

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON MAY 7, 2012 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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**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	Councilwoman Oehler
Councilman Krasnomowitz	Councilman Kelly
Councilman Law	Councilman Sena
Mayor Marino	

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".

**April 2, 2012 Regular Meeting Minutes**

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the April 2, 2012 Regular Meeting Minutes of the Mayor and Council. All in favor.

**April 2, 2012 – Executive Session Minutes**

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve the April 2, 2012 Executive Session Meeting Minutes of the Mayor and Council. All in favor.

**April 16, 2012 Meeting Minutes**

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the April 16, 2012 Meeting Minutes of the Mayor and Council.

Roll Call:

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

**APPROVAL OF BILLS:**

There are three additions to the bill list: Anderson Farms for \$31.98; Whitty Transmissions for \$1266.42; and Ultimate Auto for \$455.56. Motion by Councilman Kelly, seconded by Councilwoman Oehler to add these bills to the bill list. All in favor.

Motion by Councilman Barr, seconded by Councilman Law to open 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 Councilman Law to close to the public. All in favor.

Motion by Councilman Barr, seconded by Councilwoman Oehler to pay the bills as presented with additions.

Roll Call:

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

**ORDINANCES:**

**Ordinance #06-2012 – 2<sup>nd</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 209 – WATER -OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES.**

Motion by Councilman Kelly, seconded by Councilwoman Oehler for Attorney Clemack to read the ordinance by title for public hearing. All in favor.

**AN ORDINANCE AMENDING CHAPTER 209 – WATER -OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES.**

Motion by Councilman Kelly, seconded by Councilwoman Oehler 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 April 4, 2012 meeting and published as provided by law.

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

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

Roll Call:

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

**Ordinance #07-2012 – 2<sup>nd</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 164-SEWERS – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SEWER USER FEES.**

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly for Attorney Clemack to read the ordinance by title for public hearing. All in favor.

**AN ORDINANCE AMENDING CHAPTER 164-SEWERS – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SEWER USER FEES.**

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz 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 April 4, 2012 meeting and published as provided by law.

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

Motion by Councilman Law, seconded by Councilman Kelly to adopt the ordinance as presented.

Roll Call:

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

Mayor Marino stated that the Council felt there was a need to raise the water / sewer rates 5% now to do ongoing repairs. Raising it gradually is less of a burden on the taxpayers should there be a need to do repairs and eliminates the need to go out to bond if that should happen.

**RESOLUTIONS:**

None

**ATTORNEY HOUR:**

**1. Postponement of Mortgage**

Block 1, Lot 10 – 39 Orchard Street

Attorney Clemack stated that he reviewed the paperwork provided for the postponement of mortgage on Block 1, Lot 10, 39 Orchard Street and as such, feels that with the amounts submitted as per the assessor, it would be sufficient to cover the postponement of mortgage.

Motion by Councilman Barr, seconded by Councilman Kelly to approve said postponement of mortgage for Block 1, Lot 10 - 39 Orchard Street.

Roll Call:

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

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to recess for two minutes. All in favor.

Attorney Discussion

Motion by Councilman Barr, seconded by Councilman Kelly to return to the Regular Meeting at 7:50 PM. 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. **PBA – Memorandum of Agreement – Contract Negotiations**
2. **John Garcia – Orchard Street – Contract – Confidential Legal Advice**
3. **Personnel – Employment matters William Worden (Rice notice given)**
4. **Personnel – Court Administrator and Clerk (Rice notice given)**

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 Krasnomowitz, seconded by Councilwoman Oehler to accept the resolution as offered. All in favor.

**ENGINEERING:**

**1. 2012 Wheel Loader Backhoe**

On May 1, 2012, sealed bids were received for the 2012 Wheel Loader Backhoe. Borough Engineer John Ruschke recommended the Borough accept the bid and award the contract to Jesco, Inc. of South Plainfield, NJ in the amount of \$67,150.00 pending certification of available funds and approval of Borough Attorney.

Motion by Councilman Barr, seconded by Councilman Law to award the bid to Jesco, Inc. in the amount of \$67,150.00.

Roll Call:

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

**MAYOR’S AGENDA:**

**2. NJDOT-Municipal Aid Program**

Mayor Marino informed the Council that the town was notified that we did not received 2012 Municipal Aid and of course were disappointed with the news.

**3. Bid received– 2001 Ford Crown Victoria**

The low bid received for the 2001 Ford Crown Victoria was from Dan Dames in the amount of \$513.13. Motion by Councilman Barr, seconded by Councilwoman Oehler to accept. All in favor.

**4. Postponement of Mortgage – Discussed under Attorney**

Block 1, Lot 10 – 39 Orchard Street

**5. Mayor’s Conference**

Mayor Marino met with the DOT commissioner at the conference and discussed the Rt. 23 paving. He wanted to make James Simmons and Debbie Hirt of the DOT all aware of the situation that Hamburg is in with the replacement of drainage pipes along Rt. 23 and the paving. Mayor Marino was hopeful that by next month we would have some better news. He also spoke to Cindy Randazzo with regards to the cell towers on Gingerbread Castle Road and Bob Martin, the DEP Commissioner with regards to the Green Acres money.

There was also a lot of discussion about shared services and Mayor Marino stated that we do a lot with shared services.

Councilman Barr brought up correspondence C15-Resolution for Municipal Enlistment in the Military Initiative. Council would like to have more time for review and discussion so at this time will carry.

**COMMITTEE REPORT**

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

Motion by Councilman Sena, seconded by Councilman Kelly to accept the following resolutions: Resolution to redeem tax sale certificate #09-018, Block 22, Lot 28 in the amount of \$11,881.28; resolution to redeem tax sale certificate #09-014, Block 21, Lot 16 in the amount of \$68,208.71; resolution to redeem tax sale certificate #09-017, Block 22, Lot 27 in the amount of \$75,791.46; resolution to redeem tax sale certificate # 11-012, Block 25, Lot 19 (C0704) in the amount of \$2549.88; and resolution to redeem tax sale certificate #11-004, Block 17, Lot 18, (C0113), in the amount of \$1287.50.

Roll Call:

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

The Tax Collector’s report for March 2012 showed a total of \$201,068.31 being collected.

Councilman Sena had a list of phone numbers of which Finance is trying to match up to where they belong and asked for Council help as he passed the list around to all members.

Councilman Sena also informed the Council that a letter was sent to Senator Oroho, Assemblyman Chiusano and Assemblywoman McHose regarding the Rt. 23 water main project and the paving. Councilman Sena said they were also in agreement with our position on the repaving. Mr. Ruschke was now involved with correspondence and we are just waiting for feedback, hoping for it to be positive.

**2. POLICE COMMISSIONER**

Motion by Councilman Sena, seconded by Councilman Kelly to open to Director Yahm. All in favor.

Director Yahm gave the Monthly report for April 2012

The April 2012 monthly report for the Police Department showed 997 calls of service, including 174 investigative reports, 8 arrests, 12 motor vehicle accidents, and 47 motor vehicle summonses issued.

Director Yahm also stated that he and Officer McNulty went to Wallkill Valley High School to perform safety checks on the solar unit. He had a meeting with the president of SCCC for the intern program and portfolio presentation. The alarm check in the courthouse came out ok. Mr. Yahm stated that there will be no more idling of the patrol cars in the driveway in an attempt to cut down on the fuel. He also attended an evacuation drill of Accurate Forming and was very impressed. Mr. Yahm said that although it was a simple plan, it was efficient and worked well. Director Yahm attended the Hamburg Village Association meeting. They thanked him for attending and told him they noticed more police presence. Mayor Marino stated that he has heard residents say they've noticed more police presence on the streets. Director Yahm has instructed the officers to drive on every street at least twice during every shift.

Director Yahm talks about the Spillman Computer System. He stated that all officers plus the Administrative Assistant have received training on the system. It will take effect within the next few months and Hamburg is the only department in the county without it.

The town got involved with the Jr. Police program at their request, helping financially, and Mr. Yahm relayed to the Council that the parents were glad the town stepped in to help. He reiterated that the police – Officers Nichols and McNulty- run the program, the town supported it and he was there for the budget part of it only.

The new police vehicle is on the road but the radar equipment is not in yet.

With regards to the video cams, the purchase order went to the prosecutor's office, so hopefully by the end of May, beginning of June we will have ours.

Motion by Councilman Barr, seconded by Councilman Kelly to close to Director Yahm. All in favor.

Attorney Clemack offered the following resolution:

**#2012- 23**

**WHEREAS**, the Mayor and Council does acknowledge the need to become part of the Spillman System, a County Wide Information Share System that will be taking effect within the next few months within the county; and

**WHEREAS**, it is the recommendation of the Police Director to switch to the use of this program so the Officers in the Police Department are able to access vital Police related information from other police departments in the County.

**THEREFORE, BE IT RESOLVED**, the Mayor and Council hereby authorizes the use of the Spillman System as the County Wide Information System for the Hamburg Police Department; and

**THEREFORE, BE IT FURTHER RESOLVED**, the Mayor and Council hereby authorize the Police Director to implement the same.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to approve the resolution as offered by Attorney Clemack.

Roll Call:

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

**3. BOARD OF HEALTH**

Rachael Sweeny attended as a new member. Gencarelli's Pizza was reinspected and satisfactory. Doc's had a reinspection on April 26<sup>th</sup> and was given a two-week time frame to correct a few items. There was also a dog bite

and no rabies was found.

The next meeting will be held on July 10, 2012

**COUNCILMAN KELLY:**

**1. BUILDING AND GROUNDS**

Councilman Kelly commended Road Dept. Foreman Mike Schneider for the work that he has been doing at the rec fields and how good they look. He also had looked into getting information on soccer goals, but found out that Ogdensburg might have some goals so Councilman Kelly will get in touch with Bob Schultz for that information.

**COUNCILWOMAN OEHLER:**

**2. EMS**

There were 30 EMS calls for the month of April with 5 mutual aid calls.

A membership application for JoAnn McNulty was submitted for EMS. A background check showed a valid driver's license and no active wants or warrants. Motion by Councilwoman Oehler, seconded by Councilman Law to approve. All in favor.

Councilwoman Oehler informed the Council that Atlantic Ambulance in Vernon would like us to use them for our mutual aid calls. She stated they are a paid service and do insurance billing, then patient billing. Councilwoman Oehler also said that out of the 140 calls as of April 2012, EMS only missed 2. Mayor Marino said this would have to be a Council vote and would like to address this at the next Shared Services meeting with Hardyston/Franklin/Ogdensburg. He did not want to see our residents getting billed for a service provided by our volunteers.

**3. RECREATION**

Councilwoman Oehler advised that recreation supported the Jr. Police donation in the amount of \$1500.00. Summer rec will run at the pavilion from July 2<sup>nd</sup> -20<sup>th</sup>, exclusive of the July 4<sup>th</sup> holiday, from 9 AM – 12 Noon. The Miss Hamburg, Little Mr. / Miss Hamburg contests will be held at the Hamburg School on June 23<sup>rd</sup> at 1:30 PM. Hamburg Day was rescheduled to August 19<sup>th</sup> but that weekend is also the Fire Dept. road fund drive so it may have to be rescheduled again. Mayor Marino did not think it would be an issue as the FD was only thinking of having a hot dog cart at Hamburg Day so it will not take many members.

**COUNCILMAN LAW:**

**1. FIRE COMMISSIONER - OEM**

There were 15 Fire Dept. calls for the month, with a total of 71.5 man hours logged.

Councilman Law presented the Certification for Rescue Squad Contribution from the Sussex County Board of Chosen Freeholders in the amount of \$2,800.00 to receive financial assistance from the County of Sussex. Motion by Councilman Law, seconded by Councilwoman Oehler to accept the contribution in the amount of \$2800.00.

Mayor Marino stated that the money will go into the EMS account.  
All in favor.

On June 16<sup>th</sup>, Fairlawn will be celebrating their 100<sup>th</sup> Anniversary and has asked that Hamburg cover their department as they did for Hamburg when we held our anniversary. Councilman Law asked that the Fire Chief's car and one truck go to help cover the celebration on June 16<sup>th</sup> from 12 Noon – 6 PM. Mayor Marino asked what truck would be taken and was answered the Suphten.

Motion by Councilman Law, seconded by Councilwoman Oehler for the Fire Chief's car and one truck go to help cover the Fairlawn celebration on June 16<sup>th</sup> from approximately 10 AM – 8 PM. All in favor.

**3. RECYCLING AND SANITATION**

Councilman Law will be meeting with Reenee Casapulla on June 21<sup>st</sup> to finalize the recycling report.

**COUNCILMAN KRASNOMOWITZ:**

**2. CONSTRUCTION DEPARTMENT**

Construction reports from March 1, 2012 to March 31, 2012

Councilmember Krasnomowitz advised that there were 13 permits issued, 1 certificate of occupancy, and 12 certificates of approvals with a total of \$6006.00 collected in fees for the month of March.

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

**3. LAND USE BOARD**

The Land Use Board will be meeting on Monday, May 11<sup>th</sup> and Hamburg Village will be attending, hopefully resolving some outstanding drainage issues.

**COUNCILMAN BARR**

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

The Historic Society has chosen the Hamburg High School as the marker presentation for this year. It will be the 100 year anniversary of the building, as it was built in 1912.

The Historic Commission will be meeting in June.

**PUBLIC PORTION:**

Motion by Councilman Krasnomowitz, seconded by Councilman Law 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.

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

Motion by Councilwoman Oehler, seconded by Councilman Barr to enter into Executive Session at 8:40 PM. 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. **PBA – Memorandum of Agreement – Contract Negotiations**
2. **John Garcia – Orchard Street – Contract – Confidential Legal Advice**
3. **Personnel – Employment matters William Worden (Rice notice given)**
4. **Personnel – Court Administrator and Clerk (Rice notice given)**

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 Krasnomowitz, seconded by Councilwoman Oehler to accept the resolution as offered. All in favor.

Motion by Councilman Law, seconded by Councilwoman Oehler to enter into Executive Session at 8:40 PM. All in favor.

Discussion concerning PBA – Memorandum of Agreement – Contract Negotiations; John Garcia – Orchard

Street – Contract – Confidential Legal Advice; Personnel – Employment matters William Worden (Rice notice given); Personnel – Court Administrator and Clerk (Rice notice given).

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

PBA – Memorandum of Agreement Contract Negotiations: - Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to authorize the Mayor to execute the presented Memorandum of Agreement as prepared by the Hamburg Police Department. All issues pertaining to negotiations have been resolved. All members present in favor.

Personnel Employment Matters – William Worden – Motion by Councilman Barr, seconded by Councilwoman Oehler to hold a hearing as requested by attorney for employee on this case at the Monday June 18, 2012 Mayor and Council meeting at 7:30 p.m. with no extensions. All members present in favor.

Personnel – Court Administrator. Motion by Councilman Law, seconded by Councilman Kelly to increase the salary of the court administrator 10% for recognition of her attaining her accreditation effective June 1, 2012. All members present in favor.

Personnel – Clerk. Motion by Councilman Barr, seconded by Councilman Law to increase the salary of the clerk \$2500.00 for 4 years effective January 1, 2012. All members present in favor.

John Garcia – Orchard Street Contract – Confidential Legal Advice. Borough engineer has advised that John Garcia Construction has failed to complete the Orchard Street Project as specified regards in the Orchard Street Contract.

Whereas the Mayor and Council have determined that Garcia Construction is in default of their contract and authorize the engineer and attorney to contact the Performance Bond Carrier, demand compensation or compliance and to take such other legal action as deemed necessary. Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler . All members present in favor.

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

1. Legislative Bulletin March 2012 (4/3/12)
2. From Office of the Governor regarding pension and health benefit contribution savings (4/3/12)
3. News Release re: NJ Clean Air Council 2012 Public Hearing (4/10/12)
4. Ginnie’s House – Open House on April 18, 2012 (4/10/12)
5. 2012 Susan G. Komen North Jersey Race for the Cure – May 6, 2012 (4/10/12)
6. Resolution re: The Permit Extension Act (S-743 / A1338) (4/12/12)
7. From The Center For Prevention & Counseling - April is Alcohol Awareness Month and thanked Council for passing Ordinance (4/13/12)
8. From Sussex County – Resolution re: Opposition to Senate Bills 1451 and 1452 (4/17/12)
9. From Sussex County – Resolution re: Calling for the Restoration of Energy Taxes to Municipalities (4/17/12)
10. From Sussex County – Ordinance re: Making the provisions to Title 39 of parking and signage (4/17/12)
11. From DOT –Complete Streets Training Workshop (4/17/12)
12. Land Use Board Meeting Minutes March 12, 2012 (4/19/12)
13. From JCP&L re: meter being blocked by communication equipment (4/19/12)
14. Correspondence from Tax Assessor to Police Director (4/20/12)
15. Resolution for Municipal Enlistment in the Military Initiative (5/1/12)
16. To Senator Oroho, Assembly(women) Chiusano and McHose – Rt. 23 Water Main Replacement Project (5/1/12)
17. Notice of Adjournment and New Notice of Motion Date for Estate of Joseph Lavish (5/1/12)

**ADJOURNMENT**

Motion by Councilman Barr, seconded by Councilwoman Oehler to adjourn the meeting at 9:35 PM. All in



favor.

Date Approved: \_\_\_\_\_

Date Released: \_\_\_\_\_

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Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett