

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON DECEMBER 4, 2017 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ

CALL TO ORDER:

Mayor Marino called the meeting to order at 7:00 p.m. and opened with a flag salute.

ROLL CALL:

Mayor Marino requested a roll call:

- | | |
|-------------------------|--------------------|
| Councilman Krasnomowitz | Councilman Garrett |
| Councilman Burd | Councilman Sena |
| Councilman Law | 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 10, 2017 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 6, 2017 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the November 6, 2017 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

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

November 6, 2017 Executive Session Minutes

Motion by Councilman Law, seconded by Councilman Burd to approve the November 6, 2017 Executive Session Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list, motion by Councilman Garrett, seconded by Councilman Burd 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 Krasnomowitz to approve and pay the bill list as presented.

Roll Call showed all Council members present in favor.

ORDINANCES:

ORDINANCE #05-2017 – 2nd Reading

AN ORDINANCE AMENDING CHAPTER 197-TOWING-OF THE CODE OF THE BOROUGH OF HAMBURG TO INCREASE CERTAIN FEES FOR TOWING COMPANY SERVICES AND TO PROVIDE FOR ADMINISTRATIVE FEE PAYABLE BY A TOWING COMPANY

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

ORDINANCE #05-2017 – 2nd Reading

AN ORDINANCE AMENDING CHAPTER 197-TOWING-OF THE CODE OF THE BOROUGH OF HAMBURG TO INCREASE CERTAIN FEES FOR TOWING COMPANY SERVICES AND TO PROVIDE FOR ADMINISTRATIVE FEE PAYABLE BY A TOWING COMPANY

Motion by Councilman Law, 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. All in favor. This ordinance was introduced on first reading at the November 6, 2017 regular meeting 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 Law, seconded by Councilman Garrett to adopt the ordinance as presented.

Roll Call:

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

RESOLUTIONS:

ATTORNEY HOUR:

1. 2018 Reorganization and Regular Meeting:

January 3, 2018 – Reorganization Meeting 7:00 pm; Regular Meeting 7:30 pm

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the January 3, 2018 Reorganization Meeting at 7:00 pm with the Regular Meeting beginning at 7:30 pm or directly afterwards. All in favor.

ENGINEERING:

No updates.

MAYOR’S AGENDA:

1. School Choice Week Resolution

Mayor Marino presented Resolution 2017-48 – School Choice Week – January 21 – 27, 2018 to raise awareness of the need for effective educational options.

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

2. Application for CAIR

Mayor Marino stated that the online application for the CAIR program for the Borough Clerk to access Driver History Abstracts for volunteers has been approved. This is something that is required yearly for all volunteer drivers of Borough owned vehicles and is done in January. Councilman Krasnomowitz asked if there was a cost to us and Ms. Schott replied there was a \$150.00 yearly fee. She also added that IT will also be involved.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to approve the online access program for CAIR. All in favor.

3. Extend Leaf Pick Up

Mayor Marino would like to extend the leaf pick up until December 22nd as the leaves are still falling. Motion by Councilman Garrett, seconded by Councilman Burd to extend the leaf pick up until December 22nd. All in favor.

4. Council Appointments

Mayor Marino informed Council members that he will be meeting with them with regards to their duties for the upcoming year and will contact them individually. He also wished everyone a Merry Christmas and a Happy New Year.

COMMITTEE REPORTS:

COUNCILMAN KRASNOMOWITZ:

1. POLICE COMMISSIONER

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

Monthly Report for November 2017

The November 2017 monthly report for the Police Department showed 873 calls of service, including 2 arrests, 11 motor vehicle accidents, and 60 motor vehicle summonses issued (ETickets – 60, hard copies – 3).

Mr. Yahm stated that most of the training was done in house and all passed qualifying for firearms. Councilman Garrett asked where this was done and Mr. Yahm replied they go to the Morris County Firearm Academy and have to qualify twice a year for firearms. The Bergen County range had been used in the past but is now under construction.

Police Vehicle

Mr. Yahm gave an update on the police vehicle, stating the cost for the sedan is \$33,019.00, and for the SUV it is \$35,901.00, with an additional \$6000.00 for the accessories. They are looking into the Toughbook Computer system, a better computer, which would be roughly \$5000.00 with installation. To fix the other police car, the Durango, would cost approximately \$10,000.00 and unfortunately is not cost effective.

Mayor Marino stated there is money in the capital improvement fund for the car. Councilman Law asked if the car came with lockboxes for the weapons and Mr. Yahm said this would be ordered separately, waiting for next year’s budget to do so.

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to close to Director Yahm. All in favor.

3. LAND USE BOARD / HISTORIC COMMISSION

There will not be a Land Use meeting this month but Councilman Krasnomowitz said the Master Plan needed to be updated this coming 2018 year.

4. INSURANCE

State Insurance Fund Year 2018 contract

The renewal proposal for 2018 from Statewide Insurance Fund showed no increase in cost. Councilman Krasnomowitz requested a quote for pollution coverage but has not received any numbers yet.

COUNCILMAN BURD:

2. SANITATION AND RECYCLING

Council is in receipt of an email and pictures from SCMUA regarding recycling that was picked up recently.

The pictures show a large quantity of black plastic bags, paint cans, non-recyclable items that were picked up within the Borough. Council discusses that it seems as though this came from a dumpster, possibly ours, and someone is dumping illegally, which has happened before. Mayor Marino said that Hardyston should only be picking up those recyclables that are put out curbside properly. Councilman Burd stated that we need to stress what is recyclable and what is not. He also asked to be notified what Bob Schultz from Hardyston says as a call was placed to him.

4. BOARD OF EDUCATION

The School Board meeting about the consolidation is on Wednesday, December 6th in Sparta and since Councilman Burd registered on line to attend, he informed everyone that it is quick and easy to do so, encouraging all to attend if possible.

COUNCILMAN LAW:

Councilman Law thanked everyone for the flowers and sympathy cards he received for his family member. He appreciated all that were sent.

1. COURT

Councilman Law relayed that since our judge is retiring at the end of December, offers were made to a new Municipal Judge and Public Defender.

2. FIRE COMMISSIONER AND OEM

EMS Report for November 2017

2 fire; 2 MVA; 1 alarm; 10 medical; 0 trauma; 3 mental health; 1 stand-by; 1 community service; 0 cancelled en- route. Mutual Aid – into Hardyston –1; into Franklin – 1; into Wantage - 1. Total calls for the year- 252. Total man hours for the year: 708.

Fire Report for November 2017

4 fire; 1 MVA; 1 alarms; 0 smoke condition; 2 smell gas/smoke; 0 traffic cont; 0 assist EMS; 0 stand-by; 0 medi-vac; 0 public service; 0 cancelled en-route. Mutual Aid – into Wantage – 2. Total calls for the year – 111. Total man hours for the year: 731.

EMS Department Application – Frank L. Basek Background check and medical check complete.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the EMS application of Frank L. Basek.

Councilman Garrett asked what has changed from last month as it looked like the same application.

Councilman Law said the driver's license was run and matched the person that submitted the application. All in favor.

COUNCILMAN GARRETT:

1. BUILDING AND GROUNDS

Councilman Garrett said that on the Orchard Street extension there were trees cut on Borough property. As this is zoned Borough Center, site plan approval is needed and the Zoning Officer issued a stop work order. Councilman Garrett also added there is a curb cut there also. Councilman Krasnomowitz stated that Land Use Secretary Wendy Brick has also been in touch with the property owners as they submitted an application. Borough Clerk Doreen Schott added that the property owner should be submitting a Zoning Permit and then the Zoning Officer can approve or deny as needed and then the correct process can continue on. This will be looked into further.

Councilman Garrett said he has been in touch with John Ruschke about the curb on Main Street and added that since the curb by the post office has not been fixed to date, the Zoning Officer needs to issue a violation ticket. The Belgium block curb is sticking out into the roadway and with the winter weather coming, when

the road department goes to plow in this area, plows will be ruined.

Plans for building improvements were being discussed at the time a generator for the court house was discussed. These plans are no longer being considered so plans to purchase a generator will be pursued.

Councilman Garrett brought up the fact there are no AED's here in the municipal building, the court house, or the fire department. A grant to purchase them for a half price cost of \$800.00 through Newton Hospital is available but each station has to have three (3) people trained. Councilman Garrett will discuss this further with Newton Hospital regarding the training aspect. Mayor Marino asked what the liability for the town would be and is this really necessary as EMS and Police would respond right away. Councilman Garrett said you need the liability and, yes this is important because if you can get an AED on someone right away you can save their life. The training is one hour long. Police are trained also as this is part of the CPR training. Police also carry one in their car. Councilman Garrett will bring this up again in January and will also contact Newton about the stipulation of the three people being trained.

3. BOARD OF PUBLIC WORKS

Meeting on Wednesday, December 13th at 7 pm

COUNCILMAN SENA:

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report showed a total of \$1,069,736.72 being collected for October 2017.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the Resolution to redeem third party tax sale certificates 14-050 in the amount of \$3,891.88; the Resolution to redeem third party tax sale certificates 17-0003 in the amount of \$2,818.90; the Resolution to redeem third party tax sale certificates 17-0008 in the amount of \$40,418.74.

Roll call showed all members present in favor.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the Resolution for overpayment of taxes Block 27, Lot 13.01 in the amount of \$1,719.48. All in favor.

2. ROAD DEPARTMENT

Councilman Sena was glad to see the leaf and brush pick up extended as there are still so many leaves on the trees.

3 BOARD of HEALTH

Rabies clinic is this Wednesday, December 6th from 4 – 7 pm at the firehouse.

4. RECREATION

Breakfast with Santa will be held on Saturday, December 9th from 9-11 am at the firehouse and the Rec Commission will be judging for the Holiday Decorating Contest between December 15th -23rd.

PUBLIC PORTION:

Motion by Councilman Garrett, 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 - informed the Council the AED's are not wall units and Councilman Garrett said he was aware of that and should we receive them, planned on having wall cases built for them.

Mayor Marino informed Ms. Oehler as chairwoman of the Rec Commission, the reason the budget fluctuates is that there are two accounts for recreation: as one goes down, depending upon the line item, the other goes

up to make sure all events will be covered. He also added that if another event should be added to the schedule, we will always be able to discuss this and look into the budget for the money.

Kate McNamara – Project Self-Sufficiency – stated the program was founded in 1987 in a little trailer and is now housed in a beautiful building across from the SCCC. Transportation issues have always been an issue when they have tried to help people so they applied for a grant and received one for an RV and are in the process of outfitting this with counseling offices, computer labs, and a food pantry so they can go to the people. Hamburg was chosen based on the census and poverty level. PSS would like to come twice a month to service the residents of Hamburg. Mayor Marino offered the municipal lot on Linwood Ave and the hours of operation would be from 12 – 8 pm. Councilman Krasnomowitz mentioned the need for Domestic Violence program and although Wallkill Valley High School has a food pantry, there is nothing local here in town. Drug Abuse is also a big issue. This would be a partnership with the Center for Prevention. Councilman Krasnomowitz asked how we get this out to the public. They will advertise but we can also put it on our website, newsletter, etc. Nothing needs to be done at this time. Ms. McNamara will be in touch with us.

Motion by Councilman Law, seconded by Councilman Krasnomowitz 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. Collective Bargaining Negotiations – Police
2. Litigation (Farruggio vs Borough of Hamburg)

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

Motion by Councilman Law, seconded by Councilman Burd to enter into Executive Session at 7:45 pm. All in favor.

Discussion regarding Collective Bargaining Negotiations – Police; and Litigation (Farruggio vs Borough of Hamburg).

Motion by Councilman Law, seconded by Councilman Krasnomowitz to return to the Regular Meeting at 8:34 pm. All in favor.

Attorney Clemack offered the following resolution:

RESOLUTION

#2017- 49

Farruggio vs Borough of Hamburg

WHEREAS, in the matter of Farruggio vs Hamburg; there will be a settlement conference in the Appellate Division on December 5, 2017; and

WHEREAS, the Attorney for the Borough of Hamburg is given a maximum settlement figure to submit. The settlement figure was proposed by Councilman Krasnomowitz in Executive Session and will not be disclosed in public; and

WHEREAS, there will be a motion and resolve that the figure suggested is the maximum settlement figure by Councilman Krasnomowitz is hereby adopted.

NOW, THEREFORE, BE IT RESOLVED the Attorney for the Borough of Hamburg is given authority to use that figure as the final number if necessary under the circumstances.

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, 2017 Regular Meeting.

Doreen Schott, RMC
Municipal Clerk

Motion by Councilman Burd, seconded by Councilman Law to accept the resolution as offered.

Roll Call:

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

Mayor Marino mentioned he would like a motion to order the Police car, the SUV, at the appropriate time. Councilman Krasnomowitz added the Durango should not even be on the road, but at times there are three officers on so they have to run it; it is just in that bad of shape.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to order the Police car , the SUV, at the appropriate time.

Roll Call:

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

Motion by Councilman Law, seconded by Councilman Krasnomowitz to take applications for Police Officers but not hire at this time.

Councilman Sena asked how we are going to pay not knowing what the Court is going to do regarding the settlement.

Roll Call:

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

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

1. Resolution from Mt. Olive opposing legislative proposals OPRA
2. Notice of pending foreclosure 40 Village Drive
3. Notice of pending foreclosure 39 Winding Brood Road Unit 9
4. Resolution from Blairstown – Assembly Bill 4532/ Senate Bill 3049 OPRA
5. Notice of Solid Waste Meeting Cancellation Notice
6. Spring seminar – The Powers and Duties of the Governing Body
7. From NJLM Orientation for Newly Elected and Re-Elected or Experienced municipal officials.
8. From NJLM Budgeting for the Elected Official Seminar
9. From State of NJ DEP – Clean Water State Revolving Fund
10. From NJLM – 20th Annual Elected Officials Hall of Fame
11. Notice that 4 Michael Court, sold no longer foreclosure

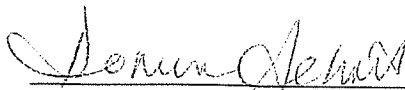
- 12. State of NJ – DEP notice of Sanitary Survey and Water Allocation Inspection
- 13. Elizabeth Town Gas –informational sheet

ADJOURNMENT

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adjourn the meeting at 8:37 pm.
All in favor.

Date Approved 1-3-18

Date Released 1-3-18



Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett