

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON DECEMBER 5, 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: 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".

November 7, 2016 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Sena to approve the November 7, 2016 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

The following bills were added to the bill list: a bill in the amount of \$1405.78 to Hardyston Township for Fuel; \$160.00 to Atlantic Health for EMS classes; and \$6820.00 to Hardyston Township Construction Department.

Motion by Councilman Burd, seconded by Councilman Law to add the bills to the bill list. All in favor.

Motion by Councilman Garrett, seconded by Councilman Law 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 Law, seconded by Councilman Sena 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

ORDINANCE

None

RESOLUTIONS:

2016-47 Transfer Resolution

A transfer resolution in the amount of \$6100.00 was submitted for approval.

Motion by Councilman Barr, seconded by Councilman Burd to approve Resolution 2016-47 transfer of funds in the amount of \$6100.00.

Roll Call:

Ayes: Barr, Krasnomowitz, Burd, Law, Garrett, Sena

Nays: None

Abstain: None

Absent: None

2016-48 Opening Trust Account at Sussex Bank

Motion by Councilman Krasnomowitz, seconded by Councilman Sena to accept Resolution 2016-48 to open a Trust Account at Sussex Bank.

Roll Call:

Ayes: Barr, Krasnomowitz, Burd, Law, Garrett, Sena

Nays: None

Abstain: None

Absent: None

ATTORNEY HOUR:

ENGINEERING:

Motion by Councilman Law, seconded by Councilman Sena to open to Borough Engineer John Ruschke. All in favor.

Mr. Ruschke informed the Council that the contractor for the booster station on Bank Street is starting to install and will continue into January, with the electric transfer going in tomorrow. An invoice in the amount of \$130,000.00 should be coming through for the work. The generator has already been installed and to date, there have been no change orders and no issues. Mayor Marino added there is enough money to complete the project without using funds from the 2017 budget. The 2017 funds will be used for preventive maintenance on our equipment.

Mr. Ruschke brought up the new 5 Year Plan, stating the storage tanks need to be looked at as the main one is 75 years old, possibly doing modifications on the tank as it still seems to be in good shape. The other two tanks were painted 20 years ago; divers will give an overview on the inside of those tanks. The controls of the wells in the booster station were installed 15 plus years ago and may need replacing. Mr. Ruschke stated these are smaller jockey pumps at a cost of \$50,000.00. All in all the system is running very well.

Councilman Krasnomowitz asked if all three tanks were needed and Mr. Ruschke answered that it was beneficial for more, and, according to DEP regulations, if one should go down, we could take it off line while the others are still working.

The micro-paving was discussed, with Mr. Ruschke understanding that complaints were received. He stressed that it was not a structural repair for a road: the micro-paving is done, then the crack and seal and this entire process extends the life of a road. He also said the State will be looking to give out grants again in 2017 and we have not received anything for a few years so our chances should be increased. He will talk to Mike Schneider about the roads and would like to submit a DOT grant in the amount of \$100-120,000.00 as it seems that is a good amount for us to submit and receive. The grant is due by February 3, 2017. The

DEP is adopting new stormwater regulations for Tier A – Hamburg is Tier B (mapping, etc.) and Mr. Ruschke is checking into it.

Councilman Sena asked about Rt. 23 North by Winding Brook and the dip in the road, saying that when trucks go over it, the noise is horrendous. He asked if this was from a leak from a water main, but testing was done, and it is due to settlement of the pavement.

Motion by Councilman Barr, seconded by Councilman Law to open the meeting to Jerry Kastner and Mike Schneider. All in favor.

Mr. Schneider said there were no leaks in the road way and Mr. Kastner said he is doing a final report but it should be on DOT to repair. Mr. Ruschke will send DOT a letter advising them of the situation and findings.

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

PRESENTATIONS:

Dorothy Kays

Police Director Wayne Yahm presented a plaque on behalf of the Police Department to Captain Dorothy Kays for her 64 years of service as a crossing guard for the Borough. Councilman Barr presented a plaque to Ms. Kays on behalf of the Borough, thanking her for her dedication to the Borough and to the children. Ms. Kays stated she hoped to see 65 years but enjoyed every moment and throughout the years there was not one child hurt and not one car accident while she was on her post.

Detective Jeffrey Sokolowski

Director Yahm presented a plaque to Detective Jeffrey Sokolowski for his Life Saving actions while responding to a call in town, resulting in saving the life of a resident. Detective Sokolowski will also receive a citation bar for his uniform. Councilman Barr presented a plaque to Detective Sokolowski on behalf of the Borough for his commitment to the Borough and his outstanding actions while responding to a medical emergency.

Patrolman Devin Gormley

Director Yahm presented a plaque to Patrolman Devin Gormley for his assistance with an attempted suicide, resulting in saving the life of a resident. Patrolman Gormley will also receive a citation bar for his uniform. Councilman Barr presented a plaque to Patrolman Gormley on behalf of the Borough for his commitment to the Borough and his outstanding actions while responding to a medical emergency.

MAYOR'S AGENDA:

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 November 2016

The November 2016 monthly report for the Police Department showed 812 calls of service, including 6 arrests, 13 motor vehicle accidents, and 34 motor vehicle summonses issued (ETickets – 34, hard copies – 0).

Director Yahm stated the new weapons were in service, with all but one officer still needing to qualify on the weapons. He also needed to move the repeater once and will have to move it one more time due to the ongoing booster station project. A new work station was added at the station as a new computer was needed. Scheduling has been done on paper but will now be done on the computer at a cost of \$1000.00 a year. Director Yahm also stated there will be an overtime spike due to several investigations, all with positive results.

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

Resignation of Ms. Dorothy Kays

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept, with regrets, the resignation of Captain Dorothy Kays from the position of crossing guard after 63 plus years due to personal reasons.
All in favor.

2. HISTORIC COMMISSION / HISTORIC SOCIETY

A meeting was held and also a presentation which satisfied the criteria for the commission. One member will be resigning come January but there will still be a full board.

COUNCILMAN KRASNOMOWITZ

3. LAND USE BOARD

A Land Use meeting will be held on Monday, December 12, for a conceptual hearing.

4. INSURANCE

A 2016 Statewide Grant award in the amount of \$1355.00 was received and will be used towards the surveillance system installed in the Borough.

COUNCILMAN BURD

4. BOARD OF EDUCATION

All work at the school is now completed, sidewalks are in, but the sign has not been installed.

COUNCILMAN LAW

1. COURT

Councilman Law stated that the purchase of the iPad for the Court Administrator is on hold until January, waiting only to see how the system will work before a purchase is made.

2. FIRE COMMISSIONER AND OEM

Fire and EMS Report

No Fire report was available as the Fire Chief is having a problem with the computer. Hopefully it can be resolved or the matter will have to be looked into further.

No EMS report was available.

Fire Department Membership Applications:

A favorable background and medical check were received for Tabitha Lambert for membership into the Fire Dept.

Motion by Councilman Law, seconded by Councilman Garrett to approve Tabitha Lambert for membership into the Fire Dept.

Councilman Garrett reminded the Council that Ms. Lambert needed State Approval also before running with the Dept.

All in favor.

EMS Membership Application:

A favorable background and medical check were received for Elizabeth Weite for EMS membership.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve Elizabeth Weite for EMS membership.

Councilman Law stated that Ms. Weite will be a driver and also will attend EMT school.

All in favor.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

The vendor called about the town clock but due to budgetary reasons, the town will wait until January to replace it.

2. BOARD OF PUBLIC WORKS

The December meeting will be cancelled.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for October showed a total of \$384,127.23 being collected with the report for November 2016 showing a total of \$2,206,069.23 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the resolution to redeem third party Tax Sale Certificate # 15-014 Block 24 Lot 1 (C1603) in the amount of \$12,167.07; to accept the resolution to redeem third party Tax Sale Certificate # 2016-014 Block 21 Lot 45 in the amount of \$3136.11. All in favor.

3. BOARD of HEALTH

The next meeting will be the January re-organization.

4. RECREATION

The following functions are coming up: Breakfast with Santa on December 10th, Family Swim Night at the YMCA on March 11th, and an open skate at Skylands Ice World on April 19th.

PUBLIC PORTION:

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open the meeting to the public for any questions or comments they might have with regard to the good and welfare with the Borough. All in favor.

Joyce Oehler – EMS – said she received a call from Marianne Smith of Hardyston asking that the stretchers that Hamburg is using to be returned as they would like to place them on auction. Ms. Oehler added that Stryker Stretchers are available for purchase for \$104,000.00 and have a one year plan for repayment. Mayor Marino asked if Ms. Oehler is looking for a grant for them. This will depend on the stretchers with Hardyston. Councilman Law stated that the Borough has to be notified six months in advance with a change after a certain amount of time if they are going to be taking back equipment so he will contact Ms. Smith for further information and options.

Motion by Councilman Barr, seconded by Councilman Law 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. Berger v Hamburg; Grey Elephant (Historic Hamburg); Wild Turkey Golf Club; Ballyowen Golf Club; Plaza 23, LLC: Tax Court- Litigation
2. Block 16, Lot 8 – Privacy Matters

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 Sena to accept the resolution as offered. All in favor.

Motion by Councilman Barr, seconded by Councilman Law to enter into Executive Session at 8:33 pm. All in favor.

Discussion regarding: Berger v Hamburg; Grey Elephant (Historic Hamburg); Wild Turkey Golf Club; Ballyowen Golf Club; Plaza 23, LLC: Tax Court- Litigation; Block 16, Lot 8 – Privacy Matters.

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

Attorney Clemack offered the following resolution:

**Block 16, Lot 8
Small Cities Rehabilitation Grant
#2016-49**

WHEREAS, there is a need to resolve a Rehabilitation Loan for Block 16, Lot 8, 1 Mountain Road, Hamburg, NJ, County of Sussex; and

WHEREAS, based upon the representation of Council Ms. Collins, this property is a short sale and the lender will not allow any proceeds over \$60,000.00, thereby meaning the Borough will have to give up the release of its' mortgage; and

BE IT RESOLVED, upon discussion of the Mayor and Council, the Borough does hereby authorize the release of the mortgage of the Rehabilitation Loan for Block 16, Lot 8 in the amount of \$12,000.00; and

BE IT FURTHER RESOLVED, that subject to the taxes, all back taxes in the current amount of \$11,966.14 to be paid in full at the closing.

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 December 5, 2016 Regular Meeting.

Doreen Schott, RMC
Municipal Clerk

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

Attorney Clemack offered the following resolution:

**Block 26, Lot 4
Tax Appeal
#2016-50**

WHEREAS, there is a need to resolve a tax appeal for Block 26, Lot 4, 10 Vernon Ave, Hamburg, NJ, County of Sussex; and

WHEREAS, the Mayor and Council are in receipt of the recommendation of the tax assessor and his proposed settlement offer; and

BE IT RESOLVED, upon discussion of the Mayor and Council, the Borough does hereby authorize the following settlement for 2014 appeal as being withdrawn: and

BE IT FURTHER RESOLVED, that the assessment for 2015 and 2016 be fixed at \$1.2 million; and

THEREFORE, BE IT RESOLVED, if the offer is accepted, the appropriate Borough official is authorized to sign the necessary documents to complete the matter.

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 December 5, 2016 Regular Meeting.

Doreen Schott, RMC
Municipal Clerk

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

Council discussed the Reorganization Meeting and the time of the Council meetings.

Motion by Councilman Burd, seconded by Councilman Barr to change the Reorganization Meeting of the Mayor and Council from January 1, 2017 to Wednesday, January 4, 2017 at 7 pm. All in favor.

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

1. Littell Center Report -October 2016
2. From Andover Township Lackawanna Cut Off Restoration Project (11/8/2016)
3. From Advocates for Children – Healthy Food – Strong Kids (
4. Legislative Bulletin October 2016 (11/14/2016)
5. Notice of action to foreclose 4 Village Drive (11/15/2016)
6. From Sussex County – 100% smoke free outdoor parks and recreation areas (11/15/2016)
7. Notice of pending foreclosure 69 Vernon Avenue (11/18/2016)
8. Notice of action to foreclose 11 Amherst (11/21/2016)
9. Notice of action to foreclose 10 Governor Haines (11/21/2016)
10. Notice of FY 2017 State Aid Programs (11/21/2016)
11. Correspondence regarding Insurance Services (11/21/2016)
12. Sussex County Planning Board Minutes (11/23/2016)
13. Correspondence from JCPL notice of storm recovery
14. From Hardyston Twp Fire Official, inspection of Borough Hall all is compliant (11/28/2016)

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilman Sena to adjourn the meeting at 9:05 pm. All in favor.



Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett