# MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON FEBRUARY 1, 2010 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ

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#### 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

Councilwoman Oehler

Councilman Kelly

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 10, 2010 by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant the provisions of the "Open Public Meetings Act".

#### **December 28, 2009 Special Meeting Minutes**

Motion by Councilman Barr, seconded by Councilman Law to approve the December 28, 2009 Special Meeting Minutes of the Mayor and Council. All in favor.

## December 28, 2009 Special Executive Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the December 28, 2009 Special Executive Meeting Minutes of the Mayor and Council. All in favor. Attorney Clemack advised that as these are minutes pertaining to personnel, they will not be released to the public upon completion of the matter.

# January 1, 2010 Re-Organization Meeting Minutes

Motion by Councilman Barr, seconded by Councilman Kelly to approve the January 1, 2010 Re-Organization Meeting Minutes of the Mayor and Council. All in favor.

#### January 4, 2010 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve the January 4, 2010 Regular Meeting Minutes of the Mayor and Council. All in favor.

# January 4, 2010 Regular Executive Meeting Minutes

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the January 4, 2010 Regular Executive Meeting Minutes of the Mayor and Council. All in favor.

#### APPROVAL OF BILLS:

Councilman Law presented an addition to the bill list of \$345.74, payable to the Hamburg Fire Dept. for the New Year's Day / Reorganization luncheon. Councilman Krasnomowitz mentioned that he

already signed the voucher for payment.

Motion by Councilman Law, seconded by Councilman Barr to add the bill of \$345.74 for payment. All in favor.

Motion by Councilman Kelly, seconded by Councilwoman Oehler 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 Krasnomowitz, seconded by Councilman Law to close to the public. All in favor.

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

Roll Call:

Ayes:

Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain: Absent:

None None

## **RESOLUTIONS:**

# 2010-05 - Transfer Resolution Police Admin. O/E to Police O/E. \$1,200.00

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution 2010-05, transferring \$1,200.00 from Administration O/E to Police O/E.

Roll Call:

Ayes:

Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: Abstain: None None

Absent:

None

# Mayor Marino announced the winners of the 2009 Holiday Decorating Contest:

- 1st Place Richard and Linda Webb 72 Orchard Street not in attendance
- 2<sup>nd</sup> Place Andrew and Grisel Kirchner 24 Linwood Avenue in attendance
- 3<sup>rd</sup> Place Anthony and Joyce Saliba 13 Holly Drive not in attendance
- Overall Best Street Holly Drive

#### **APPOINTMENTS:**

Mayor Marino made the following additional appointments:

- Mr. Ryan Kelly Municipal Drug Alliance
- Mr. Chris Fitzpatrick Municipal Drug Alliance
- Sgt. Christian Reyes Hamburg Recreation
- Sgt. Christian Reyes Board of Public Works
- Mr. Dwight Landrud Historic Commission

Motion by Councilman Barr, seconded by Councilman Law to accept the appointments as presented.

Roll Call:

Ayes:

Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent:

None

#### **ATTORNEY HOUR:**

1. Discharge of Mortgage – Small Cities Loan; Block 14, Lot 10 in the amount of \$8,390.00. Attorney Clemack stated that all necessary items have been received and this mortgage has been satisfied.

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve the Discharge of Mortgage for Block 14, Lot 10 in the amount of \$8390.00.

Roll Call:

Ayes:

Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent:

None

# 2. Rt. 23 and 94 Hamburg Borough Parcels Right of Way.

Borough Engineer John Ruschke stated that these parcels are included on the punch list submitted to the State of items to be corrected. He said that the performance bond is not yet in place and suggested that we not take over something before these items are completed. Mr. Ruschke suggested that this be discussed further and tabled until next month's meeting.

#### 3. Historic Commission Ordinance

The Historic Commission wanted to change their ordinance to meet every other month instead of monthly and this would be for financial reasons only. Business matters have slowed down for the time being; the Commission is working towards getting the Limekilns designated but this will take some time. After Council discussion, Councilman Barr suggested tabling this matter for further discussion at another time.

#### **ENGINEERING:**

#### 1. Recreation Fields

Mr. Ruschke gave an update on the recreation fields: the sanitary sewers and water main have been installed. The hydrants, landscaping, and walkway will be installed as soon as the weather breaks, and as Mr. Ruschke has been in touch with the contractor, he is looking at an early spring start. Mr. Ruschke inquired as to if the Council wanted him to get preliminary numbers on the lighting for the fields and Council answered yes. Mr. Ruschke also asked the Council if they wanted him to get information together on the layout on the restrooms and concession stand and was asked to look into it.

#### 2. Summit Road / Circle Drive

Mr. Ruschke did speak to the contractor, who was watching the weather in December, but it just did not come together enough for him to start the work. The contractor is now waiting for the weather to break, hopefully in early spring, and he will be ready to go. Mr. Ruschke does not anticipate a delay again. Work should begin hopefully in March or April – again, according to the weather.

# 3. NJ Infrastructure Update

Mr. Ruschke stated that the Borough was bumped from receiving the stimulus money in 2009 to

2010. All of our permits are still in place and are now waiting for the DEP approval to go out to bid. Mr. Ruschke asked the DEP for a pre-approval, where the project would start in the spring, DEP would extend 0% financing from the time we start construction to the time the bond closes. No word has been received from the DEP as to date.

#### 4. Main Street Extension

Mr. Ruschke gave the County preliminary notification about the project that would extend off of Gingerbread Castle Road. He wanted engineering drawings from SCMUA for the lines they installed and the topography instead of working off of aerial photos and he is waiting for those drawings. He also wanted to look into DOT funding. More updates to follow.

5. Falcon Ridge Sidewalks

The DOT said that the sidewalks by Falcon Ridge would be done in the spring, along with the other punch list items.

6. The Bluffs at Ballyowen

The Borough has confirmation from the DEP of the extension for the well permit. Mr. Ruschke stated he has been in touch with the developer about correcting the punch list items and the contractor has already begun to do so.

7. School Street parking

Council discussed the major problem of parking at the school. Councilman Law stated that cars are parking two across on a road and not moving (pictures were submitted) for long periods of time. Council members ask why the police are not ticketing these cars. No answer was given. Photos submitted were of parent's cars on numerous occasions; Councilman Law stated that it was an everyday occurrence.

Motion by Councilman Barr, seconded by Councilman Law to open the meeting to Board of Education Liaison Sheila Frayko and Fire Chief John Haig. All in favor.

Mayor Marino asked Ms. Frayko about the submitted pictures and if the Board of Education has been discussing the situation. She replied that this is the 1<sup>st</sup> time that she's hearing about it. Chief Haig was the one who took the pictures at the time of the Christmas assembly – his concern was that if there were a situation at the school, he would not be able to get a fire truck up to the school. Councilman Barr said that parents park where they want to. Police do ticket but not as much as they should. Councilman Sena will contact Chief Wright and Mrs. Frayko will be discussing this with the Board. Signage and road markers were mentioned but members in discussion did not seem to think as though they would help the situation. Parking at the ball field was also mentioned but not many parents seem to use it. Expansion of the parking lot was mentioned, along with asking the church for the use of their parking lot on occasion. More will be discussed.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to close to Mrs. Frayko and Mr. Haig. All in favor.

#### **MAYOR'S AGENDA:**

# 1. Shared Service Agreement – Township of Wantage and Hamburg Borough

Council discussed the Shared Service Agreement provided by Wantage Township for Vehicular Washing. Mr. Mike Schneider, Road Superintendent recommends to the council to enter into agreement which allows for full compliance with state regulations with regards to washing vehicles. Mayor Marino stated that it costs \$20.00 per vehicle. Councilman Krasnomowitz asked if this facility was state approved and Councilman Barr replied not yet, but this would help show the state that they were on their way to becoming state approved. Councilman Kelly said that the state has a facility in Wantage and asked why we could not use this and was answered that if is not open to municipalities. Mayor Marino also added that this would be a great way to show the state that we are interested in utilizing shared services. As there was no further discussion,

Roll Call:

Ayes:

Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent: None

# 2. Proclamation – Read Across America – NJ

Mayor Marino stated that a National Celebration of reading will be conducted on March 2, 2010 which would have been the 106<sup>th</sup> birthday of Theodor Seuss Geisel, better known as Dr. Seuss. Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept the Proclamation as offered. All in favor.

#### 3. COAH Changes

Mayor Marino informed the Council that, with the change of the Governor, the rules for COAH also changed, so we will wait and see what our new Governor decides to put into place.

#### **COMMITTEE REPORTS:**

#### **COUNCILMAN SENA**

# 1. FINANCE / TAX DEPARTMENT

#### TAX COLLECTORS REPORT

The Tax Collector's report for December 2009 showed a total of \$247,371.39 being collected.

Motion by Councilman Sena, seconded by Councilwoman Oehler to accept the Resolution to redeem third party tax sale certificate #09-016 in the amount of \$1606.59. All in favor.

Councilman Sena stated that at the end of the year there are small balances on taxes that need to be cancelled out. Motion by Councilman Sena, seconded by Councilman Law to accept the Resolution to cancel 2009 Balances in the amount of \$25.33. All in favor.

#### 2. POLICE COMMISSIONER

Monthly report for January 2010

The January 2010 monthly report for the Police Department showed 990 calls of service, including 178 investigative reports, 14 arrests, 6 motor vehicle accidents, and 106 motor vehicle summonses issued.

Councilman Sena informed the Council that the newly hired patrolmen will be in their own cars starting this week; they will no longer be required to ride with another officer while on patrol. He also stated that all training has been completed with no problems and everything is proceeding smoothly. Officer Jason Eben has returned to work as of 2/1/10 and within two weeks will be on the road. Officer Barrett is on sick leave and Sergeant Spinner has officially retired. The sergeants' exam is scheduled for the end of February and Officer Dave McNulty is the only applicant to date.

#### 3. BOARD OF HEALTH

The rabies clinic held on January 9<sup>th</sup> was very successful, with approximately 250 dogs and cats being vaccinated. Doreen Schott, Kathy Garrett, Ron Garrett, Megan and Danielle Sena, and Councilman Sena were all in attendance to work the clinic.

The reorganization meeting was held on January 12<sup>th</sup> and Linda Adams is once again chairperson. The next meeting will be held on April 13<sup>th</sup> at 6:30 PM.

#### **COUNCILMAN KELLY:**

#### 1. BUILDING AND GROUNDS

Councilman Kelly said that there are some of the new windows in the fire house that, even though they are not even one year old, need some minor repairs with regards to the caulking, window seals, etc. The contactor will be contacted to do so.

# 2. WATER QUALITY / SWAC

Councilman Kelly was named to be on the committee to investigate the capacity of the landfill, which was determined to be filled by 2017. He said that he toured the facility and was given a description of what they would like to do and needed to do, and found it to be very interesting. More updates will follow as to what avenues are taken.

#### 3. BOARD OF PUBLIC WORKS

Councilman Kelly presented to the Council a recommendation from the Board of Public Works to grant one (1) EDU to Block 22, Lot 31, 175 Route 23 South. This property location is a store front that would like to put in a beauty salon / barber shop and already has one EDU but needs two to do so. Mr. Ruschke and Mr. Kastner reviewed the request and found it to be reasonable. Mr. Ruschke submitted a letter dated January 13, 2010 to the BPW voicing his approval.

Motion by Councilman Kelly, seconded by Councilwoman Oehler to approve the one (1) EDU to Block 22, Lot 31, 175 Route 23 South. All in favor.

#### **COUNCILWOMAN OEHLER:**

#### 1. DRUG ALLIANCE

There was a meeting on January 25<sup>th</sup> with Pat Kilbildis and this year more events will be scheduled with adults and seniors. Meetings will be held quarterly with the next meeting held on April 26<sup>th</sup> at 7 PM.

#### 2. RECREATION

Councilwoman Oehler stated that a letter of resignation was received from Board Member Janet Barr due to personal reasons.

Motion by Councilwoman Oehler, seconded by Councilman Law to accept the letter of resignation

from Janet Barr with regrets. All in favor. Councilman Barr abstained.

Councilwoman Oehler stated that there are recreation events scheduled for the next two months at the Hamburg School. Rock guitar is scheduled for 2/8; martial arts for 3/1 and 3/8; hip hop dance for 3/15 and 3/22; and bike safety / fun for 3/23.

#### **COUNCILMAN LAW:**

#### 1. FIRE DEPARTMENT / EMS

Motion by Councilman Law, seconded by Councilman Barr to open the meeting to Chief John Haig. All in favor.

Council is in receipt of an application for Fire Dept. Membership for Mr. James Raperto, Jr. Background check was returned favorable.

Mayor Marino stated that although the background check came back fine, there were some issues in the fire dept. Mr. Raperto is a transfer from another dept. and suggested that the Council could approve him tonight but subject to fire dept. approval as well.

Motion by Councilman Law, seconded by Councilman Barr to approve the application for Fire Department Membership of James Raperto, Jr. subject to Fire Dept. approval also. All in favor.

Council is in receipt of an application for EMS Membership for Ms. Tammy Briggs. Background check was returned favorable. Motion by Councilman Law, seconded by Councilman Barr to approve said application. All in favor.

Council is in receipt of an application for EMS Membership for Ms. Amanda Brennan. Background check was returned favorable. Motion by Councilman Law, seconded by Councilman Barr to approve said application. All in favor.

Fire Commissioners Report December 2009, January 2010

There were a total of 117 Fire Dept. calls and 25 EMS calls for December. For the Month of January, there were 15 calls for the Fire Dept: 3 MVA's, 2 activated fire alarms, 1 structure fire at Vernon, 1 mattress fire, 3 stand – bys, 1 smell of gas, 1 forcible entry, 1 accetolyene tank on fire, 1 smell of something burning, 1 landing zone. For EMS for January: a total of 24 calls, with 7 being mutual aid.

The Fire Dept. submitted a list of parade dates for 2010. Since some of the times/dates were not yet confirmed, only a few of the submitted dates were discussed: St. Baldrick's Parade – Saturday, March 13<sup>th</sup>, Memorial Day – May 30<sup>th</sup>, Fourth of July – July 4<sup>th</sup>, and County Parade – October 2<sup>nd</sup>. Motion by Councilman Law, seconded by Councilman Barr to approve the submitted four parade dates.

#### DISCUSSION

Motion by Councilman Law, seconded by Councilman Barr to open the meeting to Dan Shane. All in favor.

Dan Shane discussed the St. Baldrick's Parade that the Fire Dept. wishes to host: Since the trucks will line up in Penny Rock, a letter was drafted for the residents explaining what will be done and the parade route, along with hours. Everything for the day is by donation. Parking for the trucks will be down by Ames. The Fire Dept. will probably hold the truck limit of the parade to 10 trucks.

Mayor Marino brings up that Chief Haig does not have access to the EMS building and if he should need to access the rig, he should be able to do so. Chief Haig stated that Patty Nicolai and Dwight Landrud, the other two officers do have keys/access to the building. Council has no objections.

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

#### 3. COURT

To be discussed in Executive Session

#### 4. RECYCLING

The boxes for the recycled batteries have been received and will be placed in town hall, the fire dept., and the school. A pamphlet will be sent out to residents with explanations.

Councilman Law met with Marianne Smith and Bob Schultz from Hardyston Township to begin discussions about what the Borough is looking for with a shared services agreement for recycling. Hardyston is definitely interested and talks will continue. A letter of interest was sent to Lafayette and will be discussed at their next Council meeting. Solid waste was also discussed with Hardyston for the school and Borough Hall. Our contract is up June 30<sup>th</sup>. The DEP sent an email out that all garbage in Sussex County has to go through SCMUA or Grinnell, who is an approved site for construction material. The tipping fees will be approximately \$112. – 120. a ton. More discussion will follow.

#### **COUNCILMAN KRASNOMOWITZ:**

#### 2. CONSTRUCTION DEPARTMENT

Construction Report December 2009

According to the construction report received for December 2009, 13 permits were issued, 0 certificate of occupancy, 15 certificates of approval and \$1262.00 in fees were collected.

#### 3. LAND USE BOARD

The Land Use Board had their re-organization meeting and Bob Adams is the chairman. This months' meeting is cancelled due to no activity.

#### 4. INSURANCE

The Franklin/Hardyston Chamber of Commerce Meeting hosted by Hardyston Township was very interesting and informative. Marianne Smith promoted the solar program they put in place that they are getting ready to activate. Councilman Krasnomowitz mentioned that there was not only talk about the recycling program but about doing maintenance on our vehicles there, especially if the County does take over the building on that road, it could make it beneficial for us.

Councilman Krasnomowitz mentioned the possibility of a traffic light going in by the entrance of Weis in Franklin, which would really cause more of a traffic nightmare in the area. An application was received for a business going in on the corner by the Dunkin Donuts.

#### **COUNCILMAN BARR**

#### 1. BOARD OF EDUCATION

Motion by Councilman Barr, seconded by Councilman Sena to make a donation to the Hamburg

Elementary School 2010 Yearbook for a full page ad in the amount of \$225.00. All in favor.

With regards to snow removal with the Board of Education, Councilman Barr and Mike Schneider met with Mr. Engravalle: the school is receiving excellent snow removal. With regards to lawn care, the school is paying a contractor \$621.13 a month for seven (7) months to mow the ball field. The school is willing to pay the town and what would be involved is to mow only, no trimming etc. Councilman Barr and Mr. Schneider figured approximately 3-4 hours a week or 24 hours a month. If another person is going to be hired to take care of the rec fields, he could also do this ball field. Mayor Marino suggested that maybe we could cut it once and see how long it would actually take so that we could make a good determination. Councilman Barr said that the school has to award the contract by April. More discussion centered on a full time/part time person and whether health benefits would have to be paid, etc. Councilman Barr reiterated that the discussions were not even at that point and another meeting with the school will be taking place.

# 4. HISTORIC COMMISSION / HISTORIC SOCIETY

Councilman Barr said that the re-organization was held and John Burd is the chairman of the Historic Commission. The designation of the limekilns is moving ahead. Private property adjoins this property; the State now owns it from the land swap from 1996. Councilman Barr stated that there are trees that need to be cut and trimmed to help preserve the limekilns, but the private property and state property matters make it difficult and us as a town cannot go in and start maintaining the area. He believes that the State is hoping we will take it back. A fence needs to be put up for safety reasons as bricks on of the chimneys are falling. The State is just not responding. For the meantime we will wait and see if anything takes place.

#### **PUBLIC PORTION:**

Motion by Councilman Barr, seconded by Councilman Kelly 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.

Hearing no comments from the public, 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. Personnel Salary
- 2. Contract Negotiations (UPSEU) United Public Service Employees Union 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 Law, seconded by Councilwoman Oehler to accept the resolution as offered.

All in favor.

Motion by Councilman Barr, seconded by Councilman Law to enter into Executive Session at 9:05 PM. All in favor.

Discussion concerning Personnel – Salary and Contract Negotiations – UPSEU.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to return to the Regular Session. All in favor.

# ORDINANCES: - 2<sup>ND</sup> Reading

**Ordinance #01-2010** 

# AN ORDINANCE FIXING THE SALARY RANGES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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

AN ORDINANCE FIXING THE SALARY RANGES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

This ordinance was introduced on first reading at the January 4, 2010 meeting and published as required by law.

#### **DISCUSSION**

Motion by Councilman Law, seconded by Councilman Sena to amend the salary range of the Public Defender to a maximum annual salary of \$6000.00.

#### Roll Call:

Ayes:

Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays:

None

Abstain:

None

Absent:

None

# CORRESPONDENCE (Parenthesis indicate correspondence already copied and the date it was copied to Council members.

- 1. From SCMUA Certificate of Annual Charge for year ending 2009 (1/8/10)
- 2. From Statewide Insurance Loss Control Sheet Jetter Safety (1/8/10)
- 3. From Statewide Insurance Loss Control Sheet Snow Fencing Tip (1/8/10)
- 4. From Statewide Insurance Loss Control Sheet Snow Plow Safety (1/8/10)
- 5. From Hatch Mott MacDonald Punch list item for Base Ball Field Backstop. (1/8/10)
- 6. Mayors Fax Advisory Allow managerial and confidential employees to unionize (1/8/10)
- 7. Mayors Fax Advisory Information on Census Day (1/14/10)
- 8. Mayors Fax Advisory Changes to the DLGS Website (1/14/10)
- 9. Mayors Fax Advisory Bills signed by Governor Corzine (1/14/10)
- 10. NJDEP compliance advisory update (1/14/10)
- 11. BPW Minutes December 2009
- 12. From Hatch Mott MacDonald to BPW regarding Versailles Holding, Inc. (1/15/10)
- 13. NJ Dept of Public Advocate Avoiding water shutoff's in tenanted properties. (1/28/10)

- 14. Copy of Sewage Flows from Sussex County Municipal Utilities Authority (1/28/10)
- 15. Mayors Fax Advisory S-1; Reform Fair Housing Act, Abolishes COAH (1/28/10)
- 16. Tilcon Summary of recyclable material. (1/28/10)
- 17. Copy of Legal Notice BPW

#### **ADJOURNMENT**

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to adjourn the meeting at 10:15 PM. All in favor.

Date Approved: 3/1/2010Date Released: 3/1/2010

Doreen Schott, RMC
Municipal Class

Municipal Clerk

Submitted by Kathy Garrett