

**MINUTES  
OF THE MAYOR AND COUNCIL MEETING,  
BOROUGH OF HOPATCONG,  
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD  
HOPATCONG, NEW JERSEY  
FEBRUARY 17, 2016  
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 noted fire exits)

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

Absent: Councilman Schindelar

**AUCTION OF MUNICIPAL PROPERTY:**

Portion of Block 30306, Lot 9 – Minimum Bid \$3,725 (Non-conforming)

Based on advice from the Borough Attorney, Councilman Young made a motion to cancel the auction for the above mentioned lot based on the designation of the lot being incorrect. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Young

Nays: None Absent: Schindelar Abstentions: None

Mr. Ursin stated that the ordinance will have to be reintroduced at a future meeting.

**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:**

Lake Hopatcong Foundation

At this time Lee Moreau, from the Lake Hopatcong Foundation, discussed the block party. He thanked the Council for all of their help the last two years and asked if we once again could help out with the shuttle bus, the parking and the electronic advertising.

**POLICE FIRING RANGE COMMITTEE:**

At this time, Mayor Petillo read a statement outlining her feeling regarding the necessity for a shooting range in the Borough. (attached) She also appointed Councilman Young, Councilman Bunce and Councilman Schindelar to the Police Firing Range Committee.

Mayor Petillo created three more committees, as follows:

Economic Development Committee: Padula (Chair), Bunce and Schindelar (members)

Animal Control Committee: Galate (Chair), Francis and Young (members)

Creative Arts Committee: Petillo, Schindelar and one other member

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

Councilwoman Galate reported that the Seniors held their first meeting of the year and that they had approximately 110 members attend. She encouraged anyone 60 years

and older to join the group. She stated that they have scheduled a cruise to Canada and that 39 members have already signed up to go.

Councilman Francis stated that the Farmer's Market Committee met last week and that there is an ordinance on this evening for consideration to rescind the fees. He also stated that three applications were before the Land Use Board last night, one for the gas station/convenience store across the street, one for remodeling of the office at the storage units on Sparta Stanhope Road and the last was for the Atkins Property. They are currently before the DEP for their flood hazard control issues and awaiting final approval from the.

Councilman Young reported that the Environmental Commission held their Reorganization meeting and that they discussed the Arts Committee (of which Elide Young was made a member), the spring tree giveaway (April 23<sup>rd</sup>), Arbor Day and Hopatcong Days.

Councilman Young also stated that the Recreation Commission had their meeting and that they discussed possibly allowing out of town children into the Spring Street Hockey League. The Recreation Commission will also now be on Twitter and Instagram. He stated that the Basketball Program is going very well.

Councilman Bunce stated that the budget will be ready for introduction at the March 2<sup>nd</sup> meeting. He reported that the Ambulance Committee didn't meet with the County because of the weather but that the meeting is going to be rescheduled.

Mayor Petillo stated that the seniors had some concerns last year with the Christmas Spectacular and that she and Bill Wagner have decided to have a "Seniors" Night.

**PUBLIC COMMENT:** Councilman Bunce 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. All were in favor.

Alice Stolarz asked if the Firing Range Committee meetings will be open to the public or if they will have any residents on the committee.

Mr. Ursin stated that typically sub-committee meetings are not open to the public or have residents on the Committee. He stated that at some point the Committee may ask for public comment regarding certain aspects during their research.

Ms. Stolarz asked if a Firing Range will cost the Borough more money with regards to insurance and Mr. Ursin responded that there will be no additional cost. She also asked if at some point tax payer money will be used and Mayor Petillo stated that yes, it is a possibility.

Councilman Bunce stated that any findings from the Committee will be made available to the public.

Ray Klein, Fredon, addressed the Governing Body regarding different types of bullets and gave the Mayor information printed off the internet.

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 Councilwoman Galate. All were in favor.

#### **APPROVAL OF MINUTES:**

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

Upon roll call vote:

Ayes: Bunce, Galate, Padula, Young

Nays: None Absent: Schindelar Abstentions: Francis.

**ADMINISTRATOR'S REPORT:** At this time Robert Elia, Borough Administrator, presented his report for the meeting of February 17, 2016. Mr. Elia stated that Chris Mason, one of our DPW employees resigned last week and that he would like to discuss the position and the replacement options with the committee at their next meeting. He also stated that there are resolutions on this evening for consideration regarding

additional Discretionary Aid money, additional money for the Hopatchung Road Beautification Phase II Project, awarding of a contract for the construction of a pole barn for the DPW and a grant application for the Safe and Secure Communities program. He also stated that tomorrow he, the Mayor and Councilman Francis will be meeting with Max Spann Real Estate group to review possible properties for sale in the Borough.

Councilwoman Galate asked if there is no longer a real estate committee since we are using this new firm and the Mayor said there is no longer that committee.

Mayor Petillo asked Councilwoman Galate if she would like to re-establish the committee and Councilwoman Galate stated that she did not.

**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, Mayor Petillo requested a motion to approve the consent agenda.

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

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

1. Zoning Department Monthly Report: January 2016.

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

1. Social Affair Permit: SCARC Foundation Inc. Hudson Farm Club, April 4, 2016.

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

1. Resolution # 2016-51: Outside Lien Redemption Blk: 40102 Lt: 25.
2. Resolution # 2016-52: Outside Lien Redemption Blk: 11303 Lt: 66.

Councilman Bunce made a motion to approve the Consent Agenda for the meeting of February 17, 2016. Seconded by Councilman Young. All were in favor.

## **INTRODUCTION OF ORDINANCES:**

### Introduction Ordinance #04-2016 – Farmers Market Fees

Councilman Francis 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 108 TO DELETE FARMERS MARKET FEES”. Seconded by Councilman Young.

Councilman Padula asked if we run the risk of vendors not showing up weekly if they don't have to pay.

Mayor Petillo responded that she doesn't believe that will happen. She also stated that she doesn't want to have to make “non-food” vendors have \$1,000,000 in liability insurance.

Councilman Francis stated that he wants the market to be comprised of local vendors, not big corporations that have lots of insurance.

Councilwoman Galate stated that she thought if there was an application fee that it would make the vendors more likely to come on a regular basis.

Councilman Francis stated that there are many vendors who take the commitment seriously and that we need to give them a venue to sell their products.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Young

Nays: Galate Absent: Schindelar Abstentions: None

**FINAL READING: MARCH 2, 2016**

### Introduction Ordinance #05-2016 – Vacation of Portion of Squaw Trail Right of Way

Councilman Bunce made a motion to introduce an ordinance entitled “AN ORDINANCE PARTIALLY VACATING A PORTION OF SQUAW TRAIL RIGHT OF WAY IN THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY”. Seconded by Councilman Young.

Mr. Ursin stated that he will contact Mr. Ruschke to get the correct dimension of the vacation and will make sure that it gets put in the ordinance before consideration of final adoption.

Upon roll call vote:

Ayes: Bunce, Francis, Galate, Padula, Young

Nays: None Absent: Schindelar Abstentions: None

### **FINAL READING: MARCH 2, 2016**

### **ADOPTION OF ORDINANCES:**

### **RESOLUTIONS:**

#### Resolution #2016-53 – PTSD Treatment for Veterans

Councilman Young made a motion to adopt a resolution recognizing the efforts of the NJ State Legislature and the New Jersey Veterans PTSD Task Force. Seconded by Councilman Bunce. All were in favor.

#### Resolution #2016-54 – Safe and Secure Communities Program

Councilman Bunce made a motion to adopt a resolution approving participation with the State of New Jersey Federal Grant Program administered by the Division of Criminal Justice, Department of Law and Public Safety - Safe and Secure Communities Program. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Young

Nays: None Absent: Schindelar Abstentions: Galate

#### Resolution 2016-55 – Recommendation of Award State Aid Project

Councilman Bunce made a motion to adopt a resolution entitled “NEW JERSEY DEPARTMENT OF TRANSPORTATION DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT RECOMMENDATION OF AWARD STATE AID PROJECT” for the 2015 Road Resurfacing Project (Discretionary Aid) to Cifelli & Son General Contracting whose bid amounted to \$31,200.00. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Young

Nays: None Absent: Schindelar Abstentions: Galate

#### Resolution #2016-56 – Award of Construction of Pole Barn

Councilman Young made a motion to adopt a resolution awarding a contract for the construction of a pole barn for road salt storage at the DPW facility to Security Structures for an amount not to exceed \$122,806.00. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Young

Nays: None Absent: Schindelar Abstentions: Galate

#### Resolution #2016-57 – Hopatchung Road Beautification Project – Phase II

Councilman Young made a motion to adopt a resolution approving and accepting Agreement Modification Number 1, increase in funding in the amount of \$105,907.00 for the Hopatchung Road Beautification Project – Phase II. Seconded by Councilman Bunce.

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

Resolution #2016-58 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authoring the payment of bills for the meeting of February 17, 2016, pulling check numbers 1253, 36959, 36972, 36984, 36986, and 36993. Seconded by Councilman Young.

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

Councilman Bunce made a motion to approve the payment of check numbers 1253, 36959, 36972, 36984, 36986, and 36993. Seconded by Councilman Young.

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

Resolution #2016-59 – Appointment of Fire Marshall

Councilman Young made a motion to adopt a resolution appointing Franklin Steinberg as the Fire Marshall for the Borough of Hopatcong for the year 2016, effective January 1, 2016. Seconded by Councilman Bunce.

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

**OLD BUSINESS:**

**NEW BUSINESS:**

Developer's Agreement – Hopatcong Renewal Assoc., LLC

Mr. Ursin stated that he will amend the agreement to include the following:

“Developer shall receive a credit against the connection fee for any current EDU allocation provided that all user fees are paid up to date.”

Councilman Padula made a motion to enter into a Developer's Agreement with Hopatcong Renewal Assoc., LLC for Preliminary and Final Site Plan Approval and Variance Approvals, contingent on the amending language as stated above. Seconded by Councilman Bunce.

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

**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).

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.

**RESOLUTION FOR EXECUTIVE SESSION:**

Mr. Ursin requested a motion to adopt a resolution to adjourn into Executive Session to update the Council on pending litigation.

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 into Executive Session to discuss litigation. Seconded by Councilman Young. All were in favor.

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

**ADJOURNMENT:**

Councilman Bunce made a motion to adjourn the meeting of February 17, 2016. Seconded by Councilman Young. All were in favor.

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Sylvia Petillo, Mayor

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Catherine Schultz, RMC