

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JULY 2, 2012 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ

CALL TO ORDER:

Council President Councilman Kelly called the meeting to order at 7:30 p.m. and opened with a flag salute.

ROLL CALL:

Councilman Kelly requested a roll call:

Councilwoman Oehler Councilman Krasnomowitz

Councilman Kelly Councilman Law

Absent: Councilman Barr, 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".

June 4, 2012 Regular Meeting Minutes

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

June 18, 2012 – Executive Session Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the June 18, 2012 Executive Session 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 Law, seconded by Councilwoman Oehler to open to the public with regards to the bill list only. All in favor.

Hearing no comments from the public, motion by Councilman Law, seconded by Councilwoman Oehler to close to the public.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve and pay the bill list as presented.

Roll Call:

Ayes: Kelly, Krasnomowitz, Law, Oehler

Nays: None

Abstain: None

Absent: Barr, Sena

ORDINANCES:

Ordinance # 08- 2012 – 2ND Reading

CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A 2012 JOHN DEERE BACKHOE IN THE BOROUGH BY THE BOROUGH OF HAMBURG, IN THE COUNTY OF SUSEX, NJ APPROPRIATING \$40,000.00 THEREFORE FROM THE CAPITAL IMPROVEMENT

FUND AND \$27,150 FROM THE WATER SEWER OPERATING ACCOUNT

A motion is in order 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. This ordinance was introduced on first reading at the June 4, 2012 meeting and published as provided by law.

Motion by Councilman Kelly, seconded by Councilman Law to table this Ordinance. All in favor.

Ordinance # 09 – 2012- 1st Reading

AN ORDINANCE TO AMEND CHAPTER 183-STREETS AND SIDEWALKS –OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE CONSTRUCTION, PLACEMENT OR ERECTION OF DEVICES, STRUCTURES OR EQUIPMENT FOR RECREATIONAL ACTIVITIES ON PUBLIC STREETS.

Attorney Clemack will read the Ordinance by title for first reading and publication.

AN ORDINANCE TO AMEND CHAPTER 183-STREETS AND SIDEWALKS –OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE CONSTRUCTION, PLACEMENT OR ERECTION OF DEVICES, STRUCTURES OR EQUIPMENT FOR RECREATIONAL ACTIVITIES ON PUBLIC STREETS.

A motion is in order to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for August 6, 2012.

Motion by Councilman Law, seconded by Councilwoman Oehler to table this Ordinance. All in favor.

RESOLUTIONS:

None

ATTORNEY HOUR:

1. Correspondence was received from the Tax Assessor requesting information on Block 7, Lots 18 & 19 (Main Street). Attorney Clemack stated that the ownership is vague; it is the dry cleaners’ property from many years ago. Councilman Law asked what would be involved and Attorney Clemack said that we would begin with hiring title searchers.

After a brief discussion, motion by Councilman Law, seconded by Councilwoman Oehler to table this until the August meeting. 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. William Worden Personal Matter

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 Councilman Law to accept the resolution as offered. All in favor.

ENGINEERING:

1. Orchard Street Paving

Borough Engineer John Ruschke said that the contractor is working on the punch list items. The contractor has been very difficult to work with and Mr. Ruschke stated that a substantial amount of money has been held until some of the issues have been resolved. There have been 6-7 homeowner complaints recently. The

contractor has not yet been paid approximately \$70,000.00 as recommended by the engineer due to the outstanding issues.

2. 2011 Road Project

Mr. Ruschke said that the work has started on the project; notices to residents have gone out; milling will begin on Monday, the 9th, with paving on Tuesday and Wednesday, weather permitting.

3. Rt. 23 Water Main

A letter from the DOT was received on June 29th stating that there would not be a waiver on the paving of the Rt. 23 project as requested and hoped for by The Borough. Mr. Ruschke did say that we could pull the water main out of the road and put it in the sidewalk and then just replace the sidewalk. We would have two service connections to contend with, along with the gas lines and sanitary lines to watch for. Councilman Krasnomowitz asked about the cost and Mr. Ruschke said the costs would be similar. Councilman Kelly asked that the engineer work up some cost comparisons and any draw backs to doing the project this way.

MAYOR’S AGENDA: *No report given due to absence*

COMMITTEE REPORT

COUNCILMAN SENA *Councilman Kelly reported*

1. FINANCE / TAX DEPARTMENT

- 2. The Tax Collector’s report for April 2012 showed a total of \$705,246.83 being collected and for May 2012 showed a total of \$1,793,259.09.

3. POLICE COMMISSIONER

Motion by Councilman Law, seconded by Councilman Krasnomowitz to open the meeting to Police Director Wayne Yahm. All in favor.

Monthly report for June

The June 2012 monthly report for the Police Department showed 933 calls of service, including 169 investigative reports, 9 arrests, 21 motor vehicle accidents, and 69 motor vehicle summonses issued.

Director Yahm informed the Council that the Alco-test is now running efficiently and the video cameras are in the cars. The bicycle program is going smoothly with the bikes on the road, just in time for Hamburg Day. The Jr. Police ceremony went very smoothly also.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to close to the Police Director. All in favor.

4. BOARD OF HEALTH

The next meeting will be held on Tuesday, July 10, 2012.

COUNCILMAN KELLY:

1. BUILDING AND GROUNDS

Councilman Kelly presented the Street Sweeping Agreement for the Borough of Hamburg and Township of Hardyston.

Motion by Councilman Kelly, seconded by Councilman Law to accept as presented. All in favor.

COUNCILWOMAN OEHLER:

2. EMS

There were 19 EMS calls for the month with a total of 56 man hours logged. Councilwoman Oehler discussed a situation in which two EMTs put in an application in May and the approvals have not come

through yet. She stated the fingerprinting is taking way too long and these EMTs, who could have covered our town during the daytime hours, have gone to another town. Councilwoman Oehler said she was told the criminal history will give the same results as the fingerprinting.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to open to the Police Director. All in favor.

The Police Director stated that the town requires fingerprinting. It is the one of few methods used where information cannot be compromised; you cannot change your fingerprints. Anyone can obtain someone's identity by fake ID. The applicant can have the police do a CCH check pending the results of the fingerprinting. If the applicant is cleared by the police department they can run with the EMS as a member pending the fingerprint results. Director Yahm will check on this further to see if anything else could be done to hasten the process.

Motion by Councilman Law, seconded by Councilwoman Oehler to close to the Director. All in favor.

3. RECREATION

Councilwoman Oehler announced that Marissa DeOliveria is Miss Hamburg, Nevaeh Kipp is Little Miss Hamburg, and William Hasbrouck is Little Mr. Hamburg. Hamburg Day is set for August 19th. Tables and chairs and a tent have been ordered along with a bounce house; activities and games scheduled and vendors will be in attendance. Councilwoman Oehler asked about getting benches for the pavilion there and Councilman Kelly directed her to speak to the Road Dept. Foreman.

COUNCILMAN LAW:

1. FIRE COMMISSIONER - OEM

Councilman Law stated that there were 16 fire calls with a total of 152.73 man hours logged.

2. COURT

Councilman Law gave an update on the court, stating that it is running much more efficient and is not overloaded since adding the extra day, adding also that it was a good decision to do so.

3. RECYCLING AND SANITATION

The recycling report has been submitted and Councilman Law sees no reason why it will not be accepted by the State.

COUNCILMAN KRASNOMOWITZ

2. CONSTRUCTION DEPARTMENT

Construction report for May 2012

Councilmember Krasnomowitz advised that there were 14 permits issued, 1 certificate of occupancy, and 5 certificates of approvals with a total of \$1407.00 collected in fees for the month of May.

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

3. LAND USE BOARD

There will not be a meeting this month as there is no activity.

COUNCILMAN BARR

No report given due to absence

1. BOARD OF EDUCATION

2. ROAD DEPARTMENT

3. HISTORIC COMMISSION / HISTORIC SOCIETY

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.

Tom Dondero – Orchard Street – had some complaints and issues about the work that was done on Orchard Street and stated that when it rains, there is always water in his basement. Mr. Ruschke said that he would meet with him after the meeting.

Motion by Councilman Law, seconded by Councilman Krasnomowitz 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:

2. William Worden Personal Matter

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 Councilman Law to accept the resolution as offered. All in favor.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to enter into Executive Session at 8:05 PM. All in favor.

Discussion concerning William Worden Personal Matter.

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

RESOLUTION OF THE MAYOR AND COUNCIL
BOROUGH OF HAMBURG

Termination of Employment
#2012-29

WHEREAS, Mr. William Worden, having stated a claim for workers compensation for injury sustained on or about February 11, 2011 and Mr. Worden having been out of work from that date;

WHEREAS, Mr. Worden having requested to return to work in a limited capacity; the limited capacity as described in certifications submitted by his attorney; and Mr. Worden having testified as to his medical condition and ability to work; and the mayor and council having considered his testimony, the certifications submitted along with the medical reports contained therein; and

NOW THEREFORE, the Mayor and council makes the following findings:

1. The full time DPW staff consists of 3 full time persons. It has been a 2 person full time staff during his absence.
2. The job of DPW as recognized and known by the Mayor and Council is very extensive and includes hard and strenuous labor, including lifting heavy objects, digging, carrying. In sum very strenuous work. Mr. Worden by his own admission cannot perform those duties. The tasks that Mr. Worden proposes to perform would require the establishment of a new full time position.
3. The tasks that Mr. Worden would do as proposed would not cover a significant amount of time. Some of the tasks proposed by Mr. Worden such as putting out cones for traffic would incur a very limited amount of time and would not require a new full time position as these tasks would be ancillary to what full time employees do.
4. This is a very difficult decision on the part of the Mayor and Council as Mr. Worden has been a long time employee of the Borough.

NOW, THEREFORE BE IT RESOLVED, based upon the determinations and findings as set forth above, it is hereby determined that Mr. Worden is unable to perform the duties required of a full time DPW employee and his employment with the Borough of Hamburg is hereby terminated immediately and Mr. Worden and his attorney shall be advised of this decision.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Hamburg at the July 2, 2012 Regular Meeting

Doreen Schott, RMC
Municipal Clerk

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law to adopt the resolution as presented.

Roll Call

Ayes	Krasnomowitz, Law, Oehler, Kelly
Nayes	None
Abstain	None
Absent	Barr, Sena

Councilmember Law states that this was an extremely difficult decision for the council to make. Mr. Worden was an employee for the borough for a long time; this decision was not made in haste but with a very heavy heart.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept William Berger as an EMT, to run as an EMT with the EMS Dept. pending the return of the fingerprinting results. Should the results show any negative implications, Mr. Berger will be immediately revoked from the EMS Dept. All in favor.

CORRESPONDENCE (Parenthesis indicate correspondence already copied and the date it was

copied to Council).

1. From NJ Courts, notice of annual visit to Court Administrator’s office (6/12/2012)
2. NJLM 97th Annual Conference Reservation Form (6/12/2012)
3. Legislative Bulletin – May 2012 (6/12/2012)
4. Mayors Advisory – COAH issues (6/12/2012)
5. Mayors Advisory – Funding restoration state budget deadline (6/12/2012)
6. Notice of substance discharge – Diesel Fuel spill Vernon Avenue (6/12/2012)
7. Notice of substance discharge – Report same as above (6/12/2012)
8. From State of NJ “Recycling at Outdoor Venues” (6/12/2012)
9. From Hardyston Twp. Notice of amended preliminary Site Plan. (6/12/2012)
10. Sussex County Notice of presentation to Frankford Township Land Use board. (6/12/2012)
11. NJLM – “the Making of Nation’s Laws” (6/26/12)
12. NJLM – 15th Annual elected Officials Hall of Fame (6/26/12)

ADJOURNMENT

Motion by Councilwoman Oehler, seconded by Councilman Law to adjourn the meeting. All in favor.

Date Approved: _____

Date Released: _____

 Doreen Schott, RMC
 Municipal Clerk

Submitted by Kathy Garrett