

**MINUTES OF THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NETCONG HELD JULY 14, 2016 AT THE NETCONG MUNICIPAL BUILDING, 23 MAPLE AVENUE, NETCONG, NEW JERSEY COMMENCING AT 7:30 P.M.**

Mayor Nametko called the meeting to order at 7:30 P.M.

**PLEDGE OF ALLEGIANCE**

**STATEMENT OF OPEN PUBLIC MEETINGS ACT**

The Borough Clerk read the following statement:

Adequate notice of this meeting as defined by the Open Public Meetings Act has been provided by:

1. Posting a notice of said meeting in the space provided for such announcements at the Borough Hall on January 8, 2016.
2. Publishing a notice in the Daily Record, the official newspaper of the Borough of Netcong on January 13, 2016 and mailing a copy to The Star Ledger on January 8, 2016.

**ROLL CALL**

Those in attendance were Councilwoman Butler, Councilman Hathaway, Councilman Koster, Councilman Laureys, Councilman Still, Councilman Sylvester, and Mayor Nametko. Also present were Mr. Blakeslee, Borough Administrator and Mrs. Eckert, Borough Clerk.

**APPROVAL OF MINUTES**

No minutes were presented at this meeting.

**PUBLIC PORTION OF MEETING**

The Mayor opened the meeting to the public.

Mr. Yeung of 20 Cleacen Ave. Budd Lake stepped forward to speak with the Council. Mr. Yeung received the report from Mr. Blakeslee. He noted that he is looking for a contractor to do the work to build a retaining wall. Mr. Yeung added the original retaining wall was built in 1950. He also went to the Byram Construction Department. He apologized for taking up so much of the Council's time at this meeting but he was in China caring for his mother who passed away since March. He is not happy with the decision that he is responsible for paying and reconstructing the broken wall on his property without help from the Borough. He feels trucks going by his property have caused the issue with the

wall due to vibration. He said he has come before the Council in the past to address this issue. He stated he does take responsibility for not taking care of the issue sooner. He feels he should not be responsible for the entire repair. He feels because the trucks cannot travel on Jenny Lind they are traveling on Bank Street more often. He feels he is being mistreated.

Councilman Sylvester asks if the Council had made a decision on this issue. Councilman Hathaway says we did not. Councilman added that the Council would need evidence that all the town's people should pay for this (via tax funding.) The Mayor noted that the Council understands Mr. Yeung's position but it is the professionals who make the final decision.

Mr. Bucco advised that the wall is clearly on Mr. Yeung's property and his responsibility. He said there was work done on this property in the eighties. Mr. Yeung believes he became the owner of the property in the early 90's. Mr. Bucco stated the survey on that property clearly shows it is his property.

At this time, Susan Yeung (daughter) stepped up to clarify what Mr. Yeung was trying to convey. She explained that even if the engineers they hired fix their side of the wall, the engineers claim that the road side will not be stable.

Mr. Bucco asked who the engineer they hired was. Mr. Yeung stated Hammington Engineering Consultants. He said contractors say the cost of repair will be \$60,000.00. He does not have the money to pay for this repair.

The Mayor concluded the Council cannot solve this tonight. He recommended his engineer meet outside this meeting with our engineer and walk the property to make a decision. The Borough cannot just spend public funds to repair this without proper background and evidence. The Mayor requested that Mr. Yeung meet with Mr. Blakeslee to set up an appointment so the professionals can advise the Council.

Ms. Karen Amico of 52 Railroad Ave stepped forward. She wished to learn more about the update on the Railroad Ave. project. She currently has an issue with water runoff. She explained runoff water comes through 56, 54, and then lands at her property. Mr. Bucco asked how long this has been occurring. She replied since they bought the home. She said it has been building up over the years. Her dwelling is suffering. She noted that she had to install a \$10,000 drainage system (sump pump system) to channel the water out of the house to a French drain. The Mayor asked if she has contacted the DPW or Mr. Blakeslee regarding this issue. Ms. Amico stated she has contacted both. The Council discussed details about this situation with her. Ms. Amico wanted to know that if a house is for sale, would the house be inspected for drainage issues. Mr. Blakeslee replied "no." Councilman Sylvester wanted to know where the water comes from, such as a road or driveway and asked where Marc Ct. is in relation to her home. She replied she is 3 houses down from Marc Ct. There is a catch

basin at the back of her property and it is at the high end of the grade. Councilman Hathaway asked where the water comes in relation to the catch basin. She says the opposite side. She has owned the house for at least 10 years. She says the problem is progressive.

The Mayor asked if she has water problems during dry times. She replied she does. Councilman Still recommended that the area is checked for a water leak. Ms. Amico believes the problem is stemming from Netcong Heights. She wants to know how this situation is effected by the current ordinances. The Mayor provided possible scenarios. He stated that the Borough needs to go and take a look first to see what is going on. He added that it is possible that the storm water drain may be clogged. The Mayor said we may find a mystery leak where we are losing water. He added that habitability inspections do not generally include drainage issues. The Borough is limited in what is inspected. Mr. Blakeslee offered that fire extinguishers, smoke alarms, and general maintenance are the only things that are checked. Ms. Amico noted that a neighbor has changed the way the water goes to protect their own home. Mr. Bucco says the neighbor did not have a right to make a channel to divert the water. This is something that is an issue between neighbors. She would like to find out where the water is coming from. The Mayor offered to have the Borough engineer go out to inspect this situation. The Mayor repeated that "we will send the professionals to find the cause of this issue."

Mr. Blakeslee explained there is a grant to do the water main project but the paving project has halted all work through TTF. Councilman Still also added the time frame when the Carragino property will have a basin. Mrs. Amico asks what will happen with this project. Mr. Blakeslee explains we have to begin the water lines due to restraints on the grant.

Ms. Amico asked if it will be the whole width of the road. The Mayor explained we have the money but are not allowed to use it. He hopes the state will come to a resolution so the project can be finished.

There were no other members of the audience stepping forward to speak.

A Motion to Close the Meeting to the Public was made by Councilman Hathaway and seconded by Councilman Koster.  
Roll Call: 6 Yes

### **DISCUSSION ON THE AMENDMENT TO THE STATION REDEVELOPMENT PLAN**

Keenan Hughes from Paul Phillips' office came to the meeting to provide an update on this project. He noted that everyone had already reviewed the revised plan. He noted the three areas: Salmon Bros, Woodmont Property and Transit property. The Transit property is ready to start. A slight change in density was made. Higher

density is better close to the train station and then should thin further out. He explained the Morristown project base density is 60 units per acre. A key factor is parking for NJ transit. The actual achievable density may be lower. The Quirk property is 20 units per acre and the Pocketbook factory is 32 units per acre. Mr. Hughes solicited questions. The Mayor noted that on the premise of 200 units, the contractor will come in expecting to spend a certain amount of dollars. What does the lesser density on the outer properties do? Mr. Hughes felt that due to the parking it will not be possible. He anticipates future amendments to the plan at a later date with the other properties. Councilman Hathaway mentioned that this would create a hardship to the outer area owners later. It was noted that in redevelopment, this is a common issue and it is appropriate for the Transit Village to be denser. This argument would hold up in court. The Borough has some flexibility. He feels this would not set up the Borough for a challenge. Councilman Sylvester wanted to know if this is approved tonight, could it be changed later. Mr. Hughes replied "yes." Mr. Bucco advised that the Council has to be careful in this situation. If they go through the process of the 200 units and the Borough changes their mind it could be an issue. Mr. Bucco asked about the shared parking. Councilman Hathaway commented. Councilman Sylvester asked if Transit will have a different idea. Councilman Hathaway reminded the Council that they are just giving criteria. Mr. Bucco repeated that giving them the 40 units now may be an issue later. He said the shared parking would be a different situation. Councilman Hathaway and Mr. Bucco discussed this further. Mr. Hughes noted that the plan could be amended. Mr. Bucco said the Council won't be able to amend if a developer comes in and can meet all the criteria. Councilman Hathaway noted that the issue is getting a parking garage. Mr. Bucco asked if it is possible to meet the criteria without a parking garage. Anything over 20 some units usually needs a parking garage. Mr. Bucco recapped that the planner is saying if you want a parking garage you need to agree to the 40 units per acre. Councilman Sylvester stated parking is required no matter what is built. The Mayor noted he is concerned that the current businesses will not see any improvement. Councilman Still suggested we do not have those types of higher end retail spaces. Councilman Hathaway said the Borough will be bringing in more people which our current retail space cannot hold. We do not have parking for any considerable businesses. Councilman Laureys asked what kind of retail businesses will be coming in which will affect the current businesses. Councilman Hathaway replied premier properties drive the business for other businesses. Councilman Laureys asked about a scenario regarding this theory. Councilman Sylvester noted that we continue to use Morristown and Montclair as examples. What kind of density are the smaller towns are using? He feels we do not have the space to warrant 5 story buildings. The Mayor is concerned this is too much. Mr. Hughes offered that if you are not comfortable with the 200 units that is fine, but you need to jump start this project and this is the way to do it. He repeated that this is the catalyst for the overall project. Councilman Laureys asked how many stories are on the pocketbook factory and Quirk plans. The response was that they are 4 stories. The Pocketbook factory is 58 ft. He wants to know if this new building will look like a tower. The existing plan allows 5 stories. This does not mean it has to be a 5 story building. Mr. Blakeslee said we

need to give professionals some kind of direction. They have talked to NJ Transit about them going out to bid. The process includes an ordinance generated by Mr. Bucco for the next meeting, and then it would go to the planning board for approval, and then back to the Council. Mr. Hughes says retail is encouraged but not necessary. He is concerned because we can't pick the businesses that will be coming in. Councilman Laureys asked for more detail regarding the size of these retail spaces. Mr. Hughes stated there is a balance between retail and residential. Councilman Hathaway noted the current businesses are looking for parking. Mr. Bucco asked about on street parking in the plan. The parking in the plan would be the abutting parking. Mr. Bucco said the wording should be changed in the plan. Councilman Hathaway noted concern with the line Transit would 'draw in the sand. Mr. Bucco advised that the better negotiating point is to restrict not broaden the possibilities for Transit. Councilman Hathaway said there will be 70 wasted spaces in Transit plans. It was the suggestion of Mr. Philips to make terms that are 'broad.' Mr. Bucco said if you have to go back to Transit don't give away the store' in the beginning. The utilization of current on-street parking wording should be changed. Councilman Still stated winter parking would not be an issue because these would not be public streets. Councilman Hathaway said some of the streets would be public. Councilman Still said the Transit project would not have public streets. The Mayor stated that the Council needs to make it clear the town will not take on the responsibility of plowing these streets. This would not be discussed at this level. Mr. Bucco offered the wording: 'state 200 units 40 an acre total' and that a parking garage is necessary and if no parking garage there should be fewer units. Councilman Sylvester stated that this was a mixed use project: retail, rental, and owner occupied and green space. The original was a maximum of 275 units. He feels the Council is putting too much on the table. Councilman Hathaway offered that the process is different this time. Transit wants to know what our parameters are. The Mayor felt the Council should make the requirement rentals over retail. Councilman Sylvester says a five story building will not fit in our town and even 4 stories would be pushing it. He offered that the Council makes retail a demand and not more density than 32. The parking will have to be worried about by the contractors. Councilman Still added that the original parking plan will not work because the pharmacy and barber shop will not sell their properties. The Mayor asked if the Council was concerned about going back to Transit with units 32 units per acre. Councilman Koster asked what the difference was in revenue between the 32 and 40 units. Councilman Hathaway replied that from his experience with the Economic Development Committee, the last project went wrong because of lack of flexibility. This time, if we don't compartmentalize, the project will not come off the ground. Councilman Hathaway continued: The current projects came to be because we sent letters to developers who might be interested and worked hard to win their interest. The directive was to bring in revenue. Councilman Sylvester felt the Council has everything needed to make this town better. He would like to see this project move forward but not at the Borough's expense. Mr. Bucco offered a plan with balance. He stated that there needs to be a middle ground. If the garage is important then The Council needs to plan for the 40 units. He agreed that there are differences between Montclair, Morristown and Netcong. Councilman Laureys

asked if anyone has approached the owners of the current building where Carmines is located. It was noted that they had been approached. Councilman Still suggested a special meeting. Mr. Blakeslee will touch base with Paul Philips to set up the special meeting. Councilman Hathaway requested to change the plan to 4 stories. He summarized that we are looking for 4 story max retail as main pull, 32 units max greenway and everything else described.

Councilman Sylvester replied we should let Transit figure out the parking. Mr. Bucco asked how the Council was the first to decide. Mr. Blakeslee responded Transit recommended we give them our criteria for them to be able to make their property attractive to a developer. Mr. Bucco noted that it would have been a lot easier if we knew the Transit plans first. Mr. Blakeslee asked what the downside of not changing the plan would be, adding that it may just bring developers to the Borough. The plan as drafted doesn't allow this piece to be severed. Changing it would bring more interest to the property by developers. He asked if Councilman Hathaway's summary could be put in a document to keep the process moving forward. Councilman Sylvester said that despite his opinion, he wanted everyone to know that he appreciates all the work the Economic Development Committee has done on this project.

Councilman Hathaway asked again if there could be a change to 4 stories instead of 5 and 32 units or 40 with a parking garage. Councilman Still added we are just trying to bring interest to this property. Councilman Hathaway felt that parking was an important factor. The Council considered many different factors and variations of ways to move forward. Councilman Hathaway proposed the Council approve 'as is' tonight. Mr. Bucco stated the Council sends this concept to Transit as a draft proposal with conditions. The Council continued to work through the specifics of what they thought was best.

A Motion was made to authorize a draft proposal for a maximum of 40 units with parking or 32 units without parking and maximum of 4 floors with retail component included and shared parking by Councilman Still and seconded by Councilman Hathaway.

Roll Call: 6 Yes

### **ORDINANCE ADOPTIONS**

- 1. Bond Ordinance 2016-9** – Bond Ordinance to Appropriate an Additional Sum of \$64,435.00 for the Railroad Avenue Water Main Replacement Project (Phase I) in, by and for the Water Utility of the Borough of Netcong, in the County of Morris, New Jersey, to Authorize the Issuance of Bonds to Finance Such Additional Appropriation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds

A Motion to Read Bond Ordinance 2016-9 by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Still and seconded by Councilman Sylvester.

Roll Call: 6 Yes

The Mayor opened the meeting to the public. Seeing no comment from the audience, the Mayor asked for a motion to close the public hearing.

A Motion to Close Public Hearing was made by Councilman Koster and seconded by Councilman Still.

Roll Call: 6 Yes

A Motion to Adopt Bond Ordinance #2016-9 was made by Councilman Still and seconded by Councilman Koster.

Roll Call: 6 Yes

2. **Ordinance 2016-10** – An Ordinance to Amend Chapter 276, Water, Section 276-5, Rates, of the Code of the Borough of Netcong, County of Morris and State of New Jersey

A Motion to Read Ordinance 2016-10 by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Still and seconded by Councilman Sylvester.

Roll Call: 6 Yes

The Mayor opened the meeting to the public. Seeing no comment from the audience, the Mayor asked for a motion to close the public hearing.

A Motion to Close Public Hearing was made by Councilman Still and seconded by Councilman Koster.

Roll Call: 6 Yes

A Motion to Adopt Ordinance #2016-10 was made by Councilman Still and seconded by Councilman Hathaway.

Roll Call: 6 Yes

### **CORRESPONDENCE**

No correspondence was presented at this meeting.

### **BOROUGH ADMINISTRATOR REPORT**

There were no questions or comments regarding the Borough Administrator's report.

**COMMITTEE REPORTS**

Finance & Insurance:                    E. Still                    J. Sylvester

In the month of June the Borough had total income in the amount \$70,389.91 as compared to the previous year of \$135,261.19.

For the month of June 2016:

Miscellaneous Revenue Not Anticipated (MRNA)

In 2016 the Borough received \$1,920.08 vs. \$2,541.50 in 2015

*Planning Board fees in 2015 account for the difference in income between 2015 and 2016.*

Other Licenses/Borough Clerks Fees:

In 2016 the Borough received \$10,091.59 vs. \$16,624.31 in 2015

*Increase over last year's total attributed to liquor license fees collected in June.*

State Aid

*No state aid has been received as of this date.*

Grants in Aid

In June 2016 the Borough received \$2,247.70 in grant funding vs. \$7,874.55 in 2015

Taxes Collected

In 2016 the Borough collected \$56,130.54 vs. \$108,220.83 in 2015

Income Total Year to Date:

*Total income to date in 2016 is \$4,166,397.22, as opposed \$4,131,294.16 in 2015.*

Last Planning Board Mtg. there was a request to complete the parking ordinance changes. The Council continued discussion regarding the status of this issue. Mr. Blakeslee will follow up as this was supposed to go to the planner.

Economic Development:                    R. Hathaway                    E. Still

Councilman Hathaway reported that the Pocketbook Factory is still in the process of resolving rail line issue. John DeColle at transit is working on this.



Crown Point should be closing next month. They are looking to move and break ground in spring of 2017.

Public Safety: J. Sylvester E. Koster  
(Police, Fire, Rescue)

**Fire Department:**

- Total Calls: 6, 3 were squad assists.
- Drills: 12
- Meetings: 6
- Other: 1
- Training: 10
- Total Fire Fighters: 51
- Total Involvements: 35
- Total Man Hours: 489.3

**Police Department:**

297 calls  
101 moving violations  
6 local ordinance violations

Dept. of Public Works & Utilities: E. Koster R. Hathaway

**D.P.W. Monthly Report July 2016**

**Road Department:** Paved pot holes through town ....Picked up 36 yds of grass, 4 yds of leaves, 96 yds of brush and 4 yds of chipped brush ....Performed street vacuuming on Mondays and Fridays ....

**Water Department:** Installed new radio read meters at 22 Old Budd Lake Road and 7 Burt St....Started doing mark outs for the NJ Natural Gas job on Koclas, Dell, Allen St, Highland and Hillside Ave .... Repaired a water leak on the service line at 19 College Rd .... Installed a water tap for the new Pellegrino warehouse on Stoll St. . . .

**Sewer Department:** Peter Bryn Contracting installed the new sewer hookup for the Pellegrino warehouse on Stoll St....

**Buildings & Grounds:** A.S. Barlin was in to do the annual sprinkler system inspection at Borough Hall . . .R&J Control performed quarterly service on generators . ....Watered the flower pots 3x per week . . . .

**Parks & Recreation:** Repaired and painted damaged steps at DiRenzo Park .. .Repaired damaged fence at Arbolino Park....Repaired water fountain at Arbolino Park . . . Inspected the security cameras at all Borough Parks and replaced a broken camera at DiRenzo Park...

**Other:** Mike Canfield attended a Risk Management meeting in Sparta. ... Tim Hess attended a lead and copper class for the Water Department . ...Held a tool box talk meeting with the DPW employees to discuss the usage of personal protective equipment. ...

Recreation: P. Butler T. Laureys

### **Recreation Update 7/14/16**

1. Our Concerts are off to a great start! The Cameo's will be performing this Friday. They are known as New Jersey's favorite "oldies" group.
2. On Friday, June 22nd we will host our annual Christmas Cookies in July. Come out and taste some great desserts. Winner will win a nice brunch at Perona Farms
3. On Friday, June 29th, come out and enjoy a nice massage under the stars! Steve Guttman from Mind Body Dynamics of Denville will be offering free neck and head massages. What a great way to end your long stressful week.
4. Beautiful Bus Trip will take place on Saturday August 6th. We will be headed into NYC with not 1 but 2 buses, 100 people in all. This has been one of our best bus trip turnouts ever. We even have a waiting list of 30+.
5. Recreation is working on "Netcong's Restaurant Showcase" – a combined event with Steve Fredericks and The Growing Stage. NCP will also be offering their support. Save the evening of February 4th 2017. More info to come!!! You will not want to miss this one!!!

Public Services: T. Laureys P. Butler  
(Human Services  
Recycling & Solid  
Waste Disposal

### **Dial A Ride Monthly Report for June 2016**

Days of Service: 22  
Miles: 1017  
# of Stops: 87  
Nutrition for 2 people: 53

# of Meals on Wheels: 14  
Medical Appointments: 21  
Other Appointments: 57  
People Using Services: 42  
Cancels: 23  
Denials: 2  
Units: 352  
Hours: 109.5  
Additional Notes: 3 new seniors, 1 new disabled

### **OLD BUSINESS**

There was no old business brought forward at this meeting.

### **NEW BUSINESS**

There was no new business to report.

### **PRIVILEGE OF THE FLOOR TO THE COUNCIL**

Councilman Still – Wished to report the dumpster in the road where the fire was on Hillside Avenue. There are no reflectors on it.

### **MAYOR'S COMMENTS**

The Mayor had no additional comments at this time.

### **RESOLUTIONS**

1. **Resolution 2016- 75** – Bond Anticipation Note - To Comply with the Provisions of the Internal Revenue Code of 1986

A motion was made by Councilman Still and seconded by Councilman Koster.  
Roll Call: 6 Yes

2. **Resolution 2016-76** – Authorizing the Update, Adoption and Implementation of the Revised Anti-Discrimination, American with Disabilities Act, Communications Media, Employee Dating, Employment Procedure and Personnel File Procedure Policies of the Personnel Policy and Procedures Manual of the Borough of Netcong

A motion was made by Councilman Sylvester and seconded by Councilman Still.  
Roll Call: 6 Yes

## **ORDINANCE INTRODUCTIONS**

1. **Ordinance 2016-11** – To Amend Chapter 54, Police Department, Article IV, Fees, Section 54-16, Fees, Paragraph F, Contracted Police Services, Subparagraph (3) of the Code of the Borough of Netcong, Morris County, New Jersey

A Motion to Introduce Ordinance #2016-11 and Read by Title Only was made by Councilman Hathaway and seconded by councilman Koster.  
Roll Call: 6 Yes

A Motion to Pass Ordinance #2016-11 on First Reading was made by Councilman Sylvester and seconded by Councilman Koster.  
Roll Call: 6 Yes

2. **Bond Ordinance 2016-12** –Bond Ordinance to Authorize the Making of Various Public Improvements in, by and for the Water Utility of the Borough of Netcong, in the county of Morris, State of New Jersey, to appropriate the sum of \$3,000,000 to pay the cost thereof, to authorize the issuance of bonds to finance such appropriation and to provide for the issuance of bond anticipation notes in anticipation of the issuance of such bonds.

A Motion to Introduce Bond Ordinance #2016-12 and Read by Title Only was made by Councilman Still and seconded by Councilman Hathaway.  
Roll Call: 6 Yes

A Motion to Pass Bond Ordinance #2016-12 on First Reading was made by Councilman Still and seconded by Councilman Hathaway.  
Roll Call: 6 Yes

## **REPORTS**

A Motion to Incorporate All Reports into the Minutes was made by Councilman Koster and seconded by Councilman Sylvester.  
Roll Call: 6 Yes

## **BILLS**

A Motion to Pay All Bills When Funds are Available was made by Councilman Still and seconded by Councilman Sylvester.  
Roll Call: 6 Yes

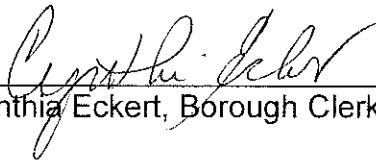
## **CLOSED SESSION**

There was no closed session at this meeting.

**ADJOURNMENT**

A Motion to Adjourn the Meeting was made by Councilman Still at 9:40 PM seconded by Councilman Hathaway and was carried by unanimous voice vote.

Respectfully Submitted,

  
\_\_\_\_\_  
Cynthia Eckert, Borough Clerk