

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HAMBURG HELD ON OCTOBER 1, 2012 AT THE MUNICIPAL BUILDING,  
16 WALLKILL AVE., HAMBURG, NJ**

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**CALL TO ORDER:**

In accordance with the Open Public Meetings Act, with regards to notices, the regularly scheduled Meeting of the Hamburg Mayor and Council was called to order at 7:30 p.m., October 1, 2012 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".

**September 6, 2012 Regular Meeting Minutes - Motion to Approve**

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to approve the September 6, 2012 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

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

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Kelly, 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 Kelly, seconded by Councilwoman Oehler to close to the public. All in favor.

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve and pay the bill list as presented.

Roll Call:

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

**ORDINANCES:**

None

**RESOLUTIONS:**

**No. 2012-32 – Municipal Aid 2013 Grant (Prospect, Fern, Glenside, Woodland & King Cole Rd)**

Mayor Marino stated that a Municipal Aid 2013 Grant will be submitted to the NJ DOT for the improvements to the above roads.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve Resolution 2012-32 – Municipal Aid 2013 Grant. All in favor.

**No. 2012-33 – Wal-Mart Community Account Card**

Mayor Marino informed the Council that the Recreation Committee ran short on funds if a few events were going on at the same time. This resolution would increase the amount of funds on the Wal-Mart Card so that the money would be there should the committee need it to be.

Motion by Councilman Law, seconded by Councilman Kelly to approve Resolution 2012-33 –Wal-Mart Community Account Card. All in favor.

**No. 2012-34 Drive Sober or Get Pulled Over**

Mayor Marino stated that the Borough received a grant for \$2921.24 for the Drive Sober or Get Pulled Over program.

Motion by Councilman Barr, seconded by Councilman Law to accept Resolution 2012-34 – Drive Sober or Get Pulled Over. All in favor.

**No. 2012-35 January 11 as Human Trafficking Awareness Day**

Mayor Marino discussed a resolution for Human Trafficking Awareness Day on January 11 of each year and would like to see the council endorse.

Motion by Councilman Law, seconded by Councilman Kelly to support Resolution 2012-35. All in favor.

**ATTORNEY HOUR:**

1.

**EXECUTIVE SESSION RESOLUTION:**

Attorney Clemack will offer 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.

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.

**No Executive Session**

**ENGINEERING:**

**1. 2011 Road Resurfacing Project – Payment Application #1 - \$161,970.55**

The payment application #1 in the amount of \$161,970.55 for the 2011 Road Resurfacing Project has been approved on the bill list.

**2. Orchard Street Drainage Improvements – Payment Application #3 - \$88,281.60**

10/01/2012

Mr. Ron Piccolo of Hatch Mott MacDonald stated that he saw the street before the meeting and was pleased with the results. John Garcia was the contractor. There were two change orders and after discussion, Attorney Clemack offered the following resolution:

**RESOLUTION #2012- 36**

~~WHEREAS, the change orders for the Orchard Street Drainage Improvements result in a credit, and  
 WHEREAS, change order #1 specifically is the "as built" VS the bid quantity in the amount of a negative (-) \$22,423.91, and  
 WHEREAS, change order #2 specifically is the asphalt adjustment for an increase in the amount of \$7310.00, and  
 WHEREAS, it being understood that they both result of the net reduction in the overall contract of \$15,113.91.  
 NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council do approve the change order resulting in a credit for Garcia Construction for the Orchard Street Drainage Improvements.~~

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to accept the resolution as offered. All in favor.

**3. Rt. 23 Water Main Replacement**

Mr. Piccolo stated that the bid opening is slated for October 3<sup>rd</sup> at 10 AM. There is the base bid plus 2 supplemental bids for the extensions and service connections. He stated that the project could be finished with the money that we're bonding for the \$150,000.00. Mayor Marino said that, in speaking with Mr. Ruschke, we need to spend a bit more money and finish this project as we probably will not be working on the well this year and could use the money for this project and complete this. Councilman Krasnomowitz clarified about the original plan of taking the water main into the road and was answered yes. Councilman Kelly asked if there was enough time with the asphalt plants as most shut down around November 15<sup>th</sup>. Councilman Barr said that depended upon the weather. The base coat would be down. More discussion will take place at the October 15<sup>th</sup> meeting.

**4. Bank Street Paving**

The Council discussed paving Bank Street at a cost of approximately \$35,000.00 and going through the co-op for the paving. Finance will be consulted as some of the funds will come from monies that are left over from current projects. ~~Mr. Piccolo will get clarification on this.~~

**5. Hamburg Village Drainage Work**

Councilman Krasnomowitz stated that Hamburg Village has the approval for drainage work by the Land Use Board, which should have been done by now, but they have not started it yet. Councilman Krasnomowitz said he spoke with Mr. Ruschke two weeks ago and he was going to check on when that work was going to start. The Zoning Officer was going to be asked for input also to help resolve the situation.

**MAYOR'S AGENDA:**

**1. "Enough Abuse" media awareness campaign**

Mayor Marino stated that the Borough received a request to be included in the Sussex / Warren partnership to prevent child sexual abuse. Councilman Krasnomowitz asked if this is something that costs us money and was answered it did not. Borough Clerk Doreen Schott stated that the partnership sent flyers for posting. Motion by Councilman Barr, seconded by Councilman Law to be included in the Sussex / Warren partnership to prevent child sexual abuse. All in favor.

**2. Crossing Guard Appointment**

Mayor Marino presented to the Council a request from Director Yahm to approve the application of Raymond Natoli to be appointed as a Crossing Guard Sub. A background check has been completed and Mr. Natoli meets all the requirements for this appointment.

Motion by Councilman Law, seconded by Councilman Kelly to approve the appointment of Mr. Raymond Natoli as a Crossing Guard Substitute. All in favor.

**3. Recreation Commission Appointment**

Mayor Marino presented to the Council a request to appoint Ms. JoAnn McNulty to the Recreation Commission. ~~Motion by Councilman Barr, seconded by Councilman Law to accept the appointment of Ms. JoAnn McNulty to the Recreation Commission. All in favor.~~

**4. Police**

Mayor Marino stated that he had a meeting with Director Yahm with regards to the hiring of new Police Officers. There were over 80 applicants, in which Director Yahm narrowed it down to between 3-6, and then down to two that he is recommending to the Mayor and Council. They will be coming before the Council at the October 15<sup>th</sup> meeting.

Mayor Marino stated that the Council needs to rescind the application of Special Officer Kevin Kiel based on the recommendation of Director Yahm after following through with a background check.

Motion by Councilman Barr, seconded by Councilwoman Oehler.

Councilman Law questioned why.

Mayor Marino advised it was due to an issue in the background check. Councilman Law asked if he could still be a court officer. Mayor Marino advised that he was not sure, but he could speak to Director Yahm about that. Attorney Clemack offered the following resolution:

**RESOLUTION #2012- 37**

**WHEREAS**, Kevin Kiel was hired as a Special Officer for the Borough of Hamburg, and

**WHEREAS**, based upon the recommendation of Police Director Yahm, the appointment of Special Police Officer Kevin Kiel should be rescinded.

**NOW, THEREFORE, BE IT RESOLVED**, The Mayor and Council hereby revoke and rescind the appointment of Special Police Officer Kevin Kiel effective immediately.

Roll Call:

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

**5. Air Gas**

Mayor Marino received a letter from Mr. Bob O’Conner about a complaint about Air Gas. Mayor Marino stated that he is working with Mr. Sid Crum, the Zoning Officer, to resolve the problem.

**COMMITTEE REPORT**

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

- 2. The Tax Collector’s report for August 2012 showed a total of \$1,878,527.60 being collected.

Councilman Sena presented a Resolution to redeem third party tax sale certificate #11-006 in the amount of \$1955.65; and Resolution to redeem third party tax sale certificate #12-004 in the amount of \$309.06. Motion by Councilman Sena, seconded by Councilman Kelly to accept these resolutions as presented. All in favor.

**3. POLICE COMMISSIONER**

Monthly report September

The September 2012 monthly report for the Police Department showed 805 calls of service, including 135 investigative reports, 11 arrests, 12 motor vehicle accidents, and 79 motor vehicle summonses issued.

**4. BOARD OF HEALTH**

The next meeting will be held on October 9, 2012.

**COUNCILMAN KELLY:** *No Updates to Report*

**COUNCILWOMAN OEHLER:**

**2. EMS**

Councilwoman Oehler stated that there were 41 EMS calls for the month.

She said they are looking for a 4 wheel drive ambulance but are having trouble finding that on an ambulance.

Councilman Barr suggested trying the co-op, and also contacting the State for grant money for the purchase of the ambulance.

**3. RECREATION**

Councilwoman Oehler once again said that Hamburg Day was a great success at the new fields. She also added that Paula Marino had given to her a list of suggestions, some of which included electricity other than inside the kitchen area, a refrigerator, bathroom signs, and fixing the locks on the bathroom doors.

The Rec Commission will be sponsoring a "Trunk of Treat" for Halloween on October 28<sup>th</sup> from 1 PM – 3 PM at the recreation fields. Breakfast with Santa will be held on December 15<sup>th</sup> from 9 AM – 11:30 AM at the Fire Dept. meeting room. They will also be holding two Wellness Clinics for the public – the 1<sup>st</sup> on November 7<sup>th</sup> entitled "How to Know if Your Children Are on Drugs and How You Can Help Them" and – the 2<sup>nd</sup> on December 5<sup>th</sup> entitled "The 5 Secrets to Stress Management". This is in conjunction with a national non-profit group, with Dr. Tackas, DC in Lafayette giving the presentation.

Councilwoman Oehler also informed the Council that the Rec Commission approved up to \$1200.00 for banners to be placed on the telephone poles around the municipal complex. These will not be lit, so the light company will not be involved.

**COUNCILMAN LAW:**

**1. FIRE COMMISSIONER - OEM**

Copy of Special Permit for Social Affairs for Fire Dept.

Councilman Law informed the Council that this Special Permit for Social Affairs is for the Make A Wish Foundation to be held on October 21<sup>st</sup> from 12 PM – 6 PM at the Pavilion.

Motion by Councilman Law, seconded by Councilman Barr to approve said permit.

**DISCUSSION**

Councilman Kelly questioned #14, why the proceeds would be going to the Hamburg Fire Dept. general fund if it were to benefit the Make A Wish Foundation. Councilman Barr and Mayor Marino stated for accounting purposes, the money is deposited into the fire dept. account and then a check is written out of that account. The Fire Dept. is only making money on the concession.

All in favor.

**2. COURT**

Councilman Law relayed that everything is running smoothly in Court.

**3. RECYCLING AND SANITATION**

Councilman Law and Marguerite Nemeth, our new recycling coordinator, attended a class together for recycling, and Councilman Law said that Ms. Nemeth will be a great benefit in taking over the program. She will be holding people / businesses accountable for recycling and therefore, this will bring revenue in for Hamburg.

On October 14<sup>th</sup> Councilman Law will be going out with Mrs. Smalley and her 8<sup>th</sup> grade class to do the clean-up on a certain area of town. This will be held from 8:30 AM – 11:30 AM, followed by a pizza party. Councilman

Law extended an invitation of help to all.

**COUNCILMAN KRASNOMOWITZ:**

**2. CONSTRUCTION DEPARTMENT**

Construction report for August 2012

~~Council member Krasnomowitz advised that there were 10 permits issued, 0 certificates of occupancy, and 6 certificates of approvals with a total of \$4479.00 collected in fees for the month of August.~~

**3. LAND USE BOARD**

~~A Land Use Meeting will be held on October 8<sup>th</sup>. There is an application for a final site plan approval for the Delta gas station and an extension for the Paradise Pools project.~~

~~Councilman Law brought to the attention of Councilman Krasnomowitz the fence around the pavilion near the site of the gas station. He was not sure if the issue has been resolved yet and will check at the meeting on Thursday with the Fire Dept. Mayor Marino said there was also an issue with the drainage. They will check with the Fire Dept.~~

**4. INSURANCE**

Insurance Survey – Needs Assessment

Councilman Krasnomowitz stated that the department heads had a list of classes that the insurance company offered to benefit the employee. He urged everyone to take advantage of this offer. The response date is by October 8<sup>th</sup>.

**COUNCILMAN BARR**

Golf Outing Donation of \$100.00 to the Hamburg Fire Department

Councilman Barr said that at last month's meeting he spoke of the Fire Departments' golf outing but neglected to ask for the \$100.00 contribution for the hole sponsorship from the Mayor and Council as they have given in past years.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to give \$100.00 for the golf outing of the Fire Department. All in favor.

~~Dedication Monument for the Recreation Fields~~

~~Councilman Barr would like to put up a flag pole with a plaque attached to a rock thanking the Mayor and Council for the park and the construction. He presents a rendering of an idea he has to the Council and would like to do this in the spring. The Council thought it was a wonderful idea.~~

**1. BOARD OF EDUCATION**

The Board of Education received a favorable audit by Nisivoccia & Company. The Hamburg School brought up renewing the contract of Bill Sabo, business administrator, for a 5 year contract. The school pays the Franklin School a shared service of \$79,000.00 a year for Bill Sabo, which is still a significant savings for our school and he had done a great job since being hired. The Board of Education is very pleased him.

**2. ROAD DEPARTMENT**

Main Street stripping has been completed. The restored street signs are starting to go up around town.

**PUBLIC PORTION:**

Motion by Councilman Barr, seconded by Councilwoman Oehler 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.

Ron Garrett – Fire Dept. member – informed the Council that Hamburg Fire Department is doing the concession for the Make A Wish Foundation and providing them with the use of the pavilion. This is the first time Hamburg

Fire Department is sponsoring the event. In the past other towns have held the affair. Councilman Kelly asked if the other towns had problems in the past. Mr. Garrett advised that there are a large number of motorcycles involved and the previous cost charged for the use of the pavilion was a factor.

Mr. Garrett also brought to the Council's attention #11 under correspondence (Notice of Violation from Fire Official for FD and EMS building), and informed them that they have been already taken care of, including that ~~the violation of the smoke detector in the kitchen was due to someone taking the battery out of it.~~

Councilman Krasnomowitz asked Road Dept. Foreman Mike Schneider if the pavement on Orchard Street would have to be cut in order to do the repair for the water leak and Mr. Schneider replied yes. He also said that the department would be shutting down the road for the day.

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

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

1. Resolution from Andover regarding "cooling off" period (9/14/12)
2. Information on the United Way Municipal Housing Trust funds – COAH (9/14/12)
3. Mayors Advisory – funds available for Hep B Inoculation (9/14/12)
4. Notice "Fred Stickel Memorial Award" (9/4/12)
5. News Release from Governor regarding mosquitoes (9/4/12)
6. Getty Petroleum – Chapter 11 (9/14/12)
7. T Mobile – Business solution products
8. C
9. Historic Preservation Minutes April 25, 2012 (9/17/12)
10. Inspection Certificates from Fire Official for Borough Hall, Police, Court and DPW (9/20/12)
11. Notice of Violation from Fire Official for FD and EMS building (9/20/12)
12. From State of NJ list of added contracts to assist in purchasing. (9/20/12)
13. Mayors Advisory – NJDEP exemption for Hurricane Irene (9/26/12)

**ADJOURNMENT**

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to adjourn the meeting at 8:22 PM.

All in favor.

Date Approved: 11/5/12

Date Released: 11/5/12



Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett