

**MINUTES
OF THE MAYOR AND COUNCIL MEETING,
BOROUGH OF HOPATCONG,
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD
HOPATCONG, NEW JERSEY
MARCH 4, 2015
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 Galate, Councilman Padula, Councilman Schindelar, Councilman Young and Mayor Petillo.

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.

INTRODUCTION OF 2015 MUNICIPAL BUDGET:

At this time, Paul Lerch and Ralph Picone, Borough Auditors, presented the introduction of the 2015 Municipal Budget. Attached is a copy of their presentation which proposes a \$22.00 increase on a home assessed at \$214,256.

Mayor Petillo opened the meeting to the public for any questions or comments that they may have regarding the 2015 Municipal Budget.

There being no one from the public who wished to address the Governing Body regarding the 2015 Municipal Budget, 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.

Introduction Ordinance #04-2015 – Exceed Budget Appropriation Limits and To Establish a Cap Bank

Councilman Francis made a motion to introduce an ordinance entitled "AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2015". Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

FINAL READING: APRIL 1, 2015

Resolution #2015-76 – Introduction of 2015 Budget

Councilman Bunce made a motion to adopt a resolution introducing the 2015 Budget for the Borough of Hopatcong. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

BUDGET HEARING: APRIL 1, 2015 OR SOON THEREAFTER

Resolution #2015-77 – Waiver of Reading in Full of 2015 Budget

Councilman Young made a motion to adopt a resolution waiving the reading in full of the Municipal Budget for the year ending December 31, 2015. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

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).

Mr. Harris asked if the weed harvesting will be affected by the lack of state funding due to Ballot question #2 and Councilman Bunce stated that it has already been affected and that the resolution on the agenda for adoption this evening will register our dissatisfaction with the State of New Jersey and the lack of funding.

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 on February 18, 2015. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

ADMINISTRATOR'S REPORT:

At this time Robert Elia, Borough Administrator, presented his report for the meeting of March 4, 2015. He stated that there is a resolution on the agenda this evening to continue in a shared service with the County for the nutrition program at the Senior Center. There is also a resolution on approving the contract with Pat Scanlon Landscaping to do the field and lawn maintenance for the Borough. Its contract price only went up \$400 from last year for a total of \$30,710. Mr. Elia also stated that he recommends that the Council adopt two resolutions that would allow the Borough to refinance our existing debt through NJEIT. The interest rates are very low with this program.

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. Tax Collector's Report, January 2015.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. NJ Fireman's Association Physical Test Record: Christopher T. Mason.
2. NJ Fireman's Association Physical Test Record: William M. DiLeo.
3. Social Affair Permit: Delbarton School to be held at Hudson Farm Club, April 30, 2015.
4. Water Service Application: Blk: 30505 Lt: 2 & 3, 338 Lakeside Blvd.
- 5.

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Resolution # 2015-80- Outside Lien Redemption, Blk: 11106 Lt: 41.
2. Resolution # 2015-86- Outside Lien Redemption, US Bank/Tower, Blk: 10312 Lt: 6.
3. Resolution # 2015-88- Outside Lien Redemption, MTAG, Fig Cap, Blk: 30610 Lt: 1.

Councilman Young mentioned that one of the Firemen's applications had a very old "doctor's physical" date and wondered if it was ok to approve.

Mr. Ursin stated that there is no State law that requires them to have follow-up physicals. Councilman Bunce made a motion to approve the consent agenda for the meeting of March 4, 2015. Seconded by Councilman Young. All were in favor.

INTRODUCTION OF ORDINANCES:

ADOPTION OF ORDINANCES:

Adoption Ordinance #02-2015 – Towing License Applications

Councilman Young made a motion to adopt an ordinance entitled "AN ORDINANCE REPLACING SECTION 224-6 REGARDING TOWING LICENSE APPLICATIONS". Seconded by Councilwoman Galate.

Before final reading, Mayor Petillo opened the meeting to the public for any questions or comments regarding Ordinance #02-2015.

There being on one from the public who wished to address the Governing Body regarding Ordinance #2-2015, Councilwoman Galate made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Bunce. All were in favor.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Adoption Ordinance #03-2015 – Grease Traps

Councilman Young made a motion to introduce an ordinance entitled "AN ORDINANCE REPLACING SUB-SECTION 186-4M (3) REGARDING GREASE TRAPS". Seconded by Councilman Bunce.

Before final roll call, Mayor Petillo opened the meeting to the public for any questions or concerns regarding Ordinance #03-2015.

There being no one from the public who wished to address the Governing Body regarding Ordinance #3-2015, 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, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: None

RESOLUTIONS:

Resolution #2015-78 – Payment of Bills

Councilman Bunce made a motion to adopt a resolution authorizing the payment of bills for the meeting of March 4, 2015, pulling check number 35494. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Councilman Bunce made a motion to approve the payment of check number 35494. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

Resolution #2015-79 – Agreement for Nutrition Program with Sussex County

Councilman Young made a motion to adopt a resolution authorizing the Borough of Hopatcong to enter into a shared service agreement with the County of Sussex for the

management of the Hopatcong Congregate Nutrition Program in accordance with the provisions of N.J.S.A. 40A:65-1 et seq. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-81 – Recreation Commission Fees

Councilwoman Galate made a motion to adopt a resolution approving certain fees as recommended by the Recreation Commission. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-82 – Temporary Budget Amendment

Councilman Francis made motion to adopt a resolution authorizing a Temporary Appropriation for Operating Purposes Amendment as recommended by the CFO. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-83 – Restoration of Funding to State Park Programs

Councilman Bunce made a motion to adopt a resolution of the Governing Body of the Borough of Hopatcong regarding the restoration of funding to State Park Programs which will suffer cuts due to diversion of Corporation Business Tax Funds due to public approval of New Jersey Ballot Question 2. Seconded by Councilman Francis.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-84 – Appointment of Municipal Clerk

Councilwoman Galate made a motion to adopt a resolution authorizing the Mayor to sign a four year contract, expiring December 31, 2018, with Catherine Schultz to perform the duties of Municipal Clerk for the Borough of Hopatcong. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-85 – Contract for Field and Lawn Maintenance

Councilman Young made a motion to adopt a resolution to award a contract for field and lawn maintenance to Pat Scanlon Landscaping for an amount not to exceed \$30,710.00. Seconded by Councilman Bunce.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-87 – Renewal of 2014-2015 Liquor License

Councilman Bunce made a motion to adopt a resolution renewing certain 2014-2015 Liquor Licenses (Pilinci dba Lakeside Grill – Pocket License). Seconded by Councilman Young.

Upon roll call vote:

Ayes: Bunce, Francis, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Galate

Resolution #2015-89 – NJEIT Financing Program

Councilman Bunce made a motion to adopt a RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF NOT TO EXCEED \$11,776,405 GENERAL OBLIGATION BONDS, SERIES 2015 OF THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE YEAR 2015 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

Resolution #2015-90 – Execution of Loan Agreements, NJEIT Financing Program

Councilman Bunce made a motion to adopt a RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY, AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM. Seconded by Councilman Young.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

OLD BUSINESS:

NEW BUSINESS:

Appointment Alternate #3 – Land Use Board

Mr. Ursin stated that we may want to change the language to say “acknowledge” instead of approve as it is a mayoral appointment.

Councilman Francis made a motion to acknowledge the appointment of Phillip Reilly as Alternate Number 3 to the Hopatcong Borough Land Use Board for a term expiring 12/31/16. Seconded by Councilwoman Galate.

Upon roll call vote:

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

Nays: None Absent: None Abstentions: None

St. Jude’s Knights of Columbus Fund Drive

Councilman Francis made a motion to grant a request from the St. Jude’s Knights of Columbus Council #9914 to conduct a fund drive on Saturday, March 21, 2015 from 9:00 am to 12:00 pm on Hopatchung Road. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Francis, Galate, Padula, Schindelar, Young

Nays: None Absent: None Abstentions: Bunce

Appointments to Solid Waste Committee

Councilwoman Galate made a motion to approve the Mayor’s appointments to the Solid Waste Committee – Mayor Petillo, Councilman Francis, Councilman Young. Seconded by Councilman Bunce. All were in favor.

Appointments to Open Space Committee

Councilman Francis made a motion to approve the appointments of Elide Young (representative from the Environmental Commission), Joan Reilly (Mayor’s representative) and Dave Barella (representative from the Recreation Commission) to

the Hopatcong Borough Open Space Committee. Seconded by Councilman Bunce. All were in favor

Appointment Alternate #3 – Land Use Board

Mr. Ursin stated that the wording was correct after all and that the Council should vote again to appoint Mr. Reilly.

Councilman Bunce made a motion to approve the appointment of Phillip Reilly as Alternate Number 3 to the Hopatcong Borough Land Use Board for a term expiring 12/31/16. Seconded by Councilman Schindelar.

Upon roll call vote:

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

Nays: None Absent: None 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:

Councilman Bunce made a motion to adopt a resolution to adjourn into Executive Session to discuss possible litigation. Seconded by Councilman Schindelar. All were in favor.

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 close the 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 March 4, 2015. Seconded by Councilman Young. All were in favor.

Sylvia Petillo, Mayor

Catherine Schultz, RMC