

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JULY 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 Law
Councilman Krasnomowitz	Councilman Garrett
Councilman Burd	Councilman Sena
Mayor Marino	

Also Present: Kathy Garrett

STATEMENT OF CERTIFICATION:

Deputy 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".

June 6, 2016 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Barr to approve the June 6, 2016 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:	Barr, Krasnomowitz, Burd, Law, Garrett, Sena
Nays:	None
Abstain:	None
Absent:	None

June 6, 2016 Executive Session Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the June 6, 2016 Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:	Barr, Krasnomowitz, Burd, Law, Garrett, Sena
Nays:	None
Abstain:	None
Absent:	None

June 20, 2016 Regular Meeting Minutes

A motion by Councilman Garrett, seconded by Councilman Krasnomowitz to approve the June 20, 2016 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes:	Krasnomowitz, Law, Garrett
Nays:	None
Abstain:	None
Absent:	Barr, Burd, Sena

June 20, 2016 Executive Session Minutes

A motion by Councilman Krasnomowitz, seconded by Councilman Law is in order to approve the June 20, 2016 Executive Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes: Krasnomowitz, Law, Garrett
Nays: None
Abstain: None
Absent: Barr, Burd, Sena

APPROVAL OF BILLS:

Councilman Garrett added a bill in the amount of \$253.60 for the NJ Public Water Tax; Councilman Sena added a bill in the amount of \$178,598.12 for Walkkill Valley Regional High School July taxes. Motion by Councilman Sena, seconded by Councilman Garrett to add these bills to the bill list. All in favor.

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

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

Roll Call:

Ayes: Barr, Krasnomowitz, Burd, Law, Garrett, Sena
Nays: None
Abstain: None
Absent: None

RESOLUTIONS:

Resolution # 2016-33 – Chapter 159 Statewide Insurance Fund (SIF) Risk Control

Motion by Councilman Law, seconded by Councilman Garrett to accept Resolution # 2016-33 – Chapter 159 Statewide Insurance Fund (SIF) Risk Control.

Mayor Marino stated that the Borough received a check in the amount of \$1298.73 from Statewide Insurance Fund for a 2015 Safety Grant.

All in favor.

ATTORNEY HOUR:

1.

ENGINEERING:

Mayor Marino stated the Borough Engineer will be in attendance for the August meeting and will be discussing road improvements.

MAYOR’S AGENDA:

1. Recreation Vacancy

Mayor is in receipt of letter of interest from Ms. Payton Decker for the vacancy position on Recreation Commission (mayor apt.) Mayor Marino appointed Ms. Decker to fill the vacancy position on Recreation.

2. Registrar Position

Council is in receipt of a letter from Borough Clerk Doreen Schott regarding the Registrar Position for the Borough. Since there has been an increase in her duties in the office, Doreen Schott is requesting that Kathy Garrett be appointed the Registrar and she will become the Deputy Registrar. Salary changes will reflect

this also.

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to approve said changes.

Roll Call:

Ayes: Barr, Krasnomowitz, Burd, Law, Sena
 Nays: None
 Abstain: Garrett
 Absent: None

3. Hiring procedure for the position of CFO/Treasurer

Mayor Marino informed the Council that the position of CFO / Treasurer was advertised again and there will be an interview on Monday. He would like the Council to authorize the Committee to hire should this person be qualified for the position and accept the position.

Motion by Councilman Garrett, seconded by Councilman Sena to authorize the Committee to hire for the position of CFO / Treasurer should this person be qualified for the position and accept the position.

Mayor Marino stated that Megan Sena was working in Finance during the day and extra hours with the CFO at night. Maria Mascuch was coming in at night to work with the CFO also.

Roll Call:

Ayes: Barr, Krasnomowitz, Burd, Law, Garrett, Sena
 Nays: None
 Abstain: None
 Absent: None

COMMITTEE REPORTS

COUNCILMAN BARR

1. POLICE COMMISSIONER

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

Monthly report June 2016

The June 2016 monthly report for the Police Department showed 781 calls of service, including 6 arrests, 12 motor vehicle accidents, and 53 motor vehicle summonses issued (ETickets – 53, hard copies – 0).

Director Yahm said the new weapons had been ordered and should come in shortly. The new vehicle will be at the dealership within two weeks and then they will be swapping out the equipment from the old vehicle. As soon as it gets marked, it will be ready to go.

The AlcoTest machine is out for repair for a few weeks as the solutions are bad in it. All but one officer are trained on it. Mutual Aid will be used in the meantime.

Mr. Yahm informed the Council there may be a spike in overtime coming up as while one officer will be returning within the next few weeks, one will be going out on a medical upon his return.

Since there have been an increase in traffic accidents at the corner of Rt. 23 and Oak Street, Director Yahm sent an email to the State initiating conversations regarding the installation of a traffic light at this location. He did say this may take some time to accomplish, but this would be the start of it and he will stay on top of it.

Mayor Marino inquired about the status of the phone system with Aspire / Cisco as there is concern with the licensing and the expiration of the licensing. Mayor Marino was unsure if it were because a voice mailbox for EMS was added but said that a lot of money was spent on these phones. Mr. Yahm stated that Mr. Dan Harris has not been returning any phone calls, either to Doreen Schott or to himself, and if he did not hear from him by the end of next week, he would physically pay him a visit. He would like him to provide a list of the 27 licenses the Borough has on the phone system. The license agreement terminates on August 15th. Councilman Garrett asked about the towing bill and for which car it was for. Mr. Yahm replied that car 10 had some issues and had to be towed but it is car 4 that is bad.

Councilman Law discussed the video conferencing for the Court, stating they needed to get together to get this installed in the courthouse. Director Yahm said this will save us time and money as we will no longer have to transport prisoners from the jail and he would begin looking for grants. Councilman Law said that three transports would pay for the system.

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

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

Monthly report for May 2016

The report showed there were 15 permits issued, 2 certificates of occupancy, and 14 certificates of approvals with a total of \$1455.00 collected in fees for the month of May.

3. LAND USE BOARD

Councilman Krasnomowitz said that there was a meeting on Monday, July 11th and the school board was coming as they were putting in a sign.

Zoning issues have been improving and Councilman Krasnomowitz thanked Mr. Schneider for working on the properties as they were safety issues and had to be addressed. He has received positive feedback from residents also. Our Zoning Officer Mr. Stabile received a call from Pinnacle Realty, who owns a lot of property in town, saying they will stay on top of things.

COUNCILMAN BURD

4. BOARD OF EDUCATION

Councilman Burd relayed the school was working on their summer project which was to redo the school atrium and main hallway and sidewalks. The entire project will cost a few hundred thousand dollars.

COUNCILMAN LAW

2. FIRE COMMISSIONER AND OEM

Fire and EMS Report

Fire Report - June

3 fire; 4 MVA; 4 alarms; 1 smoke condition; 0 smell gas/smoke; 0 traffic cont; 1 assist EMS; 0 stand-by; 1 medi-vac; 0 public service; 0 cancelled en-route. Mutual Aid – into Hardyston – 1; into Sussex - 1. Total calls for the year – 70. Total man hours for the year: 747.

EMS Report - May

4 fire; 3 MVA; 2 alarm; 30 medical; 10 trauma; 3 mental health; 0 stand-by; 0 community service; 2 cancelled en- route. Mutual Aid – into Hardyston –32; into Franklin – 2; into Wantage - 1. Total calls for the year-322. Total man hours for the year: 1029.

Councilman Law discussed with the Council the flooding that is happening, specifically in West Virginia. It was suggested that old and surplus gear from the Fire Department be given to the departments in West Virginia as so many have lost everything in the recent flooding. Councilman Garrett said the Birch River Fire Dept. was the hardest hit of the 44 counties and he would like to send the donations there.

Motion by Councilman Law, seconded by Councilman Burd to accept the following resolution:

Fire Department Donation of Gear to WV

#2016-34

WHEREAS, there has been much devastation in forty - four counties in West Virginia due to the recent weather conditions; and

WHEREAS, the Hamburg Fire Department has determined that they have surplus gear that is no longer used by the department.

THEREFORE, BE IT RESOLVED, the Hamburg Fire Department would like to help the people of West Virginia by their donation of this surplus gear.

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 6, 2016 Regular Meeting.

Kathy Garrett
Deputy Clerk

All in favor.

Councilman Law said that as of 11:59 pm, July 9, 2016, Richard Pagaent 3rd was resigning from the Fire Dept. and going to Lafayette and would like to transfer his line number to that department. Motion by Councilman Law, seconded by Councilman Garrett to accept the resignation of Richard Pagaent 3rd as of 11:59 pm on July 9, 2016 from the Hamburg Fire Dept. All in favor.

OEM

Councilman Law said there was a LECP meeting with the discussion being a very positive one. They will meet again in the fall.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

Bollard Quote

Councilman Garrett stated that he was still waiting for DOT approval for the installation of the bollards to go around the clock at the intersection. He presented the Council with three quotes: two were for cast iron covers and one was for a plastic cover. All covers go over a 4 foot concrete or iron pole that would have to be installed by the Road Dept. Council discussed placing four (4) poles probably three (3) feet apart connected with a chain. Although the cast iron covers would be better for an accident, the plastic covers will be just as good since the clock will be protected by the concrete or metal poles underneath the covers. Motion by Councilman Garrett, seconded by Councilman Sena to go with Interstate Products for the purchase of four (4) poles at a cost of \$48.06 each plus the appropriate amount of chain to link them once DOT approval has been received. All in favor.

Police Station Stairs

The front stairs and ramp at the police station are crumbling and falling apart and need to be done immediately. Councilman Garrett stated that masons will be submitting drawings to him and he will confer with John Ruschke for ADA compliancy. The plan is to do away with the stairs completely and only have a ramp. Councilman Garrett also said that a handrail will be installed, matching the one at Borough Hall. The entire project hopefully should cost under \$15,000.00. The original ramp has electric going to it to melt the snow and ice but the wires are frayed and destroyed and will not be put back in when redone. Mayor Marino added this money will be taken out of the capital ordinance that was just passed and if necessary, could do a phone vote if prices for the project come in before the August meeting.

Motion by Councilman Garrett, seconded by Councilman Sena to open the meeting to Mike Schneider. All in favor.

Recreation Fields -- Poles for Camera System

Mr. Schneider has a few telephone poles that could be used for the installation of the camera security system at the park. It is a 24' pole and Mr. Schneider said it is in good shape or he could order a new one at a cost of \$200.00 with a 2-3 week delivery date. Council was fine with the used pole. It would be located 15'

from the pavilion by the parking lot. Council had been informed that there were two more incidents at the park / playground / pavilion just recently.

Correspondence – 29 Hamilton Street – Light post damage

Councilman Garrett submitted the information as was given to him by Road Dept. Foreman Mike Schneider regarding the damage of the lamp post in front of the property located at 29 Hamilton Street. Resident claims that the damage was done due to previous winters of snow plowing. Council discussed and determined that the damaged pole was due to wear and tear and just rotted away and not due to previous years of snow plowing and / or neglect on the part of the town. All members of the Council were in agreement. A response will be sent to the resident.

Falcon Ridge -Asphalt Paving

Councilman Garrett discussed correspondence received from Road Dept. Foreman Mike Schneider regarding asphalt paving in Falcon Ridge on June 28th. When APT Paving Co. paved several driveways, they did not call for mark-outs of water and / or sewer and so they paved over numerous clean-outs and also broke / bent caps. Mike Schneider contacted Comet Management regarding the situation but stated in his letter that neither the Management Company representative nor APT Paving wanted to hear what he had to say. There are eight (8) properties in question. Councilman Garrett stated that APT is a large company and knows the procedure of calling for mark-outs. He also would like Mr. Schneider to get a bill list together and send to Falcon Ridge for the work we will have to do there to repair the situation.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz for Road Dept. Foreman Mike Schneider to get a bill list together and for the Borough to send a letter for the cost and damages due to no mark outs to Falcon Ridge for the work we will have to do there to repair the situation.

Mr. Schneider asked about his cutting into the driveways and who is going to be responsible for the repair cost. He also stated that he will be cutting out what was paved over but that it might have to be dug up, resulting in a larger hole in the driveway.

Councilman Garrett said the Borough will have to bill them for our work there but they will be responsible to repave.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to open the meeting to Water Superintendent Jerry Kastner. All in favor.

Jerry Kastner stressed the health concerns he had about the situation as these go directly to our sewer mains, causing blockages, infiltration and that we must move quickly. The Borough needs to seal the sewer clean-outs and replace / fix the broken caps. Again, Mr. Kastner stressed being proactive with this situation. Mayor Marino said to do what has to be done for safety issues and he will also call Jennifer at Comet Management as she has always been helpful with him on past issues and is confused by this and their reaction to the mark-outs.

All in favor.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to close to Jerry Kastner. All in favor.

Wallkill Ave Doors

Councilman Garrett discussed the damage that had been done to the garage doors on the building on Wallkill Ave along with submitted pictures and Police Report that had been filed by Mike Schneider. Two – three of the five panels are destroyed so he would like to submit this to the insurance company.

Willow Circle Hydrant

A fire hydrant on Willow Circle needs to be replaced and has to be dug down approximately 7 feet, and as our Road Dept. is not able to install, an outside company will be brought in to do so. Mr. Schneider is in the process of obtaining three quotes for the project.

Town Clock

Mayor Marino said that Doreen Schott ordered the clock and the insurance covered some of the costs but not the entire amount.

Motion by Councilman Garrett, seconded by Councilman Law to close to Mike Schneider. All in favor.

3. BOARD OF PUBLIC WORKS

Meeting was cancelled. Next meeting will be held August 10th.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for May 2016 showed a total of \$1,602,895.49 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to redeem third party tax sale certificate Block 31, Lot 38 in the amount of \$57,519.08. All in favor.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the resolution for Tax Overpayment on Block 31, Lot 8 (C0814) in the amount of \$447.69. All in favor.

Resolution #2016-35 – Opposing the State Legislature's Gas Tax of \$0.23 per Gallon

Councilman Sena discussed this resolution, stating that he would like the Council to consider passing the opposition of the State Legislature's gas tax of \$0.23 per gallon. Councilman Barr stated that he would not be in favor of it as it only addresses the gas tax and there are other issues to consider, such as the State Tax, a reduction in property tax, incentives to retirees, and pension breaks, and does not give a complete story. Councilman Garrett said this goes into effect tomorrow; the road problems are due to mismanagement. Council members agree that the State has a lot of other issues to deal with also, but this Councilman Sena said this would show a cost savings and they have not exhausted all measures.

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to accept the following resolution:

RESOLUTION OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY OPPOSING THE STATE LEGISLATURE'S GAS TAX OF \$0.23 PER GALLON

RESOLUTION 2016-35

WHEREAS, the Mayor and Council have discussed the State Legislature's and Governor's proposal to increase the gas tax by \$0.23 per gallon; and

WHEREAS, the Mayor and Council recognize that Sussex County has over 40,000 commuter trips from the County's residents that extend throughout the State of New Jersey; and

WHEREAS, these commuters will likely expend in excess of \$300 per year as a direct result of the \$0.23 per gallon gas tax proposed by the Governor and the certain State Legislators; and

WHEREAS, the Mayor and Council believe that based on the geographic location of Sussex County, this tax will provide an inequity to the residents of Sussex County in that these commutes to Morris, Passaic, Essex and Bergen Counties will be more costly and cause a financial hardship to the residents of Sussex County; and

WHEREAS, the governing body discussed the overall economic hardships that this gas tax, as well as the deprivation of municipalities receiving the energy tax receipts which have been retained by the State of New Jersey as opposed to being provided to local governments, has resulted in a tax burden that is harmful to the overall quality of life of the residents of the Borough of Hamburg and Sussex County; and

WHEREAS, the Mayor and Council hereby demand that our local legislators recognize the inequity of a gas tax that is exacerbated by the fact that residents of Sussex County will pay even more than average \$300 per year in additional taxes to the State of New Jersey if in fact this is approved.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hamburg, County of Sussex, and State of New Jersey that the governing body of the Borough of Hamburg vigorously opposes, objects and urges our State Legislative representatives to oppose this \$0.23 gas tax.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Borough's local legislators and all Sussex County Municipalities urging to take action to oppose the legislation on behalf of Sussex County residents.

This Resolution shall take effect immediately.

Certification

I hereby certify the forgoing a true and exact copy of a resolution adopted by the Mayor and Council of the Borough of Hamburg at their regular meeting of July 6, 2016.

Doreen Schott RMC, Borough Clerk

Roll Call:

Ayes: Krasnomowitz, Burd, Law, Garrett, Sena
Nays: Barr
Abstain: None
Absent: None

2. ROAD DEPARTMENT

Discussed under Public Portion

3. BOARD of HEALTH

A quarterly meeting will be held on July 12th at 6:30 pm.

4. RECREATION

Councilman Sena informed the Council that Payton Decker is our Miss Hamburg 2016; Gino Preziosi is our Little Mr. and Emma Marie Divak is our Little Miss. The Miners baseball game is scheduled for July 17th at Skylands and tickets are \$9.50 each, getting \$2.00 back. Hamburg Day is on for August 21st.

PUBLIC PORTION:

Motion by Councilman Sena, 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.

Mark Yablonsky – Village Drive -- thanked the Mayor and Council for keeping our taxes in check, has been a resident here for quite some time and that he never worries here. He wanted to make sure the Council knew that he appreciated all they do for the residents of Hamburg.

Mike Schneider -- Road Dept. -- said the department is in the process of patching roads.

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

EXECUTIVE SESSION RESOLUTION:

Mayor Marino 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. Personnel – Police Director – Rice Notice has been issued

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

Motion by Councilman Barr, seconded by Councilman Garrett to enter into Executive Session at 8:32 pm. All in favor.

Discussion on Personnel – Police Director – Rice Notice has been issued

Motion by Councilman Barr, seconded by Councilman Sena to return to the Regular Meeting at 8:48 pm. All in favor.

No action taken.

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

1. From the State of NJ information regarding Hazard “Unprotected Trenches” (6/8/2016)
2. Notice of facility compliance from State of NJ – Water Quality (6/8/2016)
3. Correspondence from Weiner Lesniak – Declaratory Judgement (6/8/2016)
4. Notice of foreclosure – 10 State Highway #23. (6/8/2016)
5. Notice of 2016 Annual League of Municipalities (6/8/2016)
6. From Vernon Township notice of ordinance – zoning (6/8/2016)
7. Information from HomeServe (6/8/2016)
8. Correspondence from Weiner Lesniak – Declaratory Judgement (6/8/2016)
9. 2016 Tax Court Complaint – Wild Turkey Golf Club (6/8/2016)
10. 2016 Tax Court Complaint – Ballyowen Golf Club USA (6/8/2016)
11. 2016 Tax Court Complaint – Historic Hamburg LLC (6/8/2016)
12. 2016 Tax Court Complaint – Grey Elephant LLC (6/8/2016)
13. Correspondence – Controlling Mosquitoes in our Municipality (6/17/2016)
14. Suspected Substance discharge notification (6/17/2016)
15. Suspected Substance discharge notification (6/20/2016)
16. From Weiner Lesniak regarding Hamburg Complaint for Declaratory Judgment (6/24/2016)
17. Notice of Super v Borough of Hamburg notice of motion (6/22/2016)
18. JCPL correspondence
19. From Weiner Lesniak information regarding Municipal Compliance for Declaratory Judgment (6/27/2016)
20. From NJLM 19th Annual Elected Officials Hall of Fame. (6/27/2016)
21. Sussex County Planning Board Minutes May 2016 (6/27/2016)
22. Notice of foreclosure 29 Quarry Rd (6/29/2016)
23. Property Maintenance Correspondence regarding Falcon Ridge (6/28/2016)

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilman Sena to adjourn the meeting at 8:48 pm. All in favor.

Date Approved: 8/1/16

Date Released: 8/1/16



Kathy Garrett
Deputy Clerk