

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HAMBURG HELD ON FEBRUARY 6, 2012 AT THE MUNICIPAL BUILDING,  
16 WALLKILL AVE., HAMBURG, NJ**

.....

**CALL TO ORDER:**

Mayor Marino called the meeting to order at 7:30 p.m. and opened with a flag salute.

**ROLL CALL:**

Mayor Marino requested a roll call:

Councilman Barr

Councilman Krasnomowitz

Councilman Law

Mayor Marino

Councilwoman Oehler

Councilman Kelly

Councilman Sena

Also Present: Doreen Schott  
Kathy Garrett  
Richard Clemack, Attorney

**STATEMENT OF CERTIFICATION:**

Clerk will advise:

Adequate notice of this meeting has been provided to the public and the press January 6, 2012 by delivering to the New Jersey Herald and the Sunday Herald and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant the provisions of the "Open Public Meetings Act".

**January 1, 2012 Reorganization Meeting Minutes**

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve the January 1, 2012 Reorganization Meeting Minutes of the Mayor and Council. All in favor.

**January 4, 2012 Regular Meeting Minutes**

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the January 4, 2012 Regular Meeting Minutes of the Mayor and Council. All in favor.

**January 4, 2012 Executive Meeting Minutes**

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve the January 4, 2012 Executive Meeting Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Barr, seconded by Councilwoman Oehler to open the meeting to the public with regards to the bill list only. All in favor.

Hearing no comments from the public, motion by Councilman Barr, seconded by Councilwoman Oehler to close to the public. All in favor.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to pay the bill list as presented.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

**ORDINANCES:**

**Ordinance #01-2012 – 2<sup>nd</sup> Reading**

**AN ORDINANCE FIXING THE SALARY RANGES OF CERTAIN OFFICIALS, OFFICERS AND**

**EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY**  
Motion by Councilman Law, seconded by Councilwoman Oehler for Attorney Clemack to read the Ordinance by title for first reading and publication. All in favor.

**AN ORDINANCE FIXING THE SALARY RANGES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open the meeting to the public for any questions or comments they may have with regards to the ordinance prior to adoption of same. All in favor. This ordinance was introduced on first reading at the January 4, 2012 meeting and published as provided by law.

**PUBLIC HEARING**

Hearing no comments from the public, motion by Councilman Krasnomowitz, seconded by Councilman Kelly to close to the public. All in favor.

Motion by Councilman Sena, seconded by Councilman Barr to adopt the ordinance as presented.

**DISCUSSION**

Councilman Law brought to the Council's attention that the Police Chief's salary was still listed in the ordinance.

Motion by Councilman Law, seconded by Councilman Sena to amend the ordinance to delete the Police Chief's salary. All in favor.

**Roll Call:**

- Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
- Nays: None
- Abstain: None
- Absent: None

**Ordinance #03-2012 – 1<sup>ST</sup> Reading**

**AN ORDINANCE ESTABLISHING THE SALARY OF THE POLICE DIRECTOR OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

Motion by Councilman Barr, seconded by Councilman Sena for Attorney Clemack to read the Ordinance by title for first reading and publication. All in favor.

**AN ORDINANCE ESTABLISHING THE SALARY OF THE POLICE DIRECTOR OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for February 22, 2012.

**Roll Call:**

- Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
- Nays: None
- Abstain: None
- Absent: None

**Ordinance # 04 – 2012 – 1<sup>st</sup> Reading**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Motion by Councilwoman Oehler, seconded by Councilman Kelly for Attorney Clemack to read the Ordinance by title for first reading and publication. All in favor.

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Motion by Councilman Sena, seconded by Councilwoman Oehler to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for February 22, 2012.

**Roll Call:**

- Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
- Nays: None
- Abstain: None

Absent: None

**RESOLUTIONS:**

**Resolution # 2012- 10**

**TRANSFER RESOLUTION (APPROPRIATION RESERVES)**

WHEREAS, 2011 bills have been presented for payment this year, which bills were not covered or recorded at the time of transfers between the 2011 Budget Appropriation Reserve in the last two months of 2011; and WHEREAS, N.J.S. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year:  
 NOW, THEREFORE, BE IT RESOLVED by the council of the Borough of Hamburg that the transfers in the amount of \$2000.00 made between the 2011 Budget Appropriation reserves as follows:

	<u>From</u>	
LEGAL O/E		\$ 2,000.00
	<u>To</u>	
ENGINEERING O/E		\$ 2,000.00

Motion by Councilman Sena, seconded by Councilman Kelly to adopt the resolution as offered.

**Roll Call:**

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena  
 Nays: None  
 Abstain: None  
 Absent: None

**ATTORNEY HOUR:**

1. Attorney Clemack stated that he has not heard back from labor attorney Mr. Mets regarding his response to the PBA's negotiation terms.

**EXECUTIVE SESSION RESOLUTION:**

Attorney Clemack offered the following resolution to enter into executive session later this evening. WHEREAS, the Mayor and Council of the Borough of Hamburg find it necessary to enter into executive session for the reasons hereafter cited:

1. Personnel – Employment Matters – Mike Schneider
- 2.
- 3.

WHEREAS, N.J.S.A. 10:14012(b) of the Open Public Meetings Act provided for matters of this nature to be discussed in closed session; and WHEREAS, the minutes of the closed session be taken and made available to the Public upon conclusion of the matter;  
 NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council advises the public that formal action may be taken later this evening on the matters discussed in closed session or on other matter.  
 Motion by Councilman Sena, seconded by Councilman Law to accept the resolution as offered. All in favor.

**ENGINEERING**

Mayor Marino stated that the sewer pipes by Fairview continue to have small breaks in them, which are very costly to the town. He also discussed the re-evaluation of the Borough, which is mandated by the County. The revaluation can be bonded over a five year period. A completion date of 2013 is anticipated.

**MAYOR'S AGENDA:**

1. Holiday Decorating Contest Winners

Mayor Marino announced the Holiday Decorating Contest Winners:

- 1<sup>st</sup> Prize – Esposito Family – 7 Glenside Avenue
- 2<sup>nd</sup> Prize – Fackrell Family – 14 Linwood Avenue
- 3<sup>rd</sup> Prize – Boyd Mackerley – 238 Rt. 23 South
- Best Overall Street – Glenside Avenue

As no one was in attendance, the certificates and prizes will be mailed to their homes.

**2. Read Across America Proclamation - A national day of celebration recognizing the 108<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss on March 2, 2012.**

Motion by Councilman Barr, seconded by Councilman Law to accept the resolution as offered. All in favor.

**3. Letter of intent to retire from Mr. Robert Convery effective April 2, 2012**

Motion by Councilman Barr, seconded by Councilman Law to accept the resignation letter of Mr. Convery with much luck in the future for Mr. Convery. All in favor.

**4. Subordination Agreement for Small Cities Loan– 61 Orchard Street.**

Motion by Councilman Law, seconded by Councilman Barr to accept the subordination agreement for 61 Orchard Street. All in favor.

**5. Police Director**

Mayor Marino stated that they are receiving resumes and will begin interviewing the applicants.

**COMMITTEE REPORT**

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

**Clarification regarding employee payroll confirmation.**

This will be discussed in Executive Session.

The Tax Collector’s report for December 2011 showed \$248,492.00 being collected.

The Tax Collector’s report for January 2012 showed \$489,074.78 being collected.

**2. POLICE COMMISSIONER**

Councilman Sena said that the police car from Winter Ford was still in transit but it should be here within one to two weeks and the lights will be installed then. It was confirmed that it will be a marked car.

Mayor Marino stated that Officer Aronson is the Officer in Charge as he was when Chief Wright was still here.

**3. BOARD OF HEALTH**

The Board of Health held their annual re-organization meeting on January 10, 2012. Linda Adams is the Chairwoman and Dr. Peter Karas is Vice-Chairman. Kurt Brockbrader is the new inspector for the Borough. Mosquito control issues were discussed; the abandoning of pools and how to deal with this issue and the mosquitos coming from them. A note will be included in the newsletter for the residents to become more aware of the situation. Councilman Sena discussed the odors coming from the water treatment plant and DEP must be dealt with them.

**COUNCILMAN KELLY:**

**3. BOARD OF PUBLIC WORKS**

At the recommendation of the BPW, Councilman Kelly presented employment contracts for Gerald Kastner for Water Superintendent for January 1, 2012 – December 31, 2012 at an annual salary of \$6,841.36; an employment contract for Gerald Kastner for Collection System Licensed Operator for January 1, 2012 – December 31, 2012 at a monthly salary of \$1,000.00; and an employment contract for Mike Schneider Assistant Chief Transmission

Operator and Plant Attendant for January 1, 2012 – December 31, 2012 at a monthly salary of \$500.00.  
 Motion by Councilman Kelly, seconded by Councilman Barr to accept these contracts as presented.  
 Councilman Krasnomowitz stated that two of these were monthly fees.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena  
 Nays: None  
 Abstain: None  
 Absent: None

Fire Pavilion Water Usage.

Councilman Kelly discussed the use of water at the Fireman’s Pavilion and giving a reduction of 50% of fees to the Fire Dept. since the Recreation Dept. and Road Dept. use it. The flows would still be monitored.  
 Motion by Councilman Kelly, seconded by Councilman Law for the town to pay half to cover 50% of the costs of the water of the Fireman’s Pavilion. All in favor.

**COUNCILWOMAN OEHLER:**

**2. RECREATION**

The Recreation Commission had their re-organization meeting on January 17<sup>th</sup>. Ryan Kelly continues on as Chairman with Lisa Abrahams as Vice-Chairwoman.  
 Councilwoman Oehler informed the Council that recreation would like to use the new fields to hold the summer recreation program. Mayor Marino saw no problem with it and there was no objection from any other Council person.

Hamburg Day is scheduled for Saturday, June 23<sup>rd</sup> with a rain date of Sunday, June 24<sup>th</sup>. More information will follow.

Councilwoman Oehler discussed the Senior Citizen Award that the Commission would like to give out this year and asked, since rec does now have a name, how the Council would like to proceed. Mayor Marino said that sometime in March or April would be fine.

**5. OEM /EMS LIASON**

Councilwoman Oehler stated that there were 351 calls for EMS for the 2011 year. January 2012 had 44 calls and February has already had 20 calls. She advised the council that due to new state mandates may up the cost of ambulances between \$20,000.00 and \$30,000.00. Councilman Krasnomowitz questioned why on new rigs as opposed to used ones. She also mentioned that they are no longer able to leave the rig unattended so it is really difficult at times if someone doesn’t show up for a 3-man crew. To leave the rig locked is not the best case scenario either as sometimes time matters in any given case. Councilman Krasnomowitz asked who would enforce this matter. Councilwoman Oehler replied that it would be the captain that would be responsible should anything happen to the rig.

**COUNCILMAN LAW:**

**1. FIRE COMMISSIONER - OEM**

Councilman Law stated that for November there 11 fire calls, for December – 12, and for January – 21. Councilman Law advised that the Fire Dept. made a change in their By-Laws which conflict with our ordinance. More will be discussed in the public portion.

**2. COURT**

Councilman Krasnomowitz informed the Council that a court officer was having surgery and would be out for approximately 2 ½ - 3 ½ months.

**3. RECYCLING AND SANITATION**

Councilman Law is waiting to hear back from Hardyston as to if they would do a shared services as our certified recycling coordinator. He also reached out to Sussex but to date has not heard from them either.

**COUNCILMAN KRASNOMOWITZ:**

**1. OFFICE ADMINISTRATION**

**Change in hours of office personnel and new hire update**

Councilman Krasnomowitz stated that the position of Land Use Board and Historic Commission Secretary will be advertised as a 2-day a week position. Melissa Morales who presently works here will be given an extra day and a salary of \$16.50.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to advertise the position and increase Melissa Morales to a 4-day work week and \$16.50 per hour.

Roll Call:

- Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
- Nays: None
- Abstain: None
- Absent: None

Councilman Krasnomowitz also addressed a letter from Melissa Morales, stating that she will be leaving for maternity leave on May 18<sup>th</sup>, which is 4 weeks prior to delivery, and will return 12 weeks after day of delivery.

**2. CONSTRUCTION DEPARTMENT**

Construction reports from November 1, 2011 through December 31, 2011

Councilmember Krasnomowitz advised that there were 21 permits issued, 1 certificate of occupancy, and 12 certificates of approvals with a total of \$3108.00 collected in fees for the month of November.

Councilman Krasnomowitz compared the total fees from November 2010 and November 2011 and as there was an increase in the fees was encouraged with the building growth.

Construction report for December 2011

Councilmember Krasnomowitz advised that there were 8 permits issued, 1 certificate of occupancy, and 18 certificates of approvals with a total of \$2284.00 collected in fees for the month of December.

**3. LAND USE BOARD**

The Council received a notice of resignation from Mary Jones Land Use Board and Historic Commission Secretary. Motion by Councilman Krasnomowitz, seconded by Councilman Barr to accept the resignation with regrets. All in favor. Councilman Barr added that that she did an amazing job with the Historic Commission and was very efficient. All in favor.

The Land Use Board had had their Re-organization meeting and Bob Adams is Chairman.

Councilman Krasnomowitz attended a meeting with Hardyston at the Littel Center to discuss a regional recreation department. He will be sending over an inventory of our fields to Bob Scholtz at Hardyston to see what they come back with as far as a proposal. This way we can utilize all fields through one person.

**4. INSURANCE**

Councilman Krasnomowitz will be attending a reorganization meeting this coming Wednesday and will give an update.

**COUNCILMAN BARR**

**1. BOARD OF EDUCATION**

Councilman Barr informed the Council that the school board voted to change the school election from April to the General Election in November. By doing it this way, the budget will not go to vote as long as it stays under the 2% cap. The money will not be able to be used until it is approved in November.

**2. ROAD DEPARTMENT**

Council discussed the memo from Mike Schneider regarding the pending retirement of Robert Convery but no action was taken at this time.

Mr. Schneider obtained prices on tractors and a back hoe, and Councilman Barr will sit down with him to discuss it.

Councilman Krasnomowitz asked about the electrical wire fire and the damage that was done to the road. He wondered who is responsible financially for the repair of the road.

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

Historical Commission had their Re-organization meeting and Tom Watts is chairman. Randall Cunningham will take over as chairman as soon as he feels more comfortable.

**PUBLIC PORTION:**

Motion by Councilwoman Oehler, seconded by Councilman Barr to open the meeting to the public for any questions or comments they might have with regard to the good and welfare with the Borough. All in favor.

Mike Schneider – Road Dept. Foreman- said he spoke to the power company about the road repair with the electrical fire and we have to fix it, at an approximate cost of \$200.-300.00.

Councilman Barr complimented Chief John Haig for the great job he did on scene.

Chief John Haig – discussed the change of the By-Laws regarding and the residency requirement and changing it to new members up to a 5 mile radius of the fire house. He spoke to other fire dept. chiefs and there were no objections from them. Council discussed the procedure that would need to be followed as this would involve an ordinance change. Councilman Law will meet with the fire dept. to discuss the wording.

Dawn O’Grady – Board of Education member – said that Louise Murphy, secretary at the Hamburg School, keeps a calendar of the use of the gym and fields. She also asked of the 51 EMS calls, how many were assisted by the Police. Councilwoman Oehler believed that 99.9 % of the calls the Police were on the scene first, but some of those calls were in Hardyston, with a Hamburg mailing address.

Motion by Councilman Krasnomowitz, seconded by Councilman Sena to close to the public. All in favor.

**EXECUTIVE SESSION RESOLUTION:**

Attorney Clemack offered the following resolution to enter into executive session later this evening.

WHEREAS, the Mayor and Council of the Borough of Hamburg find it necessary to enter into executive session for the reasons hereafter cited:

- 1. **Personnel – Employment Matters – Mike Schneider**
- 2.
- 3.

WHEREAS, N.J.S.A. 10:14012(b) of the Open Public Meetings Act provided for matters of this nature to be discussed in closed session; and

WHEREAS, the minutes of the closed session be taken and made available to the Public upon conclusion of the matter;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council advises the public that formal action may be taken later this evening on the matters discussed in closed session or on other matter.

Motion by Councilman Sena, seconded by Councilman Law to accept the resolution as offered. All in favor.

Motion by Councilman Barr, seconded by Councilwoman Oehler to enter into Executive Session at 8:20 PM. All in favor.

Motion by Councilman Law, seconded by Councilman Barr to return to the Regular Meeting. All in favor.

Mayor Marino stated that the applications for Police Director were in the Clerk's office for the Council to review.

**CORRESPONDENCE (Parenthesis indicate correspondence already copied and the date it was copied to Council).**

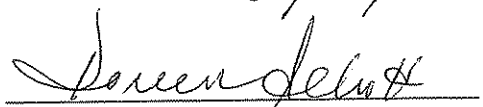
1. Correspondence from Franklin Borough regarding adopted resolution addressing safety concerns. ((1/4/12))
2. Correspondence regarding Declaration of environmental restrictions recertification Ames Rubber Corp. (1/4/12)
3. From SCMUA Sewage Treatment Services – Actual 2011 and Estimated – First quarter 2012. (1/4/12).
4. Newsletter – Rutgers Emphasis on 4 – H. (1/11/12)
5. Contact information from Elizabeth Town Gas. (1/11/12)
6. From NJBIA – information on the “New Good Neighbor Award” (1/11/12)
7. From Statewide Insurance 2012 Fund Year Coverage information (1/11/12)
8. Newsletter – National Wear Red Day (1/18/12)
9. Correspondence from Tax Assessor to County Tax Board : Hamburg Compliance Plan (1/19/12)
10. Correspondence from Tax Assessor update on pending tax appeals and Tax list value 2012. (1/19/12)
11. Mayors Advisory “Governor Pocket Veto Bills” (1/19/12)
12. Mayors Advisory “ Bills the Governor signed (1/19/12)
13. Email received advising of new law permitting the move of School Board Election (1/26/12)
14. Mayors Advisory – New content on DLGS Web Site (1/26/12).
15. Mayors Advisory – A-1338 extends the permit extension act of 2008 (2/2/12)
16. Resolution from Montague opposing Senate Bill 3148 Moving School Election (2/2/12)
17. Mayors Advisory – Guidance on moving the school board election to November (2/2/12)
18. From Sussex County to EMS and Fire Departments advising of cut in funding (2/2/12)
19. Notice of Bankruptcy Getty Petroleum (2/2/12)

**ADJOURNMENT**

Motion by Councilman Krasnomowitz, seconded by Councilman Barr, to adjourn the meeting. All in favor.

Date Approved: 3/5/12

Date Released: 3/5/12

  
 \_\_\_\_\_  
 Doreen Schott, RMC/  
 Municipal Clerk