MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON APRIL 1, 2013 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

Councilman Sena

Councilwoman Oehler

Councilman Garrett

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, 2013 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".

March 4, 2013 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the March 4, 2013 Regular Meeting Minutes of the Mayor and Council. All in favor.

March 4, 2013 Executive Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the March 4, 2013 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 Councilwoman Oehler, seconded by Councilman Garrett 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 Garrett, seconded by Councilwoman Oehler to close to the public. All in favor.

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

Roll Call:

Ayes:

Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent:

None

2012 MUNICIPAL AUDIT

Synopsis of Audit has been published as required by law- Certification of be signed by Governing Body. Motion by Councilman Barr, seconded by Councilman Law to open the meeting to CFO Amy Maronpot. All in favor.

Mayor Marino stated that there were certain issues on the audit for recommendation of the Corrective Action Plan: Ms. Maronpot stated that there are three listed: Segregation of duties—limited office personnel—due to it being such a small office; Accounting—a complete appraisal, which would cost a lot of money to do so; and Zoning—which is now Interlocal.

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

Motion by Councilman Garrett, seconded by Councilwoman Oehler to adopt the Resolution for certification of annual audit.

Roll Call:

Ayes:

Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain: Absent:

None None

ORDINANCES:

Ordinance # 05-2013 – 2st Reading

AN ORDINANCE AMENDING CHAPTER 209-WATER OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, NEW JERSEY TO ELIMINATE REGULATIONS GOVERNING THE USE OF GREASE INTERCEPTORS; ELIMINATE REGULATIONS PERTAINING TO RESERVATION OF GALLONAGE; AND TO PROVIDE REGULATIONS PERTAINING TO LATE PAYMENTS, OWNER'S COSTS FOR DAMAGE TO METERS, AND OTHER MODIFICATIONS.

Motion by Councilman Barr, seconded by Councilman Law for Attorney Clemack to read the Ordinance by title. All in favor.

AN ORDINANCE AMENDING CHAPTER 209-WATER OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, NEW JERSEY TO ELIMINATE REGULATIONS GOVERNING THE USE OF GREASE INTERCEPTORS; ELIMINATE REGULATIONS PERTAINING TO RESERVATION OF GALLONAGE; AND TO PROVIDE REGULATIONS PERTAINING TO LATE PAYMENTS, OWNER'S COSTS FOR DAMAGE TO METERS, AND OTHER MODIFICATIONS. Motion by Councilman Barr, 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 March 4, 2013 meeting and published as provided by law.

PUBLIC HEARING

Mayor Marino stated that revisions / updates were done on the ordinances by the Board of Public Works and submitted to the Council.

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 adopt the Ordinance as presented. Roll Call:

Ayes:

Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent:

None

Ordinance #06-2013 - 2nd Reading

AN ORDINANCE AMENDING CHAPTER 164-SEWERS-OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND ELIMINATING CERTAIN REGULATIONS.

Motion by Councilman Law, seconded by Councilman Barr for Attorney Clemack to read the Ordinance by title. All in favor.

AN ORDINANCE AMENDING CHAPTER 164-SEWERS-OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING AND ELIMINATING CERTAIN REGULATIONS.

Motion by Councilman Barr, seconded by Councilman Garrett 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 March 4, 2013 meeting and published as provided by law.

PUBLIC HEARING

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 Councilwoman Oehler to adopt the Ordinance as offered.

Roll Call:

Ayes:

Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent: None

Ordinance #07-2013 - 2st Reading

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR OF THE BOROUGH OF HAMBURG, IN THE COUNTY OF SUSSEX, NEW JERSEY

Motion by Councilman Law, seconded by Councilman Barr for Attorney Clemack to read the Ordinance by title. All in favor.

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR OF THE BOROUGH OF HAMBURG, IN THE COUNTY OF SUSSEX, NEW JERSEY

Motion by Councilman Garrett, 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 March 4, 2013 meeting and published as provided by law.

PUBLIC HEARING

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

Motion by Councilman Barr, seconded by Councilman Law to adopt the Ordinance as presented. Mayor Marino stated that this was the appropriation of money for the revaluation.

Mayor Marmo stated that this was the appro

Roll Call:

Ayes:

Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent:

None

RESOLUTIONS:

Resolution # 2013-13 - Law Soft Computer Software

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept Resolution #2013-13 as offered. DISCUSSION

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

Councilman Garrett asked Director Yahm about the Spillman Program, the Sherriff's Dept. staying with it, and if it would interact with the Law – Soft, with the other departments in the county. Director Yahm said that the Spillman program is not performing as it should be and several counties for this reason have moved away from the Spillman Program. More than half of the county is making the move to Law – Soft. Motion by Councilman Barr, seconded by Councilman Law to close to Director Yahm. All in favor.

Roll Call:

Ayes:

Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays:

None None

Abstain: Absent:

None

ATTORNEY HOUR:

1. Hamburg Revaluation Contract – Appraisal Systems Inc.

Attorney Clemack stated that there were questions regarding the contract for the revaluation. He said that the years in question would be 2014 and 2015. The amount of the contract is \$114,065.00 and yes this does include the defense of the contract should need be. Tax Court would not be part of it as regulation states it has to be negotiated per hour should it come to that. This contract will be sent to the director of Finance / Division of Taxation, but according to Attorney Clemack, everything is all set and in place for this to start next year.

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.
- 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.

No Executive Session

ENGINEERING:

Well No. 3 Motor & Pump Replacement Bid.

Mr. Ruschke stated that at this time he would recommend awarding the base bid only, being conservative in case something should happen, with minor electrical work on the fans, and other minor electrical work being scheduled. Councilman Krasnomowitz asked what the final numbers for the project were and Mr. Ruschke answered below \$150,000.00. Councilman Sena asked if the project would be completed next year and how would that affect the money in next years' budget. Mr. Ruschke stated that it will all be allocated in so that it could be accomplished. Councilman Garrett asked about the generator at Well #2 that is scheduled for next year and what that would cost. Mr. Ruschke said that he would be working with Mr. Kastner on it with a cost of approximately \$125,000.00.

Mr. Ruschke again reiterated that since the base bids for the project were the same and getting feedback from local vendors, he would recommend awarding the project to A.C. Schultes of Woodbury Heights, NJ. Attorney Clemack offered the following resolution:

WHEREAS, the Borough of Hamburg has found it necessary to replace the motor and pump at Well #3; and

WHEREAS, the base bid includes the replacement of the well motor, pump, flow meter and controls; and

WHEREAS, sealed bids were received for the Well #3 motor and & pump replacement project; and WHEREAS, A.C. Schultes of Woodbury Heights, NJ was the low bidder for the base bid at a total of \$121,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hamburg do hereby award the bid for the Well #3 Motor and Pump Replacement Project to A.C. Schultes.

BE IT FURTHER RESOLVED that the appropriate municipal officials are hereby authorized to sign the necessary documents to effectuate this agreement, and that notice of award by submitted to Campbell Supply Co., LLC.

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

2. Rt. 23 Water Main Project

Mr. Ruschke stated that the contractor installed the majority of the pipe on the north side, with the south side being installed the next day and has pressure tested it. Bacterial tests are also being done on the water. The culvert will be done next and hopefully within two weeks the project will be completed. Mr. Ruschke stated that the gas line accident was unfortunate. When asked about the sidewalk gap, Mr. Ruschke said that he was waiting to hear back from the contractor. The town may have to be responsible for some of the costs due to the distance of the gap in the sidewalk. The State may pave this year but also because of the project they are going to be doing in Sussex Borough, the paving may be detained awhile.

3. Retaining Wall – 11 Rt. 23 North

Mr. Ruschke informed the Council that he inspected the wall on said property and that due to circumstances that happened many years ago, of which the DOT and State were involved, but the repairs to said wall were not made at the time, he suggested that the town stabilize the area. This could be done by rebuilding the wall or by cutting the embankment back and doing a planting to follow suit with the rest of the lawn area. In speaking with the homeowner, she would prefer the planting. The DPW will cut back the slope of the property and junipers will be planted. The owner will sign a release agreement and she will maintain both sides of the driveway. Attorney Clemack will prepare the releases for signatures. Attorney Clemack offered the following resolution:

WHEREAS, the Borough of Hamburg has found it necessary to stabilize the embankment of a homeowner's property due to circumstances beyond that homeowner's control; and

WHEREAS, since the wall was built by the State when the sidewalk project was put in over ten (10) years ago and has now fallen and is a danger to said area; and

WHEREAS, there are unresolved issues as to who owns the wall; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Hamburg, upon the recommendation of the Borough Engineer, will resolve the problem area as they see fit. Once the project is completed, the Borough Attorney will prepare a release document for the homeowner to execute and the homeowner is responsible for all maintenance thereafter.

BE IT FURTHER RESOLVED that this is an isolated case and under no circumstances sets any precedence for further cases for residents within the Borough.

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

MAYOR'S AGENDA:

1. Recreation Fields / Littell Center

Mayor Marino discussed with the Council the set-up with Hardyston. Becky Westra and Bob Schultz will be in charge of the scheduling and they know that we would like limited use. We will monitor the scheduling. So far, the fields will only be used on Sunday for soccer as the baseball field needs work. Mayor Marino would like a committee set up to monitor and work with Becky and Bob and ratify if need be,

any situation that comes up. He is recommending this committee to consist of Council members Sena, Garrett and Krasnomowitz, with Law as an alternate. They will meet as need be. Motion by Councilwoman Oehler, seconded by Councilman Barr to accept the Mayor's recommendation for the committee for the rec fields. All in favor.

Councilman Sena reiterated his concerns about having a balanced use of the fields, insurance and mentions a hold harmless agreement, of which Doreen Schott mentioned that there is one included in the agreement. Councilman Krasnomowitz stated that what needs to be included is an "additional insured". Doreen Schott will look into the matter. Councilman Sena also stated the safety aspect and should there be a problem the Police will be called.

2. Municipal Parking Lot

Mayor Marino stated that the parking lot was supposed to have been paved last year and was not, so at the next meeting in two weeks would like to discuss it.

COMMITTEE REPORT COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for February 2013 showed a total of \$1,651,575.88 being collected. The Council is also in receipt of the annual report for the Tax Year 2012.

Councilman Sena and CFO Amy Maronpot discussed procedures for purchasing within the Borough. The recommendation came from Finance and Councilman Sena encouraged the Council to accept the procedures for spending money within the Borough for purchases. Each department head will receive it and will be expected to follow. Anything over \$5000.00 will need a Council liaison signature.

Motion by Councilman Sena, seconded by Councilman Barr to accept the purchasing procedures packet as submitted by the CFO. All in favor.

2. ROAD DEPARTMENT

Councilman Sena met with Road Dept. Forman Mike Schneider and discussed the hiring of a full-time employee is needed as now it is only himself, Dan Crum and Jason Reardon. He would like to hire a now part—time employee Michael Poyer. Upon discussion of this, Mr. Poyer lives in NY state and would have to claim residency here first as the law has change. Attorney Clemack will look into the matter for clarification. Councilman Sena withdrew his motion.

Mr. Schneider has 200 tons of salt on hand which will carry him into the 2014 season.

Councilman Sena also said he and Mr. Schneider discussed the 2004 pick-up that has a cracked frame and is a light duty truck with 65,000 miles on it. A replacement truck is needed, which will be a heavy duty truck, and can be purchased under the State Contract for approximately \$25-30,000.00 to replace the truck. Some of the needed money can come out of the water budget, which Councilman Sena has already spoken to the CFO for the funds. More discussion will take place as no decision has to be made at this time. Councilman Sena and Mr. Schneider will also work on putting together a plan for the other trucks, maintenance, and replacement.

When asked about the shed at the pavilion, Councilman Sena has not been able to meet with Mr. Schneider at the pavilion. Councilman Barr said that it was tabled this year for budgetary reasons and would cost approximately \$8-10,000.00.

3. BOARD OF HEALTH

The next meeting will be held on April 9th at 6:30 PM.

The Health Fair at the Hamburg School will be held on April 11^{th} from 7 - 8:30 and a nurse from the Public Nursing will be present.

COUNCILMAN GARRETT

1. BOARD OF EDUCATION

Councilman Garrett stated that Christina Carney was Teacher of the Year. June 20th will be the last day of school and will still be able to keep their spring break. There were over 50 applicants for the landscaping job.

The roof repair project that has been in the works now for about two years has been awarded at \$92,855.00. Discussion regarding DARE Program – included under Director Yahm

2. WATER QUALITY

No scheduled meeting

3. BOARD OF PUBLIC WORKS

Councilman Garrett said there were 52 water shutoffs that were bad and now since the Road Dept. has been repairing them, the list is down to 32 and working on fixing the remaining ones. BPW discussed well #2 as being the next item that would need to be discussed for a makeover, which the Council approved tonight.

COUNCILWOMAN OFHLER:

2. RECREATION

Councilwoman Oehler stated that Recreation will be holding the Family Fun Day at the YMCA this coming Saturday, April 6^{th} from 6-8 PM.

The Rec Board decided to have a Jr. Citizenship Award this year, as there was a certain teenager that did help out with the functions this past year, and would like to present it at the May meeting in conjunction with the Seniors of the Year.

COUNCILMAN LAW:

1. BUILDING AND GROUNDS

Councilman Law stated that the new agreement with Farmside Landscaping is for a Spring Bi—Weekly Weed Control and Bed Maintenance: Borough Hall, Court, and Police for a total cost of \$725.00. They will be performing a spring clean-up and maintaining weeds.

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

2. COURT

JoAnn Coan will be having her annual inspection from the Court Administrator's Office of the Court records on April 5th.

3. RECYCLING AND SANITATION

Councilman Law said that SCMUA notified us that the grant money that we would normally receive for recycling may go into a general fund so the \$3000.00 - \$5000.00 amount we received may not be as much. We use it for our clean-up with the kids and educational materials and other municipalities use it for their trucks, etc.

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

Construction Report February 1, 2013 – February 28, 2013 and 2012 Year Activity Report Councilmember Krasnomowitz advised that there were 12 permits issued, 0 certificates of occupancy, and 6 certificates of approvals with a total of \$2109.00 collected in fees for the month of February. Council members are also in receipt of the annual report of the activity that took place within the Construction Dept. for the 2012 year.

Councilman Krasnomowitz stated that he was very happy with the Hardyston departments and believed that it was working out for Hamburg.

3. LAND USE BOARD

Councilman Krasnomowitz said that The Land Use Board will be hearing the 7-Eleven application this coming Monday.

COUNCILMAN BARR

2. POLICE COMMISSIONER

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

Monthly Report for March

The March 2013 monthly report for the Police Department showed 409 calls of service, including 11 arrests, 12 motor vehicle accidents, and 93 motor vehicle summonses issued.

Director Yahm said the Officer Nichols took a crash investigations course which will be beneficial to the Police Dept. This was Crash I, on the County level, which is the 1st step, and plans on continuing on. The promotional process is moving ahead and asked if the committee could meet around the 29th and the 1st, as Director Yahm would be ready to proceed.

Councilman Garrett brought up the DARE program for discussion with the Director. Director Yahm stated that the Board of Education has funded the program beforehand and so has the Borough. The Sherriff's Office does support and provides for the DARE program and Director Yahm said they would also have funding for the program, as he has related to Mr. Jinks at the school. Drug Alliance used to provide some money also for the program. Mr. Yahm also stated that scheduling would be an issue also for the officer. Councilman Garrett asked what would be the best way to proceed with this and Director Yahm stated to contact the BOE and have them fund it or to contact the Sheriff's Dept. for them to fund it. Officer Nichols is a qualified, trained DARE Officer.

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

PUBLIC PORTION:

Motion by Councilman Law, 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.

John Burd – Mulberry Street – stated the Board of Education never funded the DARE program. He then stated that he was not sure where the funding came from. Mayor Marino and Councilman Barr stated that it was grant money through the Police Dept.

Road Dept. Foreman Mike Schneider – stated the pick-up was going to be upgraded to a one ton pickup.

Sheila Frayko - Board of Education Liaison - that it was grant money through the DARE program

Gerald Kastner – Water Superintendent – talked about the supplemental bid on the Well #3 project and his concern with the \$25,000.00 amount that varied and would like to look into it. Councilman Sena asked Mr. Kastner why he thought only 2 people returned the bids. Mr. Kastner showed 9 people the project but only 2 brought in bids on it, stating various reasons for them not bidding on it; cash flow, etc. The well is 300 feet deep.

Chris Fitzpatrick – Glenside Ave – asked for the details about the Health Fair that was going to be held at the Hamburg School. Councilman Garrett said it will be on April 11th from 7 – 8:30 PM, with St. Clare's Hospital attending, along with Project Self Sufficiency, EMS, Fire, local resident businesses, to name a few.

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

Councilman Krasnomowitz asked about the lot situation on Mulberry Street and John Ruschke said that he is involved with surveying and will keep everyone informed.

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

- 1. Mayors Advisory Recap Legislative Developments (3/7/2013)
- 2. Mayors Advisory League opposes early voting bill A3553 and S2364 (3/7/2013)
- 3. Notice of application to LUB TCAT Properties (3/7/2013)
- 4. NJLM 19th Annual Mayor's Hall of Fame (3/7/2013)
- 5. New Jersey Courts Notice of annual visit to Hamburg Court (3/13/2013)
- 6. NJ Industrial Safety Committee 85th Annual Safety Awards Dinner (3/13/2013)
- 7. From State of NJ to SCMUA Physical Connection Permit. (3/13/2013)
- 8. Mayors Advisory PERS and PFRS Boards Adopt Valuation Reports (3/13/2013)
- 9. Mayors Advisory Early Voting bill ((3/13/20130
- 10. Notice of Intent to Foreclose 116 Heritage Lane (3/13/2013)
- 11. From County of Sussex Preliminary Equalization Table (3/13/2013)
- 12. News release from DEP Pre –season trout stocking media opportunities (3/14/2013)
- 13. JCPL Notice of Proposed rate increase (3/15/20130
- 14. Notice of Public Hearings Elizabethtown Gas (3/15/2013)
- 15. Notice of DEP FY 2013 Annual Fee Report and Assessment of Fees for Pollutant discharge Elimination System (3/21/2013)
- 16. State of NJ Notice of Hazardous substance discharge Broken Gas Main (3/21/2013)

ADJOURNMENT

Motion by Councilman Law, seconded by Councilwoman Oehler to adjourn the meeting at 8:48 PM. All in favor.

Date Approved:

Date Released:

Doreen Schott, RMC

Municipal Clerk

Submitted by Kathy Garrett