

**MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
SEPTEMBER 6, 2017
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, Councilman Hoferkamp, Councilman Padula, Councilman Schindelar, Councilman Young.

Absent: Councilwoman Galate

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:

8 Chamberlain Street, Block 31701, Lot 31 – Minimum Bid \$26,950 (conforming)

There being no one from the public who wished to bid on the above property, Councilman Bunce made a motion to close the auction to the public. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

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

Councilman Schindelar stated that there are ordinances on the agenda this evening to sell certain municipal properties and asked that the Council consider approving them.

Councilman Young stated that the Recreation Commission discussed Hopatcong Days, fall sports, fall street hockey and the Summer Recreation program at their last meeting. Councilman Young also announced the winners of the Hopatcong pageants and discussed the volleyball tournament.

Councilman Young stated that Municipal Alliance also reviewed Hopatcong Days and programs with the Board of Education and the senior groups. He stated that the movie night was once again rained out but that it was moved to the pavilion at the Senior Center. He stated that "Kid Fest" was a huge success. The event dealt with drug prevention and awareness.

Councilman Young stated that the Environmental Commission discussed the weed harvesting and the Foundation ribbon cutting ceremony for the trails which will be held on September 23rd at the Senior Center. He stated that the Eagle Scout has completed erected the trail signs.

Councilman Bunce stated that there was nothing to report from the Fire Committee and that the Water/Sewer Committee recommends approval of the connection applications that are on the consent agenda this evening.

Councilman Bunce also reported that the Knights of Columbus in conjunction with the Borough will be sponsoring the "Senior Luncheon" which will be held at St. Jude's on October 29th at 1:00. He stated that all seniors are welcome to attend.

Councilman Padula stated that the introduction of the “Redevelopment” ordinance is on for consideration this evening. The recommendation was sent to the Governing Body from the Land Use Board. He stated that the “Redevelopment Committee” met with property owners and that they are waiting on feedback.

Councilman Francis stated that the “Community Service” Day at the Farmer’s Market was a huge success and the next event that is scheduled is “Blessing of the Animals” on September 17th.

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 Bunce. All were in favor.

David Harris asked about the redevelopment plan and Mr. Ursin responded that the ordinance is on for introduction to create the area designated in need of redevelopment. The Borough doesn’t have to do anything else. We just have to wait for a developer to approach us with a plan. The Borough only puts the parameters in place.

Mr. Harris asked what the Jewish Center has to do and Mr. Ursin responded that they don’t have to do anything if they don’t choose to.

Mr. Harris asked about the Streetscape project. Councilman Bunce responded that the grant is for lighting, sidewalks etc. It will greatly enhance the area.

Mr. Harris asked how much taxes Mariner’s Point will bring in and Mayor Francis stated that it will be a substantial amount, along with water and sewer connection fees and quarterly payments.

Susan Jones, Elba Avenue, asked if the Redevelopment Plan allows for eminent domain because she was told that the Jewish Center received a letter regarding such. Councilman Schindelar stated that the Municipality already has the power of eminent domain.

Mayor Francis stated that it was statutorily included in the redevelopment plan. He stated that the plan was challenged in court and that the Borough prevailed. The option of eminent domain has always been there. Adding it into the redevelopment plan allows the Borough to apply for certain grants and aid as part of the designated town center. There is no plan to take the Jewish Center property by eminent domain.

Mr. Ursin stated that it is an untruth and the Borough has never said that they would use that option.

Councilman Padula challenged Mr. Jones to bring in the letter stating that the Borough was going to use the powers of eminent domain. It is an untruth and it is irresponsible to repeat it.

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 Schindelar. All were in favor.

APPROVAL OF MINUTES:

Councilman Bunce made a motion to approve the meeting minutes of the Regular Meeting held on August 2, 2017. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Councilman Young made a motion to approve the minutes of the Special Meeting held on August 23, 2017. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: Hoferkamp

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 Report: July 2017.
2. Tax Collector's Report: July 2017.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Water Service Application: Block: 10704 Lot: 6.
2. Water Service Application: Block: 11013 Lot: 13.
3. Application for Blue Light Permit: Todd Abrams.
4. Application for Blue Light Permit: Stephen Bush.
5. Application for Blue Light Permit: Vanessa A. Velez.
6. Application for Fire Department: Tyler Ukleya.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Resolution # 2017-163: Cancel Sewer penalties & interest. Block: 30611 Lot: 1.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Councilman Young made a motion to approve the consent agenda. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

INTRODUCTION OF ORDINANCES:

Introduction Ordinance #14-2017 – Sale of Municipal Property – 334 Knox Way, Block 40204, Lot 37.

Councilman Bunce 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 334 Knox Way, Block 40204, Lot 37”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

FINAL READING: SEPTEMBER 20, 2017

AUCTION: OCTOBER 4, 2017

Introduction Ordinance #15-2017 – Sale of Municipal Property – 4 Keith Road, Block 40105, Lot 2

Councilman Bunce 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 4 Keith Road, Block 40105, Lot 2”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

FINAL READING: SEPTEMBER 20, 2017

AUCTION: OCTOBER 4, 2017

Introduction Ordinance #16-2017 – River Styx Redevelopment Plan

Councilman Padula made a motion to introduce an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY ADOPTING THE ‘RIVER STYX AREA’ REDEVELOPMENT PLAN PREPARED BY MOTT MACDONALD DATED MAY 2017”. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

FINAL READING: SEPTEMBER 20, 2017

ADOPTION OF ORDINANCES:

Adoption Ordinance #13-2017 – Sale of Municipal Property – 12 Keith Road, Block 40105, Lot 6

Councilman Young 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 12 KEITH ROAD, BLOCK 40105, LOT 6”. Seconded by Councilman Bunce.

Before final roll call, Mayor Francis opened the meeting to the public for any questions or comments regarding Ordinance #13-2017.

There being no one from the public who wished to address the Governing Body regarding Ordinance #13-2017, Councilman Bunce made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

AUCTION: SEPTEMBER 20, 2017

RESOLUTIONS:

Resolution #2017-164 – Special Item of Revenue – Municipal Alliance Grant

Councilman Bunce made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY – MUNICIPAL ALLIANCE, \$13,834”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-165 – Property Donations

Councilman Bunce made a motion to adopt a resolution accepting 8 Sanford Street and 108 Wellesley Trail as property donations conditioned upon legal review of the title, deeds, and other documents and authorizing the Borough Attorney to conduct title searches on the referenced properties. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-166 – Hiring of Part Time Dispatcher

Councilman Bunce made a motion to approve the hiring of Megan M. Covert as a Part Time Dispatcher, effective August 22, 2017 at a rate of \$13.05 per hour. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-167 – Special Item of Revenue – 2017 Clean Communities Grant

Councilman Bunce made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY – CLEAN COMMUNITIES, \$35,153.69”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-168 – Special Item of Revenue – NJ Drunk Driving Enforcement Fund Grant

Councilman Young made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY – NJ DRUNK DRIVING ENFORCEMENT FUND, \$5,000”. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-169 – Special Item of Revenue – 2017 Distracted Driving Grant

Councilman Bunce made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY – 2017 DISTRACTED DRIVING, \$5,500.00”. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-170 – Special Item of Revenue – 2017 Federal Bullet Proof Vest Grant

Councilman Young made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY – 2017 FEDERAL BULLET PROOF VEST, \$1,461.00”. Seconded by Councilman Bunce.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-171 - Renewal of Membership in the Morris County Municipal Joint Insurance Fund

Councilman Bunce made a motion to adopt a resolution authorizing renewal of membership in the Morris County Municipal Joint Insurance Fund and to accept the renewal agreement. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-172 – Special Item of Revenue – 2017 River Styx Streetscape

Councilman Bunce made a motion to adopt a resolution entitled “A RESOLUTION TO AMEND THE ADOPTED BUDGET FOR ADDITIONAL ITEMS OF REVENUE AND OFFSETTING APPROPRIATION OF THE BOROUGH OF HOPATCONG, SUSSEX

COUNTY, NEW JERSEY – 2017 RIVER STYX STREETScape, \$616,000.00.
Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Resolution #2017-173 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of September 6, 2017. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

OLD BUSINESS:

Memorandum of Agreement with the DEP

At this time a discussion took place regarding the MOA. Mayor Francis stated that he received an email from Marty Kane indicating that the DEP will allow the towns to submit their existing septic ordinances.

Mr. Ursin stated that that the DEP is looking for the towns to adopt a septic maintenance plan. He stated that the Borough could sign the MOA with a condition that we are allowed to submit our existing ordinance and indicate to them that we will continually review it.

Marty Kane stated that he believes that the DEP will allow the towns to submit their existing ordinances. He stated that they provided the \$200,000 in funding for this year which he believes shows a good faith effort.

Both the Mayor and Councilman Schindelar agreed that as long as we can submit our existing ordinances, then they are ok with signing the agreement. If it is a sticking point in year 3, then the Borough can just opt out of the agreement.

Mr. Ursin stated that he is concerned that in year 3 or 4 that pressure will be put on the Borough to conform or to create a more restrictive plan. He stated that the DEP may then tie it to additional funding. He did say, however, that we can shadowbox what will happen 3 or 4 years from now. He stated that he could send a letter with the agreement stating that the MOA has been signed with the condition that the DEP accept our current ordinances.

Councilman Bunce made a motion to authorize the Mayor and Clerk to enter into a Memorandum of Agreement with the DEP with regard to funding for Lake Hopatcong contingent on the submittal of the Borough's current septic regulations. Seconded by Councilman Schindelar.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

NEW BUSINESS:

Request to Vacate a Part of Maxim Drive (Paper Road)

At this time the Council discussed the request from the owner of 439 Maxim Drive to vacate a part of Maxim Drive (Paper Road). Mr. Ursin stated that all of the owners who would be affected by the road vacation have not agreed to it. Historically the town has not taken action if all of the property owners do not agree.

Councilman Bunce made a motion not to take any action on the request from the owner of 439 Maxim Drive to vacate a part of Maxim Drive. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Request to Allow a Fence in the Right of Way

At this time the Council discussed the request from the owner of 469 Maxim Drive to allow a fence to remain in the right of way. Mr. Ursin stated that it has long been the stance of the Governing Body to not allow any new structures in the Municipal Right-of-Way.

Bob Crum, one of the neighbors, addressed his concern with the fence being in the right of way. He stated that it is impeding the neighbors from accessing the lake.

Mr. Ursin stated that is a neighbor dispute and must be handled by them.

Councilman Bunce stated that it has historically been the opinion of the Governing Body not to allow any new structures in the municipal right of way.

Councilman Bunce made a motion not to take any action on the request from the owner of 469 Maxim Drive to allow the fence in the municipal right-of-way and to send the issue back to the Zoning Officer for enforcement. Seconded by Councilman Hoferkamp.

Upon roll call vote:

Ayes: Bunce, Hoferkamp, Padula, Schindelar, Young

Nays: None Absent: Galate Abstentions: None

Councilman Schindelar asked if the town was going to chip in on paying for the annual 4th of July fireworks.

Mayor Francis stated that it is in the budget and that he will look into it.

PUBLIC COMMENT:

Councilman Bunce 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 Young. All were in favor.

Barbara Loring, River Styx, asked why eminent domain was left in the redevelopment ordinance and Mayor Francis responded that it is statutory and allows the town to apply for certain grants. He stated that the town has no plans to use that power.

Ms. Loring asked about the federal TAP grant that the Borough received for \$616,000 and asked if there were soft costs. Mayor Francis stated that there will be engineering costs.

Mara Modes, stated that the last beautification grant cost the town \$80,000 in soft costs and Mayor Francis responded that this time it should be less than \$30,000.

The owner of 439 Maxim Drive addressed the Council regarding their decision not to vacate a part of the roadway. He asked if there was any other option for him.

Mr. Ursin responded that the town is very leery to give away other people's property rights for the benefit of one homeowner. The Borough cannot justify cutting off anyone's access to municipal property.

Mr. Helmut Rehe addressed the nets and the dumpster up at Naritcong field and also the dogs that he sees in Maxim Glen.

Mayor Francis stated that he will look into all of the issues that Mr. Rehe addressed.

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 Schindelar. All were in favor.

ADJOURNMENT: Councilman Bunce made a motion to adjourn the meeting of September 6, 2017. Seconded by Councilman Young. All were in favor.