

**MINUTES  
FOR THE MAYOR AND COUNCIL MEETING,  
BOROUGH OF HOPATCONG,  
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD  
HOPATCONG, NEW JERSEY  
FEBRUARY 19, 2014  
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 notes fire exits)

**ROLL CALL:** The Clerk called the roll and the following members were present: Councilman Bunce, Councilman Francis, Councilwoman Galate, Councilwoman Klein, Councilman Young and Mayor Petillo

Absent: Councilman Hoer

Councilman Bunce made a motion to excuse Councilman Hoer. Seconded by Councilwoman Galate. All in Favor.

**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.

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

Councilwoman Galate – Nothing to Report. Meetings were cancelled due to the snow & ice storms.

Councilman Francis – The Energy Committee met and toured the Landfill with PSE&G and another interested party regarding solar energy. Communicated with Jersey Central to see if they would like to partner and have not heard anything yet.

Councilman Young – Recreation has not yet met. They are starting to look into Summer Recreation Program. They are planning a spring field walk sometime in May/June when the snow melts.

- Environmental met in January and finished their annual reports. They will continue the Earth Day Hike and interested in starting a new project to fix up the Welcome to Hopatcong signs. Lake Hopatcong Foundation is looking to partner to bring educational classes to the schools. They completed an ice safety class in Durban School and St. Theresa's in Roxbury. The water testing on Musconetcong was done in January.
- Open Space – Nothing to Report
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Councilman Bunce – The DPW has been very busy repairing its equipment, working on getting salt and opening drains after all the storms.

- Finance is working on the 2014 Budget
- Water/Sewer – is working on marketing the water system
- Citizens are asked to help with digging out the fire hydrants, along with the volunteer firemen, to clear away the snow from the fire hydrants. We also need a better way to identify the location of the fire hydrants, especially in light of the 4 feet of snow.

**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).

After giving all persons present an opportunity to address the Governing Body, Councilwoman Galate 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.

**AUCTION OF MUNICIPAL PROPERTY:**

1. Auction of Municipal Property, Block 40217, Lot 27, 52 Jefferson Trail (Minimum Bid: \$5,225) Non-Conforming

Councilman Young made a motion to accept the minimum bid of \$5,225.00 for the purchase of a Portion of Block 40217, Lot 27. Seconded by Councilman Bunce

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Klein, Young

Nays: None Absent: Hoer Abstentions: None

Councilman Bunce made a motion to take a short recess. Seconded by Councilman Young. All In Favor.

Councilman Bunce made a motion the meeting from the short recess. Seconded by Councilman Young. All In Favor.

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

At this time Robert Elia, Borough Administrator, presented his report for the meeting of February 19, 2014. The Finance Committee is finalizing the 2014 Budget. The Solid Waste and Recycling bids are due next week which is the last major component of the budget to incorporate. He requested an Executive Session to discuss personnel issues and negotiations at the end of the agenda.

**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 of February 19, 2014. Seconded by Councilman Young. All were in favor.

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

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

1. Zoning Year End 2013 Report
2. Tax Collector's Annual Report 2013
3. Zoning Monthly Report – January 2014
4. Construction Monthly Report – January 2014

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

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

Resolution #2014-41 – Cancellation of First Half 2013 Taxes  
Resolution #2014-42 – Outside Lien Redemption – Kenat, Inc.  
Resolution #2014-43 – Outside Lien Redemption - Silva  
Resolution #2014-44 – Outside Lien Redemption – Pro Capital  
Resolution #2014-45 – Outside Lien Redemption – BV001  
Resolution #2014-46 – Outside Lien Redemption – Pro Capital  
Resolution #2014-47 – Outside Lien Redemption – Raul Vega  
Resolution #2014-48 – Outside Lien Redemption – US Bank/BV001  
Resolution #2014-49 – Outside Lien Redemption – US Bank/BV001

#### **APPOINTMENTS – BOARDS AND COMMISSIONS**

**Mayor Petillo** shall offer the following names for appointment to the Land Use Board:

Mayor Sylvia Petillo	Class I Member (1 Year)	12/31/2014
Ron Jobeless	Class II Member (1 Year)	12/31/2014
Michael Francis	Class III Member (Council Representative)(1 Year)	12/31/2014
Alan Gilbert	Class IV Member (4 Years)	12/31/2017
Robert Duncan	Class IV Member (4 Year)	12/31/2017

John Kieser	Class IV Member (4 Year)(Complete Winfield Term)	12/31/2015
Ken Trumpore	Class IV Member (4 Year)	12/31/2016
Sam Hoagland	Class IV Member (4 Year)(Complete Hoer Term)	12/31/2014
Robert Rehe	Class IV Member (4 Year)	12/31/2014
Richard Schindelar	Alternate I (2 Year)(Complete Hoagland Term) (Environmental Representative)	12/31/2015
Michael Rahill	Alternate II (2 Year)(Complete Kieser Term) (Open Space /Recreation Representative)	12/31/2015
Justin Lijo	Alternate III (2 Year)(Complete Rahill Term)	12/31/2014
Mark Gaffney	Alternate IV (2 Year)	12/31/2015

## **RESOLUTIONS:**

### Resolution #2014-51 – Appointments to the Land Use Board for 2014

Councilman Young made a motion to approve the Mayor's Appointments to the Land Use Board for 2014. Seconded by Councilman Bunce. All were in favor.

### Resolution #2014-38 – Temporary Appropriation for Operating Purposes Amendment

Councilman Bunce made a motion to adopt a resolution authorizing temporary appropriations for Operating Purposes Amendment. Seconded by Councilman Young. All were in favor.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Klein, Young

Nays: None Absent: Hoer Abstentions: None

### Resolution #2014-39 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of February 19, 2014, removing check numbers 33879, 33902. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Klein, Young

Nays: None Absent: Hoer Abstentions: None

Councilman Bunce made a motion to authorize the payment of check numbers 33879, 33902. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Klein, Young

Nays: None Absent: Hoer Abstentions: Galate

### Resolution #2014-40 – Current Fund Budget Transfer

Councilman Bunce made a motion to adopt a resolution authorizing the Finance Officer to make Current Fund Budget Transfers. Seconded by Councilwoman Galate.

### Resolution #2014-52 – Liquor License Transfer

Councilman Bunce made a motion to table the resolution approving the Person to Person Transfer of Liquor License 1912-33-015-003 Ridgewood Manor, Inc. to Brookes Beer Garden, Inc. due to missing required documentation. Seconded by Councilwoman Klein. All In Favor.

## **INTRODUCTION OF ORDINANCES:**

### Introduction Ordinance #02-2014 – An Ordinance Amending Section 5-2 Creating Alternate Members on the Recreation Commission.

Councilman Young made a motion to introduce to introduce an ordinance entitled "AN ORDINANCE AMENDING SECTION 5-2 CREATING ALTERNATE MEMBERS ON THE RECREATION COMMISSION". Seconded by Councilman Bunce. All In Favor.

FINAL READING: March 5, 2014

## **NEW BUSINESS:**

### Social Affair Permit – Defiance Engine Company #3

Councilman Young made a motion to approve an application for a Social Affair Permit submitted by Defiance Engine Company #3 to hold an event on April 26, 2014 from 6:00pm to 11:00 pm at Defiance Engine Company #3, 43 Hopatchung Road, Hopatcong. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Klein, Young

Nays: None Absent: Hoer Abstentions: None

### Social Affair Permit – Hopatcong PBA Local 149

Councilman Young made a motion to approve an application for a Social Affair Permit submitted by Hopatcong PBA Local 149 to hold an event on March 22, 2014 from 6:00pm to 10:00 pm at St. Jude's Parish Hall, 40 Maxim Drive, Hopatcong. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Klein, Young

Nays: None Absent: Hoer Abstentions: None

Woman's Club – would like to place 48 pinwhells/2 small signs in the flower beds at Maxim Glen for Child Abuse Awareness Month.

### Resolution #2014-50 – NJ TRANSIT - FTA Section 5310 Grant Program

Councilwoman Galate made a motion to adopt a resolution authorizing the Mayor and the Borough Clerk to execute a grant application in connection with the NJ TRANSIT - FTA Section 5310 Grant Program. Seconded by Councilman Bunce.

**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).

Carol Weiss, 307 Nariticong wanted to thank the DPW for all their hard work they are doing for our town.

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:**

Mayor Petillo thanked the DPW for their fortitude in light of all the storms. FH#3 opened their doors/kitchen to cook and feed all the workers during the storms as businesses closed.

## **EXECUTIVE SESSION:**

At this time Robert Elia, Borough Administrator, requested an Executive Session at the end of the meeting to discuss a Personnel Issue.

## **RESOLUTION FOR EXECUTIVE SESSION:**

Councilman Bunce made a motion to adopt a resolution to adjourn into Executive Session to discuss Personnel Discipline Issue. There is likelihood that the Council will take action when they return to Public Session.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HOPATCONG THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

Councilman Bunce made a motion to adjourn executive session. Seconded by Councilwoman Galate. All were in favor.

### **RETURN TO PUBLIC MEETING**

Councilman Bunce made a motion to return to the regular order of business. Seconded by Councilwoman Galate. All were in favor.

Let the record reflect that during the Closed Session Personnel Disciplinary Discussion was held regarding the Disciplinary Issues regarding Marie Filoso. Ms. Filoso was served with a preliminary notice of discipline; an arrangement was made to appear before a hearing officer to appeal her case; the hearing officer issued his decision and recommendation prior to this meeting; there was an extended discussion in closed sessions regarding the facts of the issue; council reviewed the report decision and recommendation of the hearing officer where the hearing officer found the employee, Marie Filoso, guilty of insubordination and conduct unbecoming a municipal employee; the decision reflects that the hearing officer felt that the conduct of the employee being egregious. The hearing officer recommended termination. The matter becomes before the council for official action. The employee, Marie Filoso, received a Rice Notice, and elected not to revoke her right to have the discussion held in public session.

A motion was made by Councilwoman Galate to accept the recommendation of the Hearing Officer and follow the recommendation of Termination of the employee, Marie Filoso, effective immediately. Seconded by Councilman Francis.

Upon roll call vote:

Ayes: Francis, Galate, Klein, Young

Nays: None Absent: Hoer Abstentions: Bunce

Council may memorialize the motion of record with the Recording Secretary.

### **ADJOURNMENT:**

Councilman Bunce made a motion to adjourn the meeting of February 19, 2014. Seconded by Councilwoman Galate. All were in favor.

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Sylvia Petillo, Mayor

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Robert Elia, Acting RMC