

**MINUTES  
OF THE MAYOR AND COUNCIL MEETING,  
BOROUGH OF HOPATCONG,  
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD  
HOPATCONG, NEW JERSEY  
OCTOBER 4, 2017  
OPEN PUBLIC MEETING 7:30 PM**

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**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.

**AUCTION OF MUNICIPAL PROPERTY:**

Block 40204, Lot 37 – 334 Knox Way (Non-conforming \$3,525.00 Min. Bid)

There being no one from the public who wished to bid on 334 Know Way, Councilman Young made a motion to close the auction. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

Block 40105, Lot 2 – 4 Keith Road (Non-conforming \$3,600 Min. Bid)

Councilman Young made a motion to accept the minimum bid for the purchase of 4 Keith Road, Block 40105, Lot 2. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

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

Councilwoman Galate reported that Seniors Inc. will be meeting tomorrow. She also reported that the Farmer's Market has been extended another week and the last day will be Oct. 15<sup>th</sup>. There have been many great events this year, including a Fall Festival, Boat Show, Veteran's Service Day and Customer Appreciation Day.

Councilman Hoferkamp thanked Ron Jobeless and the DPW for putting up the new Hopatcong sign coming in to town.

Councilman Schindelar asked that everyone vote in favor of the approval of the bid for the Pump Station, saying that it came in way under budget.

Councilman Young reported that the Recreation Commission is preparing for the Halloween Parade scheduled for October 15<sup>th</sup> at 12:00 pm. He stated that at their last meeting they discussed their participation in "Back to School Night", Movie Night (12/01), the Christmas Tree Lighting (12/03) and reviewed the Summer Recreation Program and its finances. He stated that they also tentatively set the dates for their 2018 events.

Councilman Young reported that the Municipal Alliance met and discussed “Kid Fest”, “Back to School Night” and a motivational speech given by Matt Balace entitled “High on Life”. He stated that they are still working on resurrecting the program “Every 15 Minutes”. He happily reported that the Hero Boys program has 45 participants and Girls on the Run has 10 girls signed up.

Councilman Young stated that the Environmental Commission discussed at their last meeting a better way to get the word out to residents about the mosquito spraying done by the County. It is posted on our website but some residents don’t check the internet. He also stated that there is an ANJAC workshop scheduled for November and that the ribbon cutting for the trails was held on September 23<sup>rd</sup>. He stated that SCMUA will be holding a Hazardous Waste Disposal Day on November 6, 2017.

Councilman Bunce reported that there was an accident at the well house and that there was substantial damage. He stated that at the next DPW/Water/Sewer meeting they will discuss new safety measures that will/should be taken to ensure its integrity. He encouraged the Council to adopt the resolutions regarding the purchase of a new service truck and updates to the Crescent Cove Pump Station. The bid for the pump station was very favorable and under budget

Councilman Bunce reminded everyone about the Senior Luncheon on October 29<sup>th</sup> at one o’clock at St. Jude’s and the Armed Forces Relief Halloween Party that will be held at Pavinci on October 24<sup>th</sup>.

#### **ADMINISTRATOR REPORT:**

At this time, Ron Tappan, Borough Administrator, presented his report for the meeting of October 4, 2017. Mr. Tappan stated that he put a copy of his report in the Agenda packet and that if any of the Governing Body members had any questions to please let him know. Mr. Tappan reported that the pump house was hit by a motor vehicle and that substantial damage occurred. He stated that we are in the process of getting quotes to rebuild the structure, and until it is repaired, we won’t be able to access the damage to the mechanics on the inside. The building has been secured and when we have the estimates to repair, a resolution will be put before the Governing Body to approve the cost of the repairs.

#### **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 Councilwoman Galate.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

David Harris asked about the service truck that the Borough is purchasing and if we turned in the old one. Mayor Francis responded that we will be putting the truck up for auction and that the one that we purchased is a heavy duty truck.

Mr. Harris asked if the security cameras have been installed and why there is a change order on for consideration this evening.

Mayor Francis responded that as a matter of security he can’t discuss the installation of the cameras but that the change order is to update some of the cameras.

Mr. Harris asked about the resolution for the Crescent Cove Pump Station and Councilman Bunce responded that they are updating some of the equipment.

Peter Frechtling, 443 River Styx Road, informed the Council that National Geographic had a good article on addiction.

Helmut Rehe asked about the netting at the baseball field and Mayor Francis stated that it could be discussed during the next open session later in the evening.

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 Councilwoman Galate. All were in favor.

## **APPROVAL OF MINUTES:**

Councilman Young made a motion to approve the meeting minutes of the Regular Meeting held on September 20, 2017 with corrections made to the vote on the adoption of Ordinance #17-2017 to reflect that Councilman Young recused himself. Seconded by Councilman Schindelar.

Upon roll call vote:

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

Nays: None Absent: None 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, Councilman Schindelar made a motion to approve the consent agenda. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: Noe

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

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

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

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

1. Resolution # 2017-180: Outside Lien Redemption Blk: 30902 Lt: 45.
2. Resolution # 2017-181: Outside Lien Redemption Blk: 40414 Lt: 27.

## **INTRODUCTION OF ORDINANCES:**

### **ADOPTION OF ORDINANCES:**

Adoption Ordinance #17-2017 – Vacating a Portion of Dell Road

Councilman Young recused himself from voting on this ordinance.

Councilwoman Galate made a motion to adopt an ordinance entitled “AN ORDINANCE PARTIALLY VACATING A PORTION OF DELL ROAD RIGHT-OF-WAY IN THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”. Seconded by Councilman Schindelar.

**Before final roll call, Mayor Francis opened the meeting to the public for any questions or comments regarding Ordinance #17-2017.**

David Harris asked what happens to the road once it is vacated and Mr. Ursin responded that the road is divided down the middle and half goes to each adjoining property owner.

Mara Modes asked what precipitated the vacation and Mr. Ursin responded that there was a request made by a resident and that both parties agreed to the vacation.

**There being no one else from the public who wished to address the Governing Body regarding Ordinance #17-2017, Councilwoman Galate 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

Nays: None Absent: Padula Abstentions: None

## **RESOLUTIONS:**

### Resolution #2017-182 – Fund Commissioner for the Morris County JIF

Councilman Schindelar made a motion to adopt a resolution appointing Ron Tappan as the Fund Commissioner for the Morris County Joint Insurance Fund. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

### Resolution #2017-183 – Approval Vendor Bid 5-2017 – Service Truck

Councilman Young made a motion to adopt a resolution awarding a Bid Award to Beyer of Morristown for the purchase of a 2018 Dodge Ram 4500 Service truck in the amount of \$63,209.00. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

### Resolution #2017-184 – Change Order for Security Camera Bid

Councilman Young made a motion to adopt a resolution authorizing a Change Order to the Contract for Security Camera Bid 1-2017 in an amount not to exceed \$2,500. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

### Resolution #2017-185 – Award of Contract – Crescent Cove Pumping Station Comminutor Improvements

Councilman Schindelar made a motion to adopt a resolution awarding a contract to Rapid Pump & Meter in an amount not to exceed \$133,575 for the Crescent Cove Pumping Station Comminutor Improvements. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: None

### Resolution #2017-186 – Payment of Bills

Councilman Young made a motion to adopt a resolution authorizing the payment of bills for the meeting of October 4, 2017. Seconded by Councilman Schindelar

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Schindelar, Young

Nays: None Absent: Padula Abstentions: Galate

### Resolution #2017-187 –Appointment of Recreation Coordinator

Councilman Young recused himself at this time.

Councilman Schindelar made a motion to adopt a resolution to appoint Catherine Millian as the Recreation Coordinator. Seconded by Councilman Bunce.

Councilwoman Galate stated that she sent a letter to the Administrator outlining some of the concerns that she has with the hiring of this employee. She stated that she has information that she would like to share with the Council prior to the vote.

Mr. Ursin stated that he read the letter that was sent to the Administrator and that he believes that it can be addressed in open session.

A discussion ensued regarding whether or not these issues could be discussed in open public session. Councilwoman Galate stated that she would be more comfortable outlining her concerns in Executive Session so as not to run the risk of discussing

personnel issues in public. She stated that she doesn't understand why the Governing Body members don't want to hear what she has to say before a vote is taken. Mayor Francis stated that it is up to the Council as to whether or not they want to do it in public or in Executive Session. Councilman Bunce stated that he is ready to vote but if the Council would like to go into Executive Session, then he will listen to the concerns of Councilwoman Galate.

Councilman Schindelar made a motion to adjourn into Executive Session. Seconded by Councilman Hoferkamp.

Upon roll call vote:  
Ayes: Bunce, Galate, Hoferkamp, Schindelar  
Nays: None Absent: Padula

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

Councilman Schindelar made a motion to adopt a resolution to appoint Catherine Millian as the Recreation Coordinator. Seconded by Councilman Bunce.

Upon roll call vote:  
Ayes: Bunce, Hoferkamp, Schindelar  
Nays: Galate Absent: Padula Abstentions: None

### **OLD BUSINESS:**

### **NEW BUSINESS:**

#### Request to Drill Well in the Municipal Right of Way

Mayor Francis stated that he has discussed with the Borough Engineer and that there really is nowhere else for the well to be drilled.

Mr. Ursin stated that if the Council were to approve this request, that the agreement should include contingencies that the owner signs a Hold Harmless/Indemnification agreement and any conditions set forth by the Borough Engineer. The owner needs to be aware that in the future the town could ask them to move the well if the right of way should be needed for Borough use.

Councilman Hoferkamp made a motion to approve a request from the owner of 227 Hudson Avenue to drill a well in the municipal right of way, contingent upon the owner signing a Hold Harmless/Indemnification Agreement and on any conditions set forth by the Borough Engineer. Seconded by Councilman Schindelar.

Upon roll call vote:  
Ayes: Bunce, Galate, Hoferkamp, Schindelar, Young  
Nays: None Absent: Padula Abstentions: None

Councilman Young stated that with regards to the Skate Park, perhaps a card system could be used with would allow the town to control who uses the park.

Mayor Francis stated that they could look into it, but that those types of systems are very expensive.

### **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.

Mr. Rehe, Naritcong Avenue, addressed the Council regarding the netting at the ball field. He asked when it was going to be replaced because he has been at the meetings for months addressing the issue and still the netting has not been taken care of. He stated that it is a big safety issue and that the town needs to take care of it.

Mayor Francis stated that we are waiting for the contractor to come with the bucket truck to put them up.

David Harris asked when the skate park was going to be repaired and Mayor Francis stated that there is a priority list and unfortunately the DPW has many other pressing issues.

Mr. Harris asked about the Highland's Council public hearing that was held here in the Borough and Mayor Francis responded that it was only to address whether or not they would have a 60 day or 90 comment period.

Willa Scantlebury thanked the Council for approving their request to drill in the Borough Right-of-Way and asked about the next steps in the process.

Mr. Ursin responded that she should meet with the Clerk to fill out the hold-harmless paperwork and to get in touch with the Borough Engineer.

Mara Modes asked who owned the trails and Mayor Francis stated that the Lake Hopatcong Foundation is coordinating the project but that the towns own the properties. Ms. Modes thanked Bill Donegan for removing the sign that she called about and also asked if the Fire Department is going to be doing a Haunted House like in previous years.

Councilwoman Galate responded that she has not heard that they are doing it. They have been getting ready for the County parade.

John Bennett addressed the Council regarding the construction being done on Pickerel Point, the damage being done to the roadway and what oversight the town has over the Land Use Board when it comes to applications.

Mr. Ursin responded that the Land Use Board is autonomous and that if it is a Planning Board application then the only avenue for relief would be going to court. If it is a Zoning Board application where the Council members step down for a variance request then the decision could be appealed to the Governing Body. Mr. Ursin also stated that the Board gives a report to the Council once a year, but that it is only for informational purposes.

Mr. Bennett also asked about grinder pumps and generators in case they lose power. It was recommended that Mr. Bennett speak to an electrician to see if he has a sufficient generator to power the pump.

Mara Modes asked if there was a limit to how many variances an applicant could request and Mr. Ursin responded that there is not a limit.

Rich Chiarella, 112 Purdue, asked about his request to vacate a roadway and to purchase three town lots.

Councilman Schindelar stated that he would research the status of the request and get back to him.

After giving all persons present an opportunity to address the Governing Body, Councilman Schindelar 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 October 4, 2017. Seconded by Councilman Schindelar. All were in favor.