

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON JUNE 7, 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.

SALUTE TO THE FLAG

Mayor Marino led the Governing Body for the Salute to the Flag

ROLL CALL:

Mayor Marino shall request a roll call:

Councilman Barr

Councilwoman Oehler

Councilman Krasnomowitz

Councilman Sena

Councilman Law

Mayor Marino

Absent: Councilmember Kelly

Also Present: Doreen Schott

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".

April 19, 2010 Regular Executive Session Workshop Meeting Minutes

Motion by Councilmember Oehler, second by Councilmember Krasnomowitz to approve the April 19, 2010 Regular Executive Session Workshop Meeting Minutes. All members present in favor.

May 3, 2010 Regular Meeting Minutes

Motion by Councilmember Barr, second by Councilmember Law to approve the May 3, 2010 Regular Meeting Minutes. All members present in favor.

May 17, 2010 Regular Workshop Meeting Minutes

Motion by Councilmember Law, second by Councilmember Krasnomowitz to approve the May 17, 2010 Regular Workshop Meeting Minutes. All members present in favor.

May 17, 2010 Regular Workshop Executive Session Meeting Minutes

Motion by Councilmember Law, second by Councilmember Oehler to approve the May 17, 2010 Regular Workshop Executive Session Meeting Minutes. All members present in favor.

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list Motion by Councilmember Barr, second by Councilmember Oehler to open the meeting to the public with regards to the bill list only. All members present in favor.

Hearing no comments from the public, motion by Councilmember Barr, second by Councilmember Law to close to the public. All members present in favor.

Motion by Councilmember Barr, second by Councilmember Law to approve and pay the bill list as presented.

Roll Call:

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

At this time Councilmember Barr addresses the Governing Body and members of the public advising that on behalf of the council and the citizens of Hamburg he would like to present to Mayor Marino a plaque for his outstanding service as Mayor for 10 years, noting that at the time he came on the council the town had many problems one being financial, due to his consistent hard work over the years Hamburg today is one of the most fiscally sound towns within Sussex County. Mayor Marino thanks his colleagues and town for such an honor

BROWNIE TROOP 793

Mayor Marino presented certificates of appreciation to Brownie Troop 793 for the summer planting in front of the Hamburg Municipal Building and Monument and thanked them for doing a wonderful job. Troop 793 included the following girls: Kayla Baker, Jessica Haig, Ashley McLean, Samantha Milfort, Gianna Rimli, Mila Smolinski, Nekita Urlin and Hailey Waluda

RESOLUTIONS:

Resolution # 2010- 15 Emergency Temporary Appropriations

Motion by Councilmember Law, second by Councilmember Krasnomowitz to accept the resolution as presented. All members present in favor.

Resolution # 2010-16 Health Benefit 125 Plan (1.5% contribution)

Motion by Councilmember Barr, second by Councilmember Law to accept the resolution as presented. All members present in favor.

LIQUOR LICENSE RENEWALS – 2010 – 2011

- The following applications and a no issue report from the Police Department have been received along with the appropriate State and Local fees. Tax Clearance Certificates have been received for:

- **Hamburg Krishna LLC** **1909-44-002-006**
- **Marketplace Liquors** **1909-33-005-006**

Motion by Councilmember Law, second by Councilmember Barr to authorize the resolution for renewal for Hamburg Kreshna LLC and Marketplace Liquors.

Roll Call

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

- The following application and a non issue report from the Police Department have been received along with the appropriate State and Local fees. Tax Clearance Certificate **has not** been received for

- **SJR Doc's LLC** **1909-33-004-004**
- **Restaurant Kaya** **1909-33-004-004**

Motion by Councilmember Barr, second by Councilmember Law to authorize a Resolution for renewal for SJR, Doc's LLC and Restaurant Kaya pending the Municipal Clerk receiving Tax Clearance Certificates

Roll Call

Ayes	Barr, Krasnomowitz, Law, Oehler, Sena
Nayes	None
Abstain	None
Absent	Kelly

ATTORNEY HOUR:

1. Lorterdan Hamburg Development

Attorney advises that he has received correspondence from attorneys representing Lorterdan Hamburg Development with a request that the council approve a change to reclassify the den/study as a third bedroom. With this change they feel that the property will be more marketable. The letter advises that Borough Engineer has been advised and has no issue with this change. Attorney advises that the Mayor and Council can act as an advisory but that it will have to be presented to the Land Use Board for approval

Motion by Councilmember Krasnomowitz, second by Councilmember Law that the Mayor and Council offer an advisory opinion recommending the plan with changes as set forth in the letter dated June 3, 2010 and will defer the final judgment to the Land Use Board with the Mayor and Council supporting the change. All Councilmember's present are in favor.

ENGINEERING: In the absence of Mr. Ruschke, Mayor Marino gives the following report.

1. Earth Tec Associates, Inc. – Gingerbread Castle Road Utility Improvements.

Motion by Councilmember Barr, second by Councilmember Law to authorize Payment #4 to Earth Tec Associates in the amount of \$48,608.00. All members present in favor.

2. Change Order – School Street Paving

Clerk advises Mayor that engineer has still not received the change order amount from contractor Mike Fitzpatrick

Motion by Councilmember Barr, second by Councilmember Law to authorize the change order, not to exceed 20% from Mike Fitzpatrick for the School Street Paving job subject to the Engineers certification, once certified the Mayor and Clerk may execute the change order. All councilmember's present in favor.

Mayor Marino also advises that Concrete Construction has returned to the Route 23 / 94 job site and is starting to work on the several outstanding punch list items. They anticipate beginning the sidewalk work along route 23 after the school has closed for the summer.

MAYOR'S AGENDA:**1. Memorial Day Service**

Mayor Marino advises that Hamburg held a Memorial Day Service on Monday, May 31st which was hosted by the Hamburg Fire Department. The Boy Scouts presented the flags and Mr. Robert Piper read the Gettysburg Address and was presented with a plaque of appreciation from the Fire Department. Mr. John Courtright sang the Star Spangled Banner.

2. Recreation Fields

Mayor advises that he would like prices for Foul Poles prior to the next meeting. The Borough is anticipating a September grand opening with recreation and public.

COMMITTEE REPORTS:**COUNCILMAN SENA****1. FINANCE / TAX DEPARTMENT****TAX COLLECTORS REPORT**

- Tax Collector report for April 2010 showed a total of \$637,620.49 being collected.
- Resolution for refund on block 25 lot 19 C1104 in the amount of \$1089.20. Motion by Councilmember Sena, second by Councilmember Law to accept the resolution for refund. All councilmember's present in favor.
- Resolution to redeem third party tax sale certificate #09-001 in the amount of \$2799.21. Motion by Councilmember Sena, second by Councilmember Barr to accept the resolution to redeem third party taxes. All councilmember's present in favor.

2. POLICE COMMISSIONER

The May 2010 Police report showed 207 investigative reports, 7 motor vehicle accidents, 214 incident reports, 12 arrests, 105 motor vehicle summonses issued, 999 calls of service dispatch and 82 correspondence received.

3. BOARD OF HEALTH

Councilman Sena advises that there is a situation with one prospective business in Hamburg known as Gencarelli's Taste of Italy Pizza / Restaurant. Mr. Gencarelli sent a letter to the clerk advising that he wishes to open his business but has issues with some of the requirements from the Sussex County Board of Health. The main issue being their refusal to give him approval unless he install a certain type of quarry tile flooring. Mr. Sena has been in contact with the Sussex County supervisor Mr. Ralph D'Aries and is advised that this has been an ongoing issue. He provided Mr. Sena with a report dated April 19, 2010 which at that time advised that the flooring would have to be addressed prior to any approval given. Clerk advises that Mr. Gencarelli was in her office today and she advised Mr. Gencarelli that the Board of Health liaison was made aware of the situation and that he was going to contact Sussex County to speak to them but that he should attend the meeting to explain his concerns and issues. Mr. Gencarelli advised that he would attend but it is noted that he is not at the meeting. Upon further discussion by the council it is recommended that the business owner knows of all options available to him as far as what other less costly materials could be used and that he possibly request that the County Board of Health give him a time frame to complete the work, thus allowing him to open as this is the only item holding him up. Attorney advises that we do not have jurisdiction and the matter will have to be worked out between the business owner and the Sussex County Board of Health,

COUNCILMAN KELLY: Councilmember Kelly was not present at the meeting.

COUNCILWOMAN OEHLER:**1. RECREATION**

Councilmember Oehler advises that recreation will be holding a golf social on August 6, 2020 at 3:00 p.m. at a cost of \$40.00 for any person who would like to participate. She also advised that recreation is trying to possibly plan a trip to the Ogdensburg observatory. She will report back when more information is available.

COUNCILMAN LAW:**1. FIRE DEPARTMENT / EMS**

There were 13 calls for the month of May, 5 fire alarms, 2 CO alarms, 1 motor vehicle accident, 1 structure fire, 1 oven and dryer fire, a report of something burning and one wire down. They had 2 fire drills and one make up drill. For EMS there were 26 calls for the month of May; 13 medical, 5 traumas, 2 alarms 4 fire and 2 motor vehicle accidents. They also included 5 mutual aids; 4 of which were for Hardyston Township and one was for Hampton Township. Councilmember questions whether the outside fire places are the reason for many of the burning calls.

2. RECYCLING

Councilmember Law commends Hamburg School, the 8th grade class, PTA and parents for the recent dance that was held. The theme for the dance was "Jungle" and everything related to the dance was recycled materials from decorations, old stuffed animals etc. that we're going to be thrown out in the garbage. The two clean ups were a great success and the 8th grade class really did a wonderful job.

COUNCILMAN KRASNOMOWITZ:

Construction Report for April 2010

Councilmember Krasnomowitz advised that there were 16 permits issues, one updated permit issued, 1 certificate of occupancy, 9 certificates of approvals with a total of \$2,420.00 collected in fees for the month of April.

COUNCILMAN BARR**1. BOARD OF EDUCATION**

Councilmember Barr advised the council that effective July 1, 2010 Mr. Steven Envergalli has resigned from his position as Superintendent to take another position in Fort Lee. Mr. Robert Jinks has been promoted to Superintended at a starting salary of \$117,000.00 which will save approximately \$20,000.00 in salary and the school will advertise for an assistant superintendent / vice principal. Mr. Jinks also has been teaching a part time computer class which that position will now have to filled. The school board did address the possibility of looking into a shared service agreement however the board at this time felt it was not a positive move for the school

2. HISTORIC COMMISSION / HISTORIC SOCIETY

Councilmember Barr advises there will be a public hearing on June 30th for the Designation of the Lime Kilns.

PUBLIC PORTION:

Motion by Councilmember Law, second by Councilmember Oehler to open the meeting to the public at 8:10 pm for any questions or comments they might have with regard to the good and welfare of the Borough. All members present in favor.

Sheila Frayko – Board of Education Liaison advised the council that Hamburg will start a full day Kindergarten program in September. The parents will still have at their discretion the option of taking their child out at half day.

Paul Marino and family congratulate the Mayor on his 10 years of service.

Motion by Councilmember Barr, second by Councilmember Law to close the meeting to the public at 8:15 p.m.

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. **UPSEU Contract**
2. **Police**

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 Krasnomowitz, second by Councilmember Barr to accept the resolution as presented. All members present in favor.

Motion by Councilmember Barr, second by Councilmember Law to enter into Executive Session at 8:17 pm. All member present in favor.

Motion by Councilmember Law, second by Councilmember Barr to return to regular session. All member present in favor.

UPSEU

BE IT RESOLVED that the letter dated May 7, 2010 from Richard Clemack to Mr. Sullivan is approved with one provision; paragraph 5 add after the word employee, “upon preapproval by the supervisor” and a copy shall be provided to the union representative. Motion by Councilmember Law, second by Councilmember Barr to accept said resolutions. All members present are in favor.

Police Personnel

WHEREAS, the Chief of Police has requested permission to apply to attend the FBI Academy which is 10 consecutive weeks.

BE IT RESOLVED that the Mayor and Council approve the nomination of the chief to apply to the FBI Academy for entrance to the academy subject to the event that if the Chief is accepted by the academy final decision to grant the chief this paid leave of absence shall rest at the discretion of the

council.

BE IT FURTHER RESOLVED , that by authorizing the nomination it should not be construed as any pre approval of the proposed paid leave of absence.

Motion by Councilmember Krasnomowitz, second by Councilmember Law to approve said resolution. All members present in favor.

Mayor and Council briefly discuss, general thought is that a 10 week paid leave of absence would be a great expense for the town to cover.

Councilmember Krasnomowitz addresses the council with an issue he has pertaining to the authority of the council. He was sent an email from Councilmember Barr regarding insurance status of an OEM vehicle that the borough was giving to the Board of Education for their use. Councilmember Krasnomowitz wanted to address the issue of who gave permission for the vehicle to be given to the Board of Ed and who has the authority to do that. Councilmember Barr advises that it was an agreement made between him, Sid Crum and the school. Sid approached him and advised that the school needed a vehicle for maintenance and were looking to purchase a vehicle. In speaking with him Sid advised that the OEM vehicle he obtained from government surplus sale could be given to the Board of Education for that use with the understanding that if it is needed by the Borough the school would return it. Mayor advises the council that this vehicle was obtained by the OEM through these government surplus sales where there is usually no cost involved. The council was not aware that the vehicle was obtained when the OEM got it. This is also an issue which the Mayor will address with the OEM. Councilman Barr advises that his intention was not to overstep any authority when this decision was made. Councilman Krasnomowitz expresses his opinion that as a councilmember any transactions involving borough properties should be brought to the council for discussion.

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

1. **From Sussex County resolution supporting the YMCA's Healthier communities Team (5/27/10)**
2. **Thank you from Wallkill Valley Regional High School for the Project Graduation donation.**
3. **NJLM Legislative Bulletin (5/27/2010)**
4. **Notice Franklin Planning Board Master Plan Meeting (5/27/2010)**
5. **GFWC Wallkill Valley Woman's Club (5/27/2010)**
6. **New Jersey Municipalities Magazine (6/3/10)**
7. **Mayors Fax Advisory PBA vs New Jersey (6/3/10)**
8. **Mayors Fax Advisory – Changes to DLGS Website**
9. **Mayors Fax Advisory – Shared Service Agreements**

ADJOURNMENT

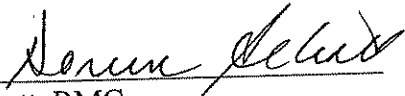
Motion is in order to adjourn the meeting.

Date Approved: _____

Mayor and Council

Minutes June 7, 2010

Date Released: 7-7-10



Doreen Schott, RMC
Municipal Clerk