

**MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
SEPTEMBER 7, 2016
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 roll and the following members were present: Councilman Bunce, Councilman Francis, Councilwoman Galate, Councilman Young and Mayor Petillo.

ABSENT: Councilman Padula and Councilman Schindelar.

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.

Mike Obremsky, the Borough's JCP&L Representative, addressed the Council regarding their readiness for the hurricane that was predicted for last week. He also discussed the plans for next year which would allow 911 operators to electronically report outages and problems.

Mayor Petillo thanked Mr. Obremsky and stated that since Hurricane Sandy, JCP&L has provided great response time to the Borough and have kept us up to date. It has made life much easier.

Councilman Francis stated that the briefing prior to the impending storm was excellent.

SALE OF MUNICIPAL PROPERTY:

John Ursin, Borough Attorney, stated that he has recused himself from participating in discussions regarding the ordinance and the upcoming auction as he has a conflict.

Councilman Young made a motion to open the auction for the following property:

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

Seconded by Councilman Francis.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Councilman Young made a motion to accept a bid of \$9,950 to purchase the property. Councilwoman Galate seconded the motion.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Councilman Young made a motion to close the auction. Seconded by Councilwoman Galate. All were in favor.

Councilman Young made a motion to take a ten minute recess. Seconded by Councilman Francis.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Councilman Bunce made a motion to return to the regular order of business. 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 next senior meeting will be held on October 6th. She also reported that there will be a “Fall Harvest” Day at the Farmers Market on September 25th.

Councilman Francis stated that the market was cancelled this past Sunday due to the impending weather. He also stated that there is a resolution on this evenings meeting which would once again allow hunting in the natural area preserve. The hunters will have to follow all State regulations.

Councilman Young stated that the Environmental Commission had a speaker at their last meeting to discuss invasive plant species. The Commission will be participating in the Fall Harvest Day at the market. Councilman Young also reported that the Recreation Commission met and discussed the Ice Cream Social. It was not well attended so they will reevaluate it next year.

Councilman Bunce stated that there are two ordinances on for consideration this evening regarding the water and sewer utilities, as well as the Developer’s Agreement for the Atkins project. He reported that the Crimestoppers 5K/12K run is scheduled to be held at the County fairgrounds and that the Senior Luncheon scheduled for Oct. 23rd at 1:00 will once again be co-sponsored by the Knights of Columbus and the Borough Council.

Mayor Petillo reminded everyone about the scheduled Drive-thru Flu Clinic that is scheduled for September 24th from 11am to 2pm at the DPW. She stated that it is being done as a test to see how prepared we would be in the case of an emergency where mass inoculations needed to be given. She also stated that the Apple Pie and Arts event will also be held on the 24th at the high school from 11am to 4pm. The event will be held in conjunction with the Community College and will feature music and art for adults and children.

Mayor Petillo also reminded everyone of the 15th anniversary of the 9/11 terror attacks and welcomed everyone to attend the service being held at 3:00 pm on the 11th.

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).

Cliff Lundin, 8 Skytop Road, stated that the DEP will be holding a meeting regarding their proposal for the draw down of Lake Hopatcong. He stated that they have written a counter proposal to present to the DEP. The Commission would like to see the decisions be put in the hands of the local representatives because the DEP takes too long to make a decision.

David Harris, 125 Dupont, asked about the donation of 24 Tufts Trail and Councilman Francis stated that the Real Estate Committee will evaluate it to see if it should go up for public auction. Mr. Harris also commented on the hunting resolution, the FEMA grant resolution and the shared services contract with Stanhope for the Court. Mayor Petillo stated that we have had great success with our court shared service.

Robin Nevins, Evans Place asked questions, such as his retirement date, whether or not he is still getting paid and takes benefits and seeing the ad for another BA, about Mr. Elia’s retirement agreement. Mayor Petillo stated that the Council would comment when it was time to approve the agreement.

Jerome Mandell, 928 Duck Pond Road, addressed the Governing Body regarding the hunting on municipal property. He stated that he believed that the Natural Preserve should be dedicated to preserving nature, not hunting it. He hoped that the Council would consider not approving the resolution to hunt on municipal property.

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

APPROVAL OF MINUTES:

Councilman Bunce made a motion to approve the meeting minutes of the Regular Meeting of August 3, 2016. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Councilman Young made a motion to approve the minutes of the Special Meeting of August 30, 2016. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

CONSENT AGENDA: Mayor Petillo requested that all persons present review the consent agenda. She requested that two names be removed from the list of Firemen Applications – Conner Carpenter and Philip Grossi.

Councilman Francis made a motion to remove Conner Carpenter and Philip Grossi from the list of Firemen applications on the consent agenda. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

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):

1. Hopatcong Ambulance Squad: Notice to the Land Use Board.
2. Block 30904 Lot 20: Notice to the Land Use Board.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Zoning Monthly Report: July 2016.
2. Tax Collector Monthly Report: July 2016.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ State Firemen's Membership Applications:
 1. Conner Carpenter
 2. Johar Knight
 3. Dominick Green
 4. Turgoise Thompson
 5. Casey Tasco
 6. David DiChlara
 7. Philip Grossi
2. Blue Light Permit – Michael Coover

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Resolution # 2016-191 – Outside Lien Redemption: Blk: 11003 Lt: 7 Blk: 40217 Lt: 23.
2. Resolution # 2016-198 – Outside Lien Redemption: Blk: 10108 Lt: 3.
3. Resolution # 2016-201 – Outside Lien Redemption: Blk: 30105 Lt: 19.
4. Resolution # 2016-202 – Outside Lien Redemption: Blk: 31603 Lt: 43.
5. Resolution # 2016-203 – Outside Lien Redemption: Blk: 40218 Lt: 10.
6. Resolution # 2016-211 – Outside Lien Redemption: Blk: 11014 Lt: 15.
7. Resolution # 2016-213 – Refund Tax Overpayment: Blk: 10301 Lt: 1.
8. Resolution # 2016-214 – Refund Tax Overpayment: Blk: 11012 Lt 18.

Councilman Young made a motion to approve the Consent Agenda for the meeting of September 7, 2016. Seconded by Councilman Bunce. All were in favor.

INTRODUCTION OF ORDINANCES:

Introduction Ordinance #22-2016 – Amending Chapter 51 “Water Department”

Councilman Bunce made a motion to introduce an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF HOATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 51 OF THE BOROUGH CODE ENTITLED ‘WATER DEPARTMENT’”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

FINAL READING: SEPTEMBER 21, 2016

Introduction Ordinance #23-2016 – Amending Chapter 86 “Sewers, Public”

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 186 OF THE BOROUGH CODE ENTITLED ‘SEWERS, PUBLIC’”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Nays: None

FINAL READING: SEPTEMBER 21, 2016

ADOPTION OF ORDINANCES:

Adoption Ordinance #21-2016 – Indemnification

Councilman Bunce made a motion to adopt an ordinance entitled “AN ORDINANCE TO REPLACE SECTIONS 33-27 THROUGH 33-32 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY REGARDING INDEMNIFICATION”. Seconded by Councilman Young.

Before final roll call, Mayor Petillo will open the meeting to the public for any questions or comments regarding Ordinance #21-2016.

There being no one from the public who wished to address the Governing Body regarding Ordinance #21-2016, Councilman Bunce made a motion to close meeting to the public and returned to the regular order of business. Seconded by Councilman Young. All were in favor

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

RESOLUTIONS:

Resolution #2016-192 – Stipends for Snowplowing – Supervisory Staff

Councilman Bunce made a motion to adopt a resolution establishing stipends for snowplowing for Supervisory Staff of the DPW. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-193 – Home Depot Credit Card Account

Councilman Young made a motion to to authorize certain employees to use the Home Depot Credit Card and to establish a formal policy with respect to this credit account. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-194 – Lowes Credit Card Account

Councilman Young made a motion to authorize certain employees to use the Lowes Credit Card and to establish a formal policy with respect to this credit account. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-195 – North Jersey Municipal Employee Benefits Fund

Councilman Bunce made a motion to adopt a resolution authorizing the Governing Body to execute the Indemnity and Trust Agreement signifying membership in the North Jersey Municipal Employee Benefits Fund. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-196 – Memorandum of Agreement with Sussex County

Councilman Young made a motion to adopt a resolution authorizing a Memorandum of Agreement with the Sussex County Department of Environmental and Public Health Services and the Sussex County OEM regarding public health emergencies and use of facilities. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-197 – Accepting Donation of 24 Tufts Trail, Block 40305, Lot 11

Councilman Young made a motion to adopt a resolution accepting the donation of 24 Tufts Trail, Block 40305, Lot 11 and to forgive and vacate any outstanding 2016 real estate taxes on the property. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-199 – 2016/2017 Crossing Guards

Councilman Bunce made a motion to hire the Crossing Guards for the 2016/2017 school year. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-206 – Hunting on Municipal Property

Councilman Bunce made a motion to adopt a resolution authorizing hunting on certain Municipally-owned property for the 2016-2017 hunting season. Seconded by Councilman Young.

Councilman Francis stated that this decision to hunt on municipal property was done very carefully with input from State biologists. It was decided that it was necessary to manage the deep population. The incidents of Lyme disease and car accidents were increasing. It has worked, and the deer are harvested for food by hunters that have gone through the application process.

Mr. Ursin stated that this is just a continuation of a policy that has been in place for a few years and it is for hunting on municipal property only.

Councilman Bunce stated that the hunters go through an application process and they will report other hunters who are not licensed.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-186 – Award to Purchase Pierce Fire Apparatus

Councilman Bunce made a motion to adopt a resolution awarding a contract to Pierce Manufacturing, Inc. in an amount not to exceed \$524,828.55 for the purchase of a Pierce Fire apparatus through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Program. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-207 – Special Item of Revenue

Councilman Young made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY (2016 Click it or Ticket, \$5,000). Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-208 – Hiring of Emergency Snow Plow Drivers

Councilman Bunce made a motion to adopt a resolution authorizing Administration to hire and use emergency driver for snow plowing, if needed, at a rate of \$25.00 an hour. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-209 – Recreation Fees, Fall Street Hockey

Councilman Bunce made a motion to adopt a resolution authorizing the Fall Street Hockey fee (\$7.00 for insurance) as recommended by the Recreation Commission. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Resolution #2016-210 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of September 7, 2016. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Young

Nays: None Absent: Padula, Schindelar Abstentions: Galate

Resolution #2016-212 – Award Contract for Emergency Generator

Councilman Young made a motion to adopt a resolution authorizing an award of a contract to Manor II Electric for Emergency Generator Installation for the DPW and OEM facilities at a cost not to exceed \$157,227.00. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

OLD BUSINESS:

NEW BUSINESS:

Councilman Francis stated that he would like to have the Redevelopment Committee meet with the individual property owners in the River Styx area to explain to them the redevelopment process. He stated that he wants to clear up any misconceptions and discuss with them how it will affect their individual properties. After discussion, the Council agreed that sounded like a good plan.

Settlement Agreement and Release

Councilman Bunce made a motion to approve the Settlement Agreement and Release between the Borough of Hopatcong and Paul Meyer, DPW employee. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Young

Nays: None Absent: Padula, Schindelar Abstentions: Galate

Municipal Court Interlocal Services Agreement

Mr. Ursin stated that the baseline number is not correct and he will speak with the CFO and get it sorted out.

Councilman Bunce made a motion to approve the “MUNICIPAL COURT INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF HOPATCONG AND THE BOROUGH OF STANHOPE”, subject to non-material editing and the correction of the amount owed. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Retirement Agreement – Robert Elia, Borough Administrator

Councilman Francis made a motion to approve the Retirement Agreement for Borough Administrator, Robert Elia. Seconded by Councilman Bunce.

John Ursin, Borough Attorney, stated that the Business Administrator will be retiring as of January 7, 2016 and that he will be using his accrued time until that date. He will be working part time, as needed, whether by phone or in the office until that time. He will help with the transition to a new administrator.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Young

Nays: None Absent: Padula, Schindelar Abstentions: None

Revised Water and Sewer Allocation and Reservation Agreement – Atkins/Hopatcong

Councilman Bunce made a motion to approve the “REVISED WATER AND SEWER ALLOCATION AND RESERVATION AGREEMENT BETWEEN THE BOROUGH OF HOPATCONG AND ATKINS/HOPATCONG, LLC”. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Bunce, Francis, Galate

Nays: None Absent: Padula, Schindelar Abstentions: 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).

Sandra Saltman, 19 Winding Hills Road, addressed the Council regarding her water bill and the turn off/turn on charge that she received when her water was turned off for a very short period of time. She stated that she doesn't believe that the charge was fair.

Mayor Petillo stated that the ordinance needs to be followed regardless of the amount of time that is spent rectifying the problem.

Beth Grove, 7 Maple Place, stated that once again there was not report from the Firing Range Committee. She voiced her many concerns regarding the site, including her concerns about soil conservation, wetlands, the trails, safety, noise and the cost.

Eric Grove, 7 Maple Place, addressed the Council regarding the Firing Range site and the Soil Conservation Plan that was submitted to the County. He stated that it was really a grading plan and that the application was non-responsive and that the State was asked to freeze the file.

Mayor Petillo stated that the Firing Range Committee wants to have a comprehensive report before it presents it to the Council and to the public.

Ellen Renaud, 6 Bear Pond Trail, gave the Council a petition, signed by her and her neighbors, asking the town to fix the deteriorating steps off of Bear Pond Trail.

Mayor Petillo stated that she would go out, along with the DPW Superintendent and the Borough Engineer, to take a look at them.

David Harris complimented the Council on the new street lights on Hopatchung Road and discussed the paving on Lakeside Blvd in Morris County, the view of the lake in Landing and the Redevelopment on River Styx.

Terry Walker, 23 Staten Trail stated that she is concerned about eminent domain in the River Styx Redevelopment Plan.

The Council discussed the redevelopment, explaining that the town already has the power of condemnation but that this is not the intent of the Redevelopment Plan. The plan is to revitalize that area by making the designation which will provide grant opportunities, incentives, etc.

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.

COUNCIL COMMENTS:

ADJOURNMENT:

Councilman Bunce made a motion to adjourn the meeting of September 7, 2016. Seconded by Councilman Young. All were in favor

Sylvia Petillo, Mayor

Catherine Schultz, RMC