

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON APRIL 5, 2010 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 salute to the flag.

ROLL CALL:

Mayor Marino requested a roll call:

Councilman Barr	Councilwoman Oehler
Councilman Krasnomowitz	Councilman Kelly
Councilman Law	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 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".

March 1, 2010 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the March 1, 2010 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

March 1, 2010 Regular Executive Session Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the March 1, 2010 Regular Executive Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list, motion by Councilman Law, seconded by Councilwoman Oehler to open to the public with regards to the bill list only. All in favor.

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

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

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None

Absent: None

2009 MUNICIPAL AUDIT

Council is in receipt of the Synopsis of Audit, which has also been published as required by law. Certification needs to be signed by Governing Body with original signatures only.

Motion by Councilman Law, seconded by Councilman Kelly to adopt the Resolution for Certification of Annual Audit.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

ORDINANCES: - 2nd Reading

Ordinance #02-2010

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK. (N.J.S.A. 40a:4-45.14 Calendar Year 2010

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

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK, (N.J.S.A. 40a:4-45.14 Calendar Year 2010

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open the meeting to the public for any questions or comments they may have with regards to this ordinance prior to adoption of same. All in favor. This ordinance was introduced on first reading at the March 1, 2010 meeting and published as required by law.

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 Law, seconded by Councilwoman Oehler to adopt the ordinance as presented.

DISCUSSION

Mayor Marino said that the State is recommending that we stay within the 2 ½ % cap.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

RESOLUTIONS:

Resolution # 2010-07 – Municipal Court – Outstanding Balances

Motion by Councilman Law, seconded by Councilwoman Oehler to accept the resolution as presented.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

Resolution# 2010-08 – Adoption of Bi-Laws (Drug Alliance)

Motion by Councilman Kelly, seconded by Councilman Law to accept the resolution as presented.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None
Absent: None

Resolution # 2010-09 – Emergency Temporary Appropriation

Motion by Councilman Barr, seconded by Councilman Kelly to accept the resolution as presented.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None
Absent: None

ATTORNEY HOUR:**1. Falcon Ridge - Water / Sewer Hook up fees**

Attorney Clemack stated that there were tenants in Falcon Ridge that were moved into a building but the connection fees were not paid. Since the DCA is in control of Falcon Ridge, Attorney Clemack advised them of this. At the present time, Falcon Ridge is in bankruptcy, which complicates things a bit more. If a lien is placed on the property, the town will get the money it is settled.

2. Notice of Appeal – Quarry Road Commercial Center

Attorney Clemack stated that a tax appeal has been filed for a considerable amount less. He will discuss this with the tax assessor. Councilman Sena inquired as to why out of town properties were used for comparisons and Attorney Clemack stated that there are not that many commercial properties in town that would be comparable.

ENGINEERING:**1. DOT Rt. 23/94 Project**

According to Nick Dogias, Louis has been reassigned to another project but he will still be handling the punch list items. Mr. Dogias stated that work will be starting any day now.

2. Summit Road / Circle Drive

Contractor Mike Fitzpatrick said that his start date will be April 19th, sooner if the weather holds up. The asphalt companies are still on winter pricing, which is higher. Residents will be notified as it gets closer to the date. The millings will be taken to the rec fields. Councilman Barr discusses patching School Street instead of Bank Street as it gets far more traffic and the holes are huge from the winter snow. Mr. Ruschke stated that he did not think both roads would be able to be done, but School Street would be done first and then if possible, Bank Street.

3. Rec Fields

The contractor that will be installing the sewer / water mains / walking paths / landscaping started today with bringing in equipment. He will begin laying the service connection, the 2” mains that

come off the 4" mains into the fields. He has already installed the sewer, the water main, and now the laterals. He will also begin work on the walking path. The amount of trees was discussed: ½ the amount of trees should be ½ of the price but the contractor doesn't see it that way. Mr. Ruschke is recommending a change work order for this. More will be discussed.

4. Infrastructure Program

Mr. Ruschke stated that the three projects got pushed to the back of the pile, but he has resubmitted the paperwork by the March 1st deadline. There is a bond sale in October, where they will lend us the money now so that we can move ahead now and then pay later. Councilman Kelly said that the problem is that we are still making repairs to our pumps now. Mr. Ruschke stated to the DEP that this is a time sensitive matter for us.

5. Main Street Extension

Mr. Ruschke said this was the extension of road from Gingerbread Castle Road to the Orchard Street extension. He did get mapping from SCMUA which was helpful, but realized that there would be property acquisition, a storm water collection system needed, etc. and this project will cost well over ¾ of a million dollars. Mr. Ruschke stated that we possibly need to contact the railroad and see if they are going to expand the trestle and do site improvements. After discussions, Mr. Ruschke recommended tabling this matter until a further time.

Councilman Kelly stated later on that he would like to see the railroad make some safety repairs to the trestle; the light inside is burned out and has been for quite some time.

6. Lorterdan

Lorterdan is moving ahead with getting the well finished. Although Mr. Ruschke would like to see them get the final permits from the DEP which only requires completing a few of the items on the punch list, they insist on completing everything, so it is moving ahead, slowly, but surely.

7. Rec Fields

Mayor Marino inquired about the status of the fields; more so the walking track. Mr. Ruschke replied that this is included in the contract with the water and landscaping. More will be discussed at the workshop meeting.

8. Main Street Signs

Mr. Ruschke did speak with the Road Dept. Foreman about the signs and the placement, looked at the ordinance but was not sure about the wordage. He will look at it again before the workshop meeting and this will be discussed again. Mayor Marino stated that there is a problem with the lack of parking for residents there and we have the municipal parking lots available. Council discussed ways to alleviate overnight parking but at the same time help the residents on Main Street. A residential parking permit was discussed and Council agreed to revisit it.

Quarry Crossroads

Motion by Councilman Kelly, seconded by Councilwoman Oehler to open the meeting to Terrance Baumann of Quarry Crossroads. All in favor.

Mr. Baumann of the Quarry Crossroads project stated that the project has the backing of Wantage.

They are waiting for State approval on various permits and need the approval of Hamburg. Mr. Ruschke stated that there are too many unknowns out there and our attorney and theirs have yet to sit down and talk. There will be the extra burden on our system, the extra man-power that we will need, the on-going costs, to name of few of the unknowns. The bulk rate of the water needs to be discussed, along with the connection fees per unit. Attorney Clemack stated that we are the ones that need to put the agreement together- the key points along with the numbers- and present it to them. Council agrees and more will be discussed. Quarry Crossroads will be asked for money to be put in escrow so that discussions can proceed. Attorney Clemack and John Ruschke will work to put together an agreement. Attorney Clemack will send a letter to their attorney.

Motion by Councilman Kelly, seconded by Councilman Sena to close to Terrance Baumann. All in favor.

MAYOR'S AGENDA:

Orchard Street Extension

Mayor Marino brought up that the name of Orchard Street Extension was given that for the project, and would like to drop the designation of extension.

Motion by Councilman Barr, seconded by Councilman Law that Orchard Street Extension be referred to as Orchard Street.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

1. Project Graduation – Wallkill Regional High school – request for donation

Council discusses the donation for Project Graduation and decided to give the same amount as last years' donation, which is \$100.00.

Motion by Councilman Barr, seconded by Councilman Sena to make a donation in the amount of \$100.00 to Wallkill Valley Project Graduation. All in favor.

2. New Jersey Conference of Mayors Directors Meeting.

Mayor Marino stated that at the last meeting, Gov. Christie said that towns cannot rely on State money for salaries, contracts, etc. Mayor Marino stated that we also need a formula: that the taxpayer shouldn't have to handle it all either. This includes health benefit contributions, salary cuts, and contract renewal cuts. More will be discussed in Executive Session.

Mayor Marino also informed the Council that he has been nominated to be on the Executive Board of Directors.

3. Blood Center of NJ – request to use meeting room for Blood Drives

The Fire Dept. has been approached by the American Red Cross to hold a monthly blood drive and the room there is more equipped to do this. Also, by holding more than one a month, this would deplete the blood in the area. Council agrees and believes that they should look for another place to hold it.

4. Petition to Extend License – SJR Co., LLC “Doc’s” May 8, 2010.

Motion by Councilman Barr, seconded by Councilman Law to approve the petition to extend the license premises for SJR Co. LLC “Doc’s” on May 8, 2010.

DISCUSSION

Councilman Kelly asked how many are they going to submit for approval?

Councilman Law replied that he spoke to Mr. Houghtaling and he said they will not be holding as many as they as not as profitable as they had anticipated.

Councilman Sena asked if they could submit a schedule in January and Councilman Law said he will ask they do that.

All in favor.

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

TAX COLLECTORS REPORT

The Tax Collector’s report for February 2010 showed a total of \$1,691,894.37 being collected.

2. POLICE COMMISSIONER

Monthly report for March 2010

The March 2010 monthly report for the Police Department showed 1028 calls of service, including 207 investigative reports, 21 arrests, 13 motor vehicle accidents, and 112 motor vehicle summonses issued.

Councilman Sena brought up an email that was received from Vernon Township regarding dispatching services and reminded the Council that our current contract with Andover expires 12/31/10. Councilman Sena reminded the Council that Andover’s prices have always been very competitive and that Chief Wright has no problems or concerns with them. Councilman Krasnomowitz inquired about the county wide services but there is not much information as to yet. Hardyston Township and Sparta Dispatching services were both mentioned. After further discussion, Council would like to see a proposal go out to the surrounding dispatch services. As specific information needs to be sent out for a proposal, this will be requested.

Acting Sergeant Dave McNulty completed the oral test for sergeant earlier in March.

March 23rd Officer Barrett filed for disability and is able to collect for 6 months at full pay.

3. BOARD OF HEALTH

April 13th at 6:30 PM is the next meeting.

4. CENSUS TRAINING

Council is in receipt of a request to use the meeting room for census training April 26 – 30 from 8 AM – 3 PM. Since long tables would have to be left up and there are two meetings that week, Council decides that they will have to decline the request.

COUNCILMAN KELLY:

1. BUILDING AND GROUNDS

Councilman Kelly will be visiting the buildings with Road Dept. Foreman Mike Schneider to do a review with regards to maintenance issues, winter repairs, etc. There is a crack in the ramp at the Police Station in need of repair and the court house could use some flowers out front.

Mike Schneider also stated that he would take care of the windows in the fire house as the contractor that installed them has been unresponsive. Mr. Schneider said that it was minor: could be taken care of with caulk and an adjustment on one window could be done with a screwdriver. The apron in front of the firehouse also needs to be put into the budget.

2. WATER QUALITY / SWAC

Councilman Kelly stated that in speaking with Bob Martin, commissioner from the DEP, he issued an administrative order granting an extension for the submission of the wastewater management plan with regards to the sewer service plan. John Ruschke will further check it out as the deadline date is now April 7, 2011. Mr. Ruschke mentioned Bank St. and Falcon Ridge and making sure they are back in the plan.

COUNCILWOMAN OEHLER:

2. RECREATION

Lunch with the Easter Bunny went very well and there was a good crowd. Recreation news -Chris Fitzpatrick will be holding an Exerzise Class on May 10th at 3:15 PM for parents and students. Councilwoman Oehler received a note from Dawn O'Grady asking for a donation of \$99.00 towards two (2) Mt. Creek summer passes for Media Turn-Off of April 21 – May 14. This is a promotion for the school in the hopes that the students will spend the time studying instead of using computers, video games, etc. Council decided that Recreation should be asked to sponsor the program even though last year a donation was made by the Council.

COUNCILMAN LAW:

1. FIRE DEPARTMENT / EMS

Councilman Law said that the Fire Dept. had 13 calls last month with 2 drills. EMS had a total of 30 calls.

Councilman Law stated that the State is now changing the laws as far as the EMT training is concerned and only covering the cost of the initial EMT training. They used to reimburse for the CEU certification but effective 3/3/31 no longer will.

Councilwoman Oehler steps down from the dais.

Motion by Councilman Law, seconded by Councilman Barr to open to EMS captain Joyce Oehler. All in favor.

Mayor Marino stated that this will have to come from the EMS budget and the EMTs will have to space their training so that it does not impact the budget drastically all at once.

Ms. Oehler stated that there are training classes that she can bring to the town and then many at once can receive their CEUs. Discussion revolves around EMTs staggering their CEU recertification classes so as not to impact the budget all at once. Opening up the classes to EMTs in other towns was also discussed. Ms. Oehler stated that all the EMTs on the roster do pull a duty night or are on call during the day. Mayor Marino reiterated that the training will continue to be taken out of the EMS budget and if this runs into problems, it will be revisited.

Motion by Councilman Law, seconded by Councilman Barr to close to EMS captain. All in favor. Councilwoman Oehler returns to the dais.

Membership application

Councilman Law received an application for Fire Department Membership for Charles Zweigle but did not receive the background check from the Police Dept so it will be tabled until the Workshop Meeting.

4. RECYCLING

Councilman Law stated that Hardyston would like to enter into a shared service with the Borough for \$154,932.71. He also said that this would be a great deal considering the tipping fees went up and also fuel costs. Councilman Law also said that he asked for responses from Lafayette and Waste Management. Lafayette was not interested and Waste Management did not respond. Borough Clerk Doreen Schott advised that Waste Management would not be able to respond as they would have to follow the bid process. Shared services could be outside the budget cap, but you can leave it in the cap as once it is out, it is not able to be put back in. Council discusses whether to put this out to bid as Hardyston is waiting for an answer so they can move forward with their projects. Councilman Krasnomowitz stated that he would like to see what Waste Management would have to offer before he backed any agreement with Hardyston. Attorney Clemack suggests authorizing a public bid (due to the bid window), to call Waste Management, and to continue negotiations with Hardyston.

Motion by Councilman Kelly, seconded by Councilman Barr to authorize the bid for curbside recycling.

Roll Call:

Ayes: Barr, Kelly, Law, Oehler, Sena

Nays: Krasnomowitz

Abstain: None

Absent: None

The Borough Clerk will use the same bid documents and contact Hardyston Township.

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

Construction Report February 2010

According to the construction report received for February 2010, 4 permits were issued, 0 certificate of occupancy, 4 certificates of approval and \$613.00 in fees were collected.

Councilman Krasnomowitz stated that estimated construction costs this year in February were \$13,722.00 compared to \$54,550.00 for February 2009, which shows the decline of activity in construction.

3. LAND USE BOARD

Councilman Krasnomowitz stated that there will be a review on some of the use ordinances with regards to some of the business types within the commercial zones on Rt. 23. There was a meeting with the Zoning Officer who feels that some types of businesses may or may not be included within those zones. The ordinance is vague; therefore the Zoning Officer ends up sending the applicant to the Board which becomes costly for them.

COUNCILMAN BARR

1. BOARD OF EDUCATION

Councilman Barr said that at the Board meeting, the budget was reduced by \$498,000.00 to get to

the 4% cap. They will be letting go 7 aides and 4 teachers. Instructional materials will not be touched. Councilman Barr was bothered that the Charter School was not affected by the cuts; and it was able to build a school. Councilman Barr stated that the school was doing an amazing job in running the school on a “bare-bones” minimum budget, without cutting sports or after school activities. Administration and staff will be held to the 1.5% contribution for health benefits.

2. ROAD DEPARTMENT

Councilman Barr presented the Street Sweeping Contract from Hardyston Township for the 2010 year. There have been no changes made to the contract from last year and the price is the same also. Motion by Councilman Barr, seconded by Councilman Sena to accept the 2010 Street Sweeping Contract from Hardyston Township as presented. All in favor.

Councilman Krasnomowitz asked if they swept Rt. 23 and 94 and was told the Stated did. He said that the sidewalks there looked terrible with all the sand and gravel. Councilman Barr said the Road Dept. would be taking care of that.

All in favor.

4. HISTORIC COMMISSION / HISTORIC SOCIETY

The Historic Commission received the first draft of the designation report of the limekilns. This includes the three lots – two owned by the State and one owned privately. The State is not responding to the issues at hand -to repair the limekilns. Councilman Barr reminded the Council that this is a long process.

The Historic Society will have a presentation by Dr. Sandra Moss MD on April 18th at 2 PM on water cure here at town hall.

PUBLIC PORTION:

Motion by Councilwoman Oehler, 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.

Police Chief Jan Wright – stated that an officer who receives health benefits from the town at a cost of \$18,288.00 can now receive them from his spouse and would like compensation from the town.

Attorney Clemack advised Chief Wright to instruct him to contact his PBA representative.

The Police Dept. will be obtaining live scan fingerprinting for the station and will only need minor renovations which the Road Dept. will be able to handle.

Chief Wright is content with his operating budget.

There is a recall on the paint jobs on two of the police vehicles.

Mayor Marino asked about the overtime, the 12 hour shift schedule, and the use of special officer Roy Southard. Chief Wright stated that he is used basically for court and there is very little overtime. The two new officers are still on probation but are solely on their own.

Fire Chief John Haig – said that the Fire Dept. will have a web site within a month. He also inquired about the parades and Councilman Law said that it will have to be discussed.

Mayor Marino asked about the contractor that did the windows in the fire house. Mr. Haig said that the contractor had financial difficulties and wasn't able to complete the work. Councilman Kelly said that Mike Schneider would be able to put in the necessary caulking and adjust the window so it

could lock, but would prefer that the installer complete the work. A written demand will be made for warranty purposes.

Motion by Councilman Barr, seconded by Councilwoman Oehler to close to the public. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Sena to add Police Personnel to Executive Session. 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. Personal - salaries

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 Kelly, seconded by Councilwoman Oehler to accept the resolution as presented. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to enter into Executive Session at 9:50 PM. All in favor.

Discussion concerning Personal – salaries, Contract Negotiations – UPSEU, and Police Personnel.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to return to the regular meeting. All in favor.

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz, as of June 1, 2010, to take 1.5 % of pay for health care benefits from full time non-contractual employees.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

Motion by Councilman Barr, seconded by Councilwoman Oehler, in regards to UPSEU:

1. take 1.5 % of pay for health care benefits as of June 1, 2010

2. pay for the 1st year as agreed; in years 2011, 2012, and 2013 it will be 2.5%, 2.5%, and 2.5% in lieu of 3%, 3%, and 3%

3. clothing allowance, with a \$200.00 cash cap per year

All in favor.

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

1. Mayors Fax Advisory – Affordable Housing Update (3/4/10)
2. State of NJDEP – Drinking water state revolving fund (3/4/10)
3. NJ Transit – Senior citizen transportation grants (3/4/10)
4. Duplicate to #3
5. State of NJ – no further action required notice (3/10/10)
6. Pennoni Associates information regarding ANJEC Smart Growth Grants (3/12/10)
7. From Caldwell Banker information regarding auctioning of surplus municipally owned real estate (3/12/10)
8. Mayors Fax Advisory – COAH (3/18/10)
9. Mayors Fax Advisory – Governor Christie’s Budget Message (3/18/10)
10. Mayors Fax Advisory – Supreme court decision tax assessments (3/19/10)
11. Resolution from Stillwater opposing Time of Decision (3/26/10)
12. Notice of discharge of spill of propane from transfer hose. (3/26/10)
13. Mayors Fax Advisory – Governor Christie Pension Refrom (3/26/10)

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilwoman Oehler to adjourn the meeting. All in favor.

Date Approved: _____

Date Released: _____

Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett