

**MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
JULY 2, 2014
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 Klein, Councilman Young and Mayor Petillo.

Absent: Councilwoman Galate, Councilman Padula

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.

PRESENTATIONS:

Mayor's Trophy Award – Ryan Clarke

At this time Mayor Petillo and Councilman Young honored Ryan Clarke with the 2014 Mayor's Trophy Award and proclaimed July 2, 2014 as Ryan Clarke day in the Borough of Hopatcong.

Councilman Bunce made a motion to take a ten minute recess. Seconded by Councilwoman Klein. All were in favor.

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

AUCTION OF MUNICIPAL PROPERTY:

Councilman Young made a motion to open up the auctioned as represented below. Seconded by Councilman Bunce.

Ordinance #13-2014 – Auction of Municipal Property, Block 11112, Lot 11, 110 West End Avenue. (non-conforming, minimum bid \$3,700.00)

Introduction Ordinance #14-2014 – Auction of Municipal Property, Block 11114, Lot 18, 113 Metro Trail. (non-conforming, minimum bid \$3,650.00)

There being no one from the public who wished to bid on either property, Councilman Young made a motion to close the auctions and return to the regular order of business. Seconded by Councilman Bunce. All were in favor.

COMMITTEE REPORTS:

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

Councilman Francis stated that the Farmer's Market is going strong and that he encourages everyone to come out and enjoy the market.

Councilman Young stated that the Recreation Summer camp has begun and is going well. The Recreation Commission and the Environmental Commission are getting ready for Hopatcong Days.

Councilman Bunce stated that there are no changes with the Water/Sewer department and that the Finance Committee is reviewing Capital Projects.

Mayor Petillo stated that contestants are needed for the Miss Hopatcong contest and also for the softball tournaments that are held on July 13th. She also recognized the Senior of the Year, Bill Bulger, for all that he does for the community, especially his charity swims in Lake Hopatcong that he has been doing for 25 years and has raised over \$100,000.00

Mr. Bulger thanked the Mayor and also commented on his support of Dale Sloat as the ACO of Hopatcong.

PUBLIC COMMENT: Mayor Petillo requested 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).

Susan Jones, 14 Elba Ave, commented on the ordinance that is going to be introduced regarding peddling in the Borough. She asked if politicians will still be allowed to peddle.

Mayor Petillo stated the ordinance was only introduced for consideration and that changes can be made if need be. She stated that the Council will review the ordinance and perhaps consider changes.

Maria Menegus, from Farm Wagon Produce, stated that they were here earlier in the year and were expecting a response regarding allowing them to participate in the Farmer's Market. She and her husband stated that they would like to participate and have actually spent money on a trailer and other supplies, thinking that they would be a vendor this year. They were upset that they have not heard from anyone.

Mayor Petillo and Councilman Francis both apologized for not contacting them sooner. They were under the impression that a letter went out. They stated that they would look into the matter and that someone would be contacting them.

Mr. Menegus invited the Council to come to Belvidere to see the organic farm in hopes that they would see that they will be an asset to the market.

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 May 21, 2014. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Councilman Bunce made a motion to approve the meeting minutes of June 4, 2014. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Councilman Young made a motion to approve the meeting minutes of June 18, 2014. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

ADMINISTRATOR'S REPORT:

At this time Robert Elia, Borough Administrator, presented his report for the meeting of July 2, 2014.

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):

1. Ordinance from Borough of Mt. Arlington regarding Zoning

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Zoning Department – Monthly Report – May 2014
2. Tax Collector's Monthly Report for May, 2014

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Water Service Application – Richard & Cheryl Hoer - 144 Brooklyn Stanhope Rd, Block 10108 Lot 1.01
2. Social Affair Permit – The Rotary Club of Lake Hopatcong

RESOLUTIONS: (APPROVAL OF THE FOLLOWING)

1. Resolution #2014-156 – Outside Lien Redemption - US Bank/BV001
2. Resolution #2014-157 – Outside Lien Redemption - US Bank/Pro Capital 3
3. Resolution #2014-158 – Refund Sewer Payment To Lien Holder-US Bank/Pro Cap 3
4. Resolution #2014-160 – Outside Lien Redemption - US Bank/ BV001
5. Resolution #2014-161 – Outside Lien Redemption - Virgo
6. Resolution #2014-162 – Outside Lien Redemption - Silva
7. Resolution #2014-163 – Outside Lien Redemption - Ridgeback
8. Resolution #2014-170 – Outside Lien Redemption – US Bank/Crestar
9. Resolution #2014-175 – Refund Tax Overpayment on 2nd Quarter 2014

INTRODUCTION OF ORDINANCES:

Introduction Ordinance #17-2014 – Fees

Councilman Young made a motion to introduce an ordinance entitled "AN ORDINANCE TO MODIFY SECTION 108-1 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING FEES". Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula

FINAL READING: AUGUST 6, 2014

Introduction Ordinance #18-2013 – Auction of Municipal Property, Block 50303, Lot 4, 16 Papoose Trail (conforming)

Councilman Young made a motion to introduce 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 16 PAPOOSE TRAIL, BLOCK 50303, LOT 4". Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

FINAL READNG: AUGUST 6, 2014
AUCTION: SEPTEMBER 3, 2014

Introduction Ordinance #19-2014 – Auction of Municipal Property, Block 31002, Lot 4, 7 Oklahoma Trail (non-conforming)

Councilman Young made a motion to introduce 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 7 OKLAHOMA TRAIL, BLOCK 31002, LOT 4”. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

FINAL READNG: AUGUST 6, 2014
AUCTION: SEPTEMBER 3, 2014

Introduction Ordinance #20-2014 – Auction of Municipal Property, Block 40912, Lot 14, 16 Columbia Trail (non-conforming)

Councilman Young made a motion to introduce 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 16 COLUMBIA TRAIL, BLOCK 40912, LOT 14”. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

FINAL READNG: AUGUST 6, 2014
AUCTION: SEPTEMBER 3, 2014

Introduction Ordinance #21-2014 – Auction of Municipal Property, Block 31011, Lot 12, 31 Oklahoma Trail. (non-conforming)

Councilman Bunce made a motion to introduce an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSES, 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 31 OKLAHOMA TRAIL, BLOCK 31011, LOT 12. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

FINAL READNG: AUGUST 6, 2014
AUCTION: SEPTEMBER 3, 2014

Introduction Ordinance #22-2014 – Peddling and Soliciting

Councilman Bunce made a motion to introduce an ordinance entitled “AN ORDINANCE REPEALING CHAPTER 171 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED ‘PEDDLING AND SOLICITING’”, with amendments. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

FINAL READNG: AUGUST 6, 2014

ADOPTION OF ORDINANCES:

Ordinance #16-2014 – Auction of Municipal Property, Block 50207, Lot 17, 22 Caribou Trail. (non-conforming)

Councilman Bunce made a motion to adopt 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 22 CARIBOU TRAIL, BLOCK 50207, LOT 17”. Seconded by Councilman Young.

Before final roll call, Mayor Petillo opened the meeting to the public for any questions or comments regarding Ordinance #16-2014.

There being no one from the public who wished to address the Governing Body regarding Ordinance #16-2014, 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, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

RESOLUTIONS:

Resolution #2014-164 – Waive Late Fee for Animal Licensing

Councilman Young made a motion to adopt a resolution waiving the late fee for animal licenses for July 2014. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-168 – Memorandum of Agreement – Blue Collar Unit

Councilman Bunce made a motion to adopt a resolution authorizing the Borough Administration and Labor Counsel to finalize and execute the collective negotiations agreement with the Blue Collar Unit. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-169 – Risk Management Consultant

Councilman Bunce made a motion to adopt a resolution authorizing the Governing Body to enter into an agreement with Skylands Risk Management, Inc., for Risk Management Consultant Services. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-171 – Duties of Principal Payroll Clerk/Clerk 3 in Administration

Councilman Bunce made a motion to adopt a resolution approving of the duties, responsibilities, and compensation for Principal Payroll Clerk/Clerk 3 in Administration, Jeanmarie Kolaya-Flammia. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-172 – Duties of Keyboarding Clerk 2

Councilman Francis made a motion to adopt a resolution approving of the duties, responsibilities and compensation for Keyboarding Clerk 2, Christy Rehe. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-173 – Duties of Assistant Municipal Clerk

Councilman Young made a motion to adopt a resolution approving of the duties, responsibilities and compensation for Assistant Municipal Clerk, Ann Marie Bell. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-174 – Promotion of Keyboarding Clerk 2 to Keyboarding Clerk 3

Councilman Bunce made a motion to adopt a resolution approving of the promotion of Dawn M. Edwards from Keyboarding Clerk 2 to Keyboarding Clerk 3. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-175 – Change Order #3 – Elba Point Improvements

Councilman Bunce made a motion to adopt a resolution approving Change Order #3 for the Elba Point Infrastructure Improvements, Contract #3, Water Main Replacements. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-176 – Award Contract for Purchase of Valve Exerciser/Vacuum

Councilman Bunce made a motion to adopt a resolution awarding a contract to AP Certified Testing for the purchase of a valve exerciser and vacuum, at a cost not to exceed \$78,998.00. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula

Resolution 2014-177 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of July 2, 2014. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-178 – Acknowledging an Encroachment, Block 10407, Lot 1

Councilman Bunce made a motion to adopt a resolution acknowledging an encroachment of Block 10407, Lot 1. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

Resolution #2014-179 – NJEIT Temporary Financing for Sewer Phase II

Councilman Bunce made a motion to adopt a resolution authorizing NJEIT funding for Sewer Phase II project. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Galate, Padula Abstentions: None

OLD BUSINESS:

NEW BUSINESS:

Accept Resignation of John Kieser as member of MSA., Appointment of Rich Schindelar

Councilman Bunce made a motion to accept the resignation of John Keiser as a member of the MSA and to appoint Rich Schindelar in his place. Seconded by Councilman Young. All were in favor.

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).

Susan Jones stated that she had concerns about the fact that a congressional candidate, Phil King, was at the Farmer's Market recently and was asked to leave because politicking is not allowed at the market. She feels that it is a matter of free speech and that his rights were being violated.

Mayor Petillo stated that it is not that kind of event and she heard he was argumentative with the vendors.

Sue Jones responded that she doesn't believe that Mr. King was being disruptive and that she heard a totally different story.

Councilman Francis stated that there is consistency at the market because they don't allow any solicitation, whether it be the boy scouts, girl scouts or politicians. It is a family event and not a day for politicking

David Harris stated that we need more vendors at the market and doesn't understand why the Borough would turn away any vendors.

Mayor Petillo stated that the Borough will look into the process and contact the farm owner.

Mara Modes asked if the farm in question is organic and Councilman Francis responded that it is. She also stated that if we get rid of peddling in town what would that mean for the vendors at the market.

Councilman Francis stated that the town is more concerned about door to door vendors.

Ms. Modes also asked about the letter that went out to water customers and why the Borough was in violation of testing quarterly.

Councilman Bunce stated that it is a standard DEP letter and that perhaps one of the wells was being worked on at the time of the testing and that is why it was not tested. He stressed that there is nothing wrong with the quality of Hopatcong's water.

Ms. Modes asked if the Borough was fined and Councilman Bunce responded that there were no fines imposed.

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:

The Council thanked everyone for coming and wished everyone a Happy 4th of July. They also congratulated Ryan Clarke and said that he is one great example of all that is good in the Borough.

ADJOURNMENT:

Councilman Bunce made a motion to adjourn the meeting of July 2, 2014. Seconded by Councilman Young. All were in favor.

Sylvia Petillo, Mayor

Catherine Gleason, RMC