MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JUNE 6, 2016 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 Burd

Connemnan puro

Mayor Marino

Councilman Law

Councilman Garrett

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, 2016 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 18, 2016 Executive Session Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Burd to approve the April 18, 2016 Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law

Nays:

None

Abstain:

Sena

Absent:

None

May 2, 2016 Regular Meeting Minutes

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the May 2, 2016 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None None

Abstain: Absent:

None

May 2, 2016 Executive Session Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the May 2, 2016 Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None

Abstain:

None

Absent:

None

May 16, 2016 Regular Meeting Minutes

Motion by Councilman Law, seconded by Councilman Barr to approve the May 16, 2016 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law

Nays:

None

Abstain:

Sena

Absent:

None

APPROVAL OF BILLS:

Mayor Marino added two bills to the Bill List: \$160.00 for plaques payable to Action Screen Printing and \$50.00 for the wreath payable to O'Shea's Florist, both for the Memorial Day Celebration. Motion by Councilman Law, seconded by Councilman Garrett to add these bills to the bill list. All in favor.

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

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

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None

Abstain:

None

Absent:

None

PRESENTATION: SENIOR CITIZEN AWARD

Janet Rude

Mayor Marino presented the Female Senior Citizen of the Year award to Ms. Janet Rude, saying that in 1960, she joined the Fire Department Auxiliary, which is the same year her husband joined the Fire Department. Ms. Rude is still an active member and just received a 55 year pin for her active role in the Auxiliary. Mayor Marino thanked her for all of her support she gives to the town and congratulated her on this award.

Donald Decker

Mayor Marino presented the Male Senior Citizen of the Year award to Mr. Donald Decker, saying that he has lived here in town for 50 years and has been a member of the Fire Department for 37 years, joining in 1979. He was the Fire Chief in 84-85, still plays an active role in the department by driving the truck for daytime fire calls, and loves to give the Mayor a hard time. Mayor Marino thanked him for all of the service he gives to the town and congratulated him on this award.

ORDINANCE

ORDINANCE #02-2016 2ND Reading

CAPITAL ORDINANCE PROVIDING FOR A SECURITY SYSTEM AND ASSOCIATED SET UP REQUIREMENTS, FIREHOUSE PAVING, NEW COURT FRONT DOOR, OVERSEALING PENNYROCK AND VARIOUS BUILDINGS/ GROUNDS AND ROAD IMPROVEMENTS AS NEEDED IN THE BOROUGH OF HAMBURG, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$ 115,000. THEREFORE FROM THE CAPITAL IMPROVEMENT FUND OF

THE BOROUGH, TO PAY FOR THE COST THEREOF.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz for Attorney Clemack to read the Ordinance by title for second reading and publication. All in favor.

CAPITAL ORDINANCE PROVIDING FOR A SECURITY SYSTEM AND ASSOCIATED SET UP REQUIREMENTS, FIREHOUSE PAVING, NEW COURT FRONT DOOR, OVERSEALING PENNYROCK AND VARIOUS BUILDINGS/ GROUNDS AND ROAD IMPROVEMENTS AS NEEDED IN THE BOROUGH OF HAMBURG, IN THE COUNTY OF SUSSEX, NEW JERSEY,

APPROPRIATING \$ 115,000. THEREFORE FROM THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH, TO PAY FOR THE COST THEREOF.

Motion by Councilman Burd, 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. All in favor. This ordinance was introduced on first reading at the May 16, 2016 meeting of the Hamburg Mayor and Council and published as provided by law.

PUBLIC HEARING

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

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adopt the ordinance as presented. Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None

Abstain:

None

Absent:

None

ORDINANCE #03-2016 1st Reading

ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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

ORDINANCE FIXING THE SALARIES 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 approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for August 1, 2016.

Roll Call:

Ayes:

Barr, Burd, Krasnomowitz, Law

Nays:

None

Abstain:

Garrett, Sena

Absent:

None

RESOLUTIONS:

Resolution # 2016-28 - Notice of Public Online Auction of Surplus Vehicles and Equipment

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept Resolution # 2016-28 – Notice of Public Online Auction of Surplus Vehicles and Equipment.

Mayor Marino stated that the unused equipment and/or vehicles that are no longer needed by the Borough will finally be put on auction.

All in favor.

Resolution #2016-29 - Chapter 159 - Clean Community - Item of revenue in the budget of the Borough of Hamburg pursuant to N.J.S.A. 40A:4-87 (Chapter 159 P.L. 1948)

Mayor Marino stated that the Borough received a grant from the State in the amount of \$3,082.69. He confirmed with Councilman Law that some of this grant money is used to when he does the town clean-up with the Hamburg School kids.

All in favor.

ATTORNEY HOUR:

1.

ENGINEERING:

No update.

MAYOR'S AGENDA:

Recreation Report:

Mayor Marino gave the following report as Councilman Sena was unable to attend the Recreation Meeting: The Board accepted the resignation of Lisa Abrahams due to personal reasons; the Miss Hamburg contests will be held on June 12th; Hamburg Day is August 21st; a trip to the Miner's baseball game will be held on July 17th and our Fire Chief will be throwing out the first pitch; and a walk-a-thon was discussed, possibly holding it next year. Also, Mayor Marino said installing a gazebo at the rec fields was discussed, which is a good idea, but this will be looked into more for next year.

Memorial Day Celebration

Mayor Marino thanked all that participated in the Fire Department Memorial Day Celebration.

LIQUOR LICENSE RENEWAL 2016-2017

The following Liquor Licenses have received tax clearance; have paid all fees for renewal and police department has not notified the Borough Clerk of any issues.

Motion by Councilman Law, seconded by Councilman Sena to approve the resolution for the Liquor License renewal for SJR Co. LLC (DOC's) #1909-33-004-005.

Attorney Clemack asked Borough Clerk Doreen Schott if all had tax clearance and if there were any objections received. Ms. Schott answered all had received tax clearance and there no objections received. Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Navs:

None None

Abstain: Absent:

None

Motion by Councilman Law, seconded by Councilman Garrett to approve the resolution for the Liquor License renewal for Restaurant Kaya LLC (Cravin Thai) #1909-33-003-010.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None None

Abstain:

Absent:

None

Motion by Councilman Law, seconded by Councilman Sena to approve the resolution for the Liquor License renewal for Marketplace Liquors #1909-33-005-006.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Navs:

None

Abstain:

None

Absent:

None

Motion by Councilman Law, seconded by Councilman Sena to approve the resolution for the Liquor License renewal for Hamburg Krishna (Hamburg Liquors) #1909-44-002-006.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None

Abstain: Absent:

None None

COMMITTEE REPORTS

COUNCILMAN BARR

1. 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 April

The April 2016 monthly report for the Police Department showed 801 calls of service, including 11 arrests, 8 motor vehicle accidents, and 40 motor vehicle summonses issued (ETickets -40, hard copies -0).

Monthly report for May

The May 2016 monthly report for the Police Department showed 722 calls of service, including 2 arrests, 5 motor vehicle accidents, and 37 motor vehicle summonses issued (ETickets -37, hard copies -0).

Director Yahm said the new vehicle is in the dealership until the middle of the month and then the lettering needs to be put on it. Councilman Barr stated that the person that lettered the other cars is available and he would like everything to match.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to close to Mr. Yahm. All in favor.

Notice of resignation – Joyce Oehler – Substitute crossing guard effective June 30, 2016

A resignation letter was submitted by Joyce Oehler, resigning from her post as substitute crossing guard, effective June 30, 2016 due to personal reasons.

Motion by Councilman Barr, seconded by Councilman Law to accept the resignation letter for Joyce Oehler with regrets and thanked her for her service to the Borough. All in favor.

2. HISTORIC COMMISSION / HISTORIC SOCIETY

No update.

3. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

No update.

COUNCILMAN KRASNOMOWITZ:

1. OFFICE ADMINISTRATION

Councilman Krasnomowitz welcomed our new CFO Dawn Babcock and new Treasurer Maria Mascuch. All Council members welcomed them.

2. CONSTRUCTION DEPARTMENT

Monthly report for April 2016

The report showed there were 11 permits issued, 1 certificates of occupancy, and 12 certificates of approvals with a total of \$1277.00 collected in fees for the month of April.

Zoning

Councilman Krasnomowitz stated that the Borough will be receiving more updates from the Zoning Officer. For the summons that have been issued, no one has been in court yet, and some of those properties are in the process of being cleaned up. The Zoning Officer will work with Attorney Clemack to process the foreclosures.

Councilman Krasnomowitz said that Affordable Housing had a June 8th court date.

3. LAND USE BOARD

There will be a meeting on Monday June 13th at 7 pm.

4. INSURANCE

No update.

5. OPEN SPACE

No update.

COUNCILMAN BURD

Update on Borough Cameras (security)

Councilman Burd said the ballpark will have a dvd player that will record the activity. He asked Director Yahm if the cable from the court house to the Police station was installed yet and he answered no.

1. SOLID WASTE

No update.

2. SANITATION AND RECYCLING

No update.

3. GRANTS

No update.

4. BOARD OF EDUCATION

No update.

COUNCILMAN LAW

COURT

No update.

2. FIRE COMMISSIONER AND OEM

Fire Report - May

1 fire; 2 MVA; 4 alarms; 1 smoke condition; 0 smell gas/smoke; 0 traffic cont; 1 assist EMS; 2 stand-by; 0 medi-vac; 0 public service; 0 cancelled en-route. Mutual Aid – into Franklin – 2. Total calls for the year – 56. Total man hours for the year: 635.

EMS Report - May

4 fire; 4 MVA; 1 alarm; 32 medical; 10 trauma; 9 mental health; 0 stand-by; 3 community service; 0 cancelled en- route. Mutual Aid – into Hardyston –33; into Franklin - 4. Total calls for the year- 269. Total man hours for the year: 867.

Certification for Rescue Squad Contribution

Council is in receipt of the Sussex County Board of Chosen Freeholders certification for the EMS Rescue Squad to receive financial assistance in the amount of \$2800.00 from the County of Sussex for 2016. Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the financial assistance from the County of Sussex for 2016 in the amount of \$2800.00.

Councilman Garrett said that last year we received part of Hardyston's contribution and asked if this was included and was answered that it was not, that it was separate from Hamburg's and we received two separate contributions once Hardyston split theirs.

Mayor Marino spoke to the Mayor of Hardyston at the end of April regarding EMS services into Hardyston. Administrator Maryann Smith did contact Councilman Law shortly afterwards and they are expecting Hamburg to continue covering Hardyston until December 31. Councilman Law replied that from that point on they would respond as mutual aid as before, with Hamburg being the second call-out and would like an agreement in place to that effect. Mayor Marino has concerns about this and Hardyston putting together a squad in a short amount of time. Councilman Law said that the department is becoming "burned out", running so many calls into Hardyston. He said the department does not mind being the 2nd call out, but does not want to be the 1st to respond. Mayor Marino suggested that EMS come up with a plan and get a resolution together for July for Council.

When asked if he knew what Hardyston's plan was, Councilman Law said they were going to reach out to Franklin and also Wallkill Valley, having a paid service during the day and volunteers for night.

Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None

Abstain:

None

Absent:

None

Defibs for EMS and Fire Department

Councilman Law presented three quotes for five (5) defibrillators, three (3) for the fire trucks and two (2) for the EMS rigs.

Motion by Councilman Law, seconded by Councilman Barr to approve the five defibrillators at a cost of \$740.00 each from NMC (Newton Medical Center) Foundation and proceed with the purchase of same. Councilman Krasnomowitz asked if they were all the same machine seeing as the ones from NMC Foundation were half the price and was answered yes. All in favor.

OEM

On Thursday, June 9th, at 7 pm, OEM will meet to discuss a LEPC plan.

3. NEWSLETTER

No update.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

Councilman Garrett said the DOT was not giving approval on the flower bed planter around the clock in the intersection. He added that for the July meeting, he will have three quotes for the balusters to go around the clock for added protection as the DOT will approve that plan.

2. WATER QUALITY

No update.

3. BOARD OF PUBLIC WORKS

The meeting on June 8th was cancelled.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for April 2016 showed a total of \$716,016.79 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to approve the tax overpayment on Block 22, Lot 45 (C032) in the amount of \$1567.79. All in favor.

2. ROAD DEPARTMENT

Will be addressed in the public portion.

3. BOARD of HEALTH

The next quarterly meeting will be held July 12th at 6:30 pm.

4. RECREATION

Report given by Mayor Marino.

PUBLIC PORTION:

Motion by Councilman Law, seconded by Councilman Garrett 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.

Joyce Oehler – EMS Captain – asked that something be sent to Hardyston immediately regarding EMS. She said the weekends are horrible, with call after call going to Hardyston and members getting tired. She said she would speak to all members about preparing a resolution with suggestions to be sent to Hardyston.

Wayne Yahm – said the he was purchasing new weapons for the department in a trade – in deal at 50 % the cost. He will get eleven weapons for under \$2000.00. Director Yahm also said that on Friday, at the Hamburg School, the 1st LEAD class graduated, with officers Tangorra, Barzcak, Moses, and Detective Sokolowski to congratulate them as they did assist throughout the class.

Mike Schneider – said the baseball diamond at the park needed to be redone with clay. He was able to get some from Hardyston and now needs to replace it. This will cost approximately \$1000.00- 1,200.00 and will come from the Open Space Fund.

Councilman Krasnomowitz did comment that the park is not being opened at sunrise as it should be. Director Yahm will remind his officers to do so.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd 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. Hinger v Borough of Hamburg Litigation
- 2. Negotiations FOP
- 3. Personnel person has consented for matter to be discussed

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 Barr, seconded by Councilman Law to enter into Executive Session at 8:10 pm. All in favor.

Discussion regarding Hinger v Borough of Hamburg – Litigation; Negotiations – FOP; Personnel – person has consented for matter to be discussed.

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

Attorney Clemack offered the following resolution:

RESOLUTION OF THE MAYOR AND COUNCIL BOROUGH OF HAMBURG FOP Proposal #2016-30

BE IT RESOLVED, the Attorney is to advise the FOP of the consensus that was discussed during Executive Session regarding the proposal.

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 June 6, 2016 Regular Meeting.

Doreen Schott, RMC Municipal Clerk

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to accept the resolution as offered. Roll Call:

Ayes:

Barr, Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

None

Abstain:

None

Absent:

None

Attorney Clemack offered the following resolution:

RESOLUTION OF THE MAYOR AND COUNCIL BOROUGH OF HAMBURG Salary for Land Use Secretary #2016-31

WHEREAS, the Mayor and Council find the work load of the Land Use Secretary has recently become increasing greater in volume.

THEREFORE, BE IT RESOLVED, that the salary be fixed at \$10,000.00 for this year, retroactive, subject to passage of the Salary Ordinance.

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 June 6, 2016 Regular Meeting.

Doreen Schott, RMC Municipal Clerk

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

Attorney Clemack offered the following resolution:

RESOLUTION OF THE MAYOR AND COUNCIL BOROUGH OF HAMBURG Hinger v Borough of Hamburg #2016-32

BE IT RESOLVED, that the offer that the Attorney suggested for settlement is hereby adopted.

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 June 6, 2016 Regular Meeting.

Doreen Schott, RMC Municipal Clerk

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to accept the resolution as offered. Roll Call:

Ayes:

Burd, Garrett, Krasnomowitz, Law, Sena

Nays:

Barr None

Abstain: Absent:

None

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

- 1. Franklin Borough Ordinance amending Chapter 161 Signs ((5/6/2016))
- 2. XXXX
- 3. Notice of Public Heating Land Use Board (5/6/2016)
- 4. Notice of withdrawal of complaint Advanced Housing Tax Court of NJ (5/6/2016)
- 5. From Sussex County notice of hearing Senior Citizen and Disabled Residents Transportation Assistance Program. (5/6/2016)
- 6. Notice of foreclosure 17 Fairview Avenue (5/9/2016)
- 7. Legislative Bulletin April 2016 (5/9/2016)
- 8. Notice of Professional Announcement Herold Law (5/10/2016)
- 9. Hamburg School District Certificate and report of school taxes 2016 2017 FY (5/10/2016)
- 10. Letter notifying of withdrawal Advanced Housing v Borough of Hamburg (5/11/2016)
- 11. Notice of pending foreclosure 295 Falcon Way South (5/16/2016)
- 12. Franklin Borough Ordinance amending Land Use (5/16/2016)
- 13. From Vernon Township Ordinance granting municipal historic designations. (5/16/2016)
- 14. From State of NJ- Hamburg Public Works, Construction Completion Certificate (5/16/2016)
- 15. From JCPL FY 2016 request for federal assistance. (5/16/2016)
- 16. From JCPL notification of disconnected accounts
- 17. Notification from NJ Department of Health Zika Virus testing (5/17/2016)
- 18. DEP New Release- Clean Communities Grant notification(5/17/2016)
- 19. Notification that the Statewide Grant in amount of \$1298.73 was received. (5/21/2016)

- 20. Correspondence from Zoning Re: 7 Prospect Avenue (5/21/2016)
- 21. From State of NJ Underground Storage Tank removal 101 Route 23 South (5/23/2016)
- 22. Grey Elephant LLC Tax Court Date notification (5/23/2016)
- 23. From Sussex County 2016 Final Equalization Table for Sussex County (5/23/2016)
- 24. Copy of Judgement Wells Fargo Bank v Bridget Timchak (5/23/2016)
- 25. From State of NJ availability of Highlands Open Space Grant (5/26/2016)
- 26. Notice of foreclosure 102 Burlington Court (5/26/2016)
- 27. Borough of Franklin Ordinance amending Land Use (5/31/2016)
- 28. From Weiner Lesniak Declaratory Judgement for compliance with Mount Laurel Obligation (6/1/2016)

ADJOURNMENT

Motion by Councilman Garrett, seconded by Councilman Burd to adjourn the meeting. All in favor.

Date Approved: 7-8-16

Date Released: 7-8-16

Doreen Schott, RMC Municipal Clerk

Submitted by Kathy Garrett