

**MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
OCTOBER 17, 2018
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 Schindelar, Councilman Young and Mayor Francis.

Absent: Councilman Padula

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.

PRESENTATIONS:

At this time, Mayor Francis presented a proclamation to the family of Jim Franco for his 53 years of dedicated service to the Borough and its residents.

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

Councilwoman Galate stated that the last Farmer's Market for the season is this coming Sunday and that there will be a blessing of the animals. She also stated that the Hopatcong Marching Band won first place in the "Under the Stars" competition on October 6, 2018.

Councilman Young stated that the Halloween Parade/Contest was very successful and had the largest crowd to date. He also stated that the basketball program is underway and that there are 5 girl's teams and 6 boy's teams. He said that the Recreation Commission has begun to discuss next year's Summer Recreation program.

Councilman Young reported that the Municipal Alliance is planning a spring Bike Rodeo, a program called "Don't Press Send" which is a program on cyber bullying. He stated that Hero Boys has 52 participants and that they will be running the "Chief's Challenge" this weekend. The Alliance is also looking to do the program "Hidden in Plain Sight", but needs to find a way to get better participation.

PUBLIC COMMENT: Councilman Young made a motion to open 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). Seconded by Councilman Schindelar. All were in favor.

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 Schindelar. All were in favor.

APPROVAL OF MINUTES:

Councilman Young made a motion to approve the meeting minutes of the Regular Meeting held on October 3, 2018. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula 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.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Zoning Department Monthly Report: August 2018.
2. Construction Department Monthly Report: August 2018.
3. Tax Collector Monthly Report: September 2018.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution # 2018-195: Refund Tax Overpayment.

Councilwoman Galate asked to pull of the Tax Collector monthly report and to have it voted on separately.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Councilman Young mad a motion to approve the consent agenda, pulling off the Tax Collectors Report to be voted on separately. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

Councilman Young made a motion to approve the Tax Collector's Report. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

INTRODUCTION OF ORDINANCES:

ADOPTION OF ORDINANCES:

Adoption Ordinance #17-2018 – Repealing Chapter 97 – Curfew

Councilman Young made a motion to adopt an ordinance entitled "AN ORDINANCE REPEALING CHAPTER 97 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED 'CURFEW'". Seconded by Councilman Schindelar.

Before final roll call, Mayor Francis opened the meeting to the public for any questions or comments that they may have regarding Ordinance #17-2018.

There being no one from the public who wished to address the Governing Body regarding Ordinance #17-2018, Councilman Young 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.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

Adoption Ordinance #18-2018 – Peddling and Soliciting

Councilman Schindelar made a motion to adopt 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' REGARDING PERMITTED HOURS". Seconded by Councilman Hoferkamp.

Before final roll call, Mayor Francis opened the meeting to the public for any questions or comments that they may have regarding Ordinance #18-2018.

There being no one from the public who wished to address the Governing Body regarding Ordinance #18-2018, Councilman Young made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

Adoption Ordinance #19-2018 – Creating Chapter 194 Regarding Smoking

Councilman Schindelar made a motion to adopt an ordinance entitled "AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY CREATING CHAPTER 194 REGARDING SMOKING". Seconded by Councilman Young.

Before final roll call, Mayor Francis opened the meeting to the public for any questions or comments that they may have regarding Ordinance #19-2018.

There being no one from the public who wished to address the Governing Body regarding Ordinance #19-2018, Councilman Schindelar made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

RESOLUTIONS:

Resolution #2018-196 – Authorizing the Execution of a Federal Aid Agreement

Councilman Young made a motion to adopt a resolution authorizing the execution of a Federal Aid Agreement for the River Styx Road Streetscape Improvement Project, Federal Project Number TAP-0607(300). Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

Resolution #2018-197 – Payment of Bills

Councilman Young made a motion to adopt a resolution authorizing the payment of bills for the meeting of October 17, 2018, pulling invoice numbers 18-00210, 00213, 01609, 01688, 01704, 01713, 01718, 01721, and 01761. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

Councilman Young made a motion to approve the payment of invoice numbers 18-00210, 00213, 01609, 01688, 01704, 01713, 01718, 01721, and 01761. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: Galate

Resolution #2018-198 – Authorizing Submission of Sustainable Jersey Grant Application

Councilman Young made a motion to adopt a resolution authorizing the submission of the Sustainable Jersey Grant Application. Seconded by Councilman Schindelar. Councilwoman Galate asked for a copy of the grant application.

Upon roll call vote:

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

Nays: None Absent: Padula Abstentions: None

Resolution #2018-199 – Approval for Commodity Resale of Salt, Gasoline and Diesel Fuel

Councilman Schindelar made a motion is in order to adopt a resolution approving the commodity resale of salt, gasoline and diesel fuel to the Hopatcong Borough Board of Education. Seconded by Councilman Young.

Councilwoman Galate stated concerns with it being a 3 year contract and wanted to know why there wasn't a safety net for the Borough in case there was a shortage of salt.

Councilman Young expressed the same concerns and stated that we have to make sure that the town doesn't run out.

Mayor Francis stated that the town always has first priority.

Mr. Ursin stated that this is not a shared service agreement. It is a commodity resale agreement. We are not required to supply it to them. We can sell them as much, or as little as we want. They will only be taking advantage of our agreement with the County to purchase salt, etc... at a lower price.

Councilman Schindelar stated that we need to make sure that the Borough orders a sufficient amount so that we don't ever run out.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: Galate

Resolution #2018-200 – Evaluate the Shared Service Agreement – Document Management

Councilman Young made a motion to adopt a resolution approving the facilitation of the possibility of a shared service agreement for the purposes of records management with the County of Sussex, Office of Records Management. Seconded by Councilman Schindelar.

Mr. Tappan stated that the town will be looking to join in on the record's management program with the County. We would probably start with records that can be organized by block and lot, just like the County Health Department records.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent; Padula Abstentions: None

OLD BUSINESS:

NEW BUSINESS:

Lease Agreement with Heller Group – Community Center

Councilman Young made a motion to authorize the Mayor to enter into an agreement with the Heller Group to lease the property located at 47 Hopatchung Road, commonly known as Hopatcong Plaza Shopping Center, for the purposes of housing a Community Center. Seconded by Councilman Schindelar.

Mayor Francis stated that Mr. Heller wants to give back to the community. He will not be charging the Borough rent. The borough will discount a part of his taxes on the property, be responsible for trash removal and the water/sewer bills. The center is approximately 1500 square feet.

Councilwoman Galate stated that she is concerned about who is going to run it, why it is a 3 year lease, and why there is no opt out clause. She wanted to know if we looked at using space at any of the local churches.

Mayor Francis stated that we are hoping to get the County to work with us and that they will have a place to meet with residents. He stated that he doesn't believe that we will have a lack of participation.

Councilwoman Galate stated that this was never discussed with the Council and feels that the Borough needs protection in case this doesn't work out. She stated that she didn't know anything about it.

Councilman Young stated that he is also concerned about the 3 year lease and wanted to know who was paying for the buildout.

Mr. Tappan stated that Mr. Heller will be providing the architect drawings and be responsible for the construction.

Mayor Francis stated that the space will have four offices, a rest room, and electrical closet. He will be providing the paint and carpeting. He stated that Mr. Heller has indicated that he wants to give back to the community.

John Young stated that perhaps the County Health Department would be able to take care of the space.

Councilman Bunce stated that the space would be to our advantage as right now we don't have adequate space for all of the programs that we run. Building another building is not an option. This is a solution that will satisfy the need with least financial impact. It will be hard for it to fail.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: Galate

Borough Website

Councilman Young stated that he would like to know if the Borough website can be changed to allow residents to sign up for activities online. It would make it much easier on the residents and also garner more participation.

Mayor Francis agreed and stated that he has already discussed with the Administrator having the website be managed by a professional. There will be a cost associated with it but it will be beneficial to both the residents and the office staff. Things such as dog licensing could perhaps be done online.

Councilman Schindelar stated that we need to make sure that we get the right professional to handle the job.

Pending Litigation

Mr. Ursin informed the Governing Body that a lawsuit was filed against the Borough challenging the 5 year tax abatement granted to Greentree. He stated that the suit is meritless and that he will file to have it dismissed early on. He stated that unfortunately it will cost the taxpayers money to defend.

Councilman Schindelar stated that we should ask to be reimbursed for attorney's fees.

Mr. Ursin stated that we will file a frivolous claims notice and ask the court to grant us attorney's fees, however, the court doesn't allow grant that request.

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 Schindelar. All were in favor.

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 Schindelar. All were in favor.

ADJOURNMENT:

Councilman Bunce made a motion to adjourn the meeting of October 17, 2018. Seconded by Councilman Schindelar. All were in favor.