Ursin to amend the ordinance.

Councilman Bunce made a motion to table the above mentioned ordinance until the October 21, 2015 meeting. Seconded by Councilman Schindelar.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

**FINAL READING: OCTOBER 21, 2015**

Introduction Ordinance #34-2015 – Amending Chapter 171 entitled "Peddling and Soliciting"

Councilman Bunce made a motion to introduce an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 171 ENTITLED 'PEDDLING AND SOLICITING' TO

ESTABLISH A NO SOLICITATION LIST AND LIMIT PERMISSABLE DAYS AND HOURS". Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### **FINAL READING: OCTOBER 21, 2015**

#### **ADOPTION OF ORDINANCES:**

##### Adoption Ordinance #29-2015 – Sign Ordinance

Councilman Bunce motion to adopt an ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY TO MODIFY THE SIGN ORDINANCE TO ALLOW CERTAIN SIGNS ON SPARTA STANHOPE ROAD". Seconded by Councilwoman Galate

**Before final roll call, Mayor Petillo opened the meeting to the public for any questions or comments regarding Ordinance #29-2015.**

There being no one from the public who wished to address the Governing Body regarding Ordinance #29-2015, Councilwoman Galate made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Schindelar

Nays: None Absent: None Abstentions: Young

#### **RESOLUTIONS:**

##### Resolution #2015-244 – Authorizing In Rem Foreclosure Proceedings

Councilman Bunce made a motion to adopt a resolution authorizing In Rem Foreclosure Proceedings. Seconded by councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

##### Resolution #2015-245 – Hiring of Part-Time Dispatchers

Councilman Young made a motion to adopt a resolution authorizing the hiring of 2 part-time dispatchers, Thomas J. Vicedomini and Mathew Cantero, effective September 15, 2015 at the rate of \$12.61 per hour. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

##### Resolution #2015-248 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of October 7, 2015. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

##### Resolution #2015-249 – Transfer to Municipal Court

Councilman Bunce made a motion to adopt a resolution approving the transfer of Ann Marie Bell to Municipal Court and to remove the title of Assistant Municipal Clerk and that her salary shall remain the same at \$40,798.39. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### Resolution #2015-250 – Replacement Hire of Full Time Administrative Secretary

Councilman Young made a motion to adopt a resolution approving the hiring of Marlana Farina as a replacement hire for full time Administrative Secretary (Keyboarding Clerk1) in Administration at a base salary of \$30,000 starting October 22, 2015. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### Resolution #2015-251 – Special Item of Revenue

Councilman Young made a motion to adopt a resolution asking the Director of the Division of Local Government Services to approve the insertion of \$13,134.00 into the 2015 budget for the Borough of Hopatcong under the caption "Municipal Alliance Substance Abuse Prevention Programs". Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### Resolution #2015-252 – Rejecting Bids for Construction of Pole Barn

Councilman Bunce made a motion to adopt a resolution rejecting bids for construction of a pole barn for road salt storage at the DPW Facility. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### Resolution #2015-253 – Purchase of Electricity Supply Services

Councilman Padula stated that before the Governing Body votes on #2015-253 or #2015-254, a distinction has to be made regarding what the electrical services they each correspond to. He stated that the #2015-253 should be for all other electrical services and #2015-254 should be for street lighting. The titles need to be amended on both resolutions.

Councilman Bunce made a motion to adopt a resolution of the Borough of Hopatcong authorizing the purchase of electricity supply services (all other electric) for public use on an online auction website. Seconded by Councilwoman Galate.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### Resolution #2015-254 - Purchase of Electricity Supply Services

A motion is in order to adopt a resolution of the Borough of Hopatcong authorizing the purchase of electricity supply services (street lighting) for public use on an online auction website.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

#### Resolution #2015-255 – Change Order #1 – Rhone Road Water Main Replacements

Councilman Bunce made a motion to adopt a resolution approving Change Order #1 in the amount of \$22,860.00 for the Elba Point Infrastructure Improvements Contract 3A – Rhone Road Water Main Replacements. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

## **OLD BUSINESS:**

### Discussion – Request to Vacate Part of Beams Lane

As per Bill Haggerty, he is waiting for the descriptions and maps to be provided by the property owner's attorney and surveyor. He stated that as of September 28, 2015 he has spoken with the attorney about the need for this documentation.

Councilman Bunce made a motion to table the request to vacate a part of Beams Lane until a later date. Seconded by Councilman Schindelar.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

### Resolution #2015-256 – Authorization to Submit NJDOT Grant

Councilman Young made a motion to adopt a resolution authorizing the submittal of a grant application in execution of a grant contract with the New Jersey Department of Transportation for the Brooklyn Mountain Road Resurfacing project. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

## **NEW BUSINESS:**

### Request to Allow Fund Drive – Knight of Columbus

Councilwoman Galate made a motion to approve a request from the Knights of Columbus, St. Jude Council #9914 to hold a fund drive on Saturday, October 17, 2015 from 9:00 am to 12:00 pm to benefit the Knight of Columbus charitable fund. Seconded by Councilman Young. All were in favor.

### CY2015 Best Practices Worksheet

At this time the Governing Body reviewed the completed CY2015 Best Practices Worksheet. Mr. Elia stated that we have enough points to ensure that we don't lose any municipal aid. He stated, however, that we can receive another point if the Council agrees to make it part of the Borough policy that Governing Body members are required to take an ethics class. He stated that the Council already does that every year, so to make it part of the policy would ensure another point on the worksheet.

Councilman Bunce made a motion to amend the Borough personnel policy to require Governing Body members to take an ethics course. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

## **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 thanked the police and firefighters for their service to 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 October 7, 2015. Seconded by Councilman Young. All were in favor.

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Sylvia Petillo, Mayor

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Catherine Schultz, RMC