

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON AUGUST 2, 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	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".

**OATH OF OFFICE**

Borough Clerk Doreen Schott administered the Oath of Office to Patrol Officer Timothy Maglio.

**JULY 7, 2010 Regular Meeting Minutes**

Motion by Councilman Kelly, seconded by Councilman Barr to approve the July 7, 2010 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Law abstained.

**JULY 7, 2010 Executive Session Meeting Minutes**

Motion by Councilman Kelly, seconded by Councilman Barr to approve the June 7, 2010 Regular Workshop Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

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

**Councilman Law informed the Mayor and Council and Attorney that due to medical reasons, he would be abstaining on all roll call votes and all in favor votes this meeting.**

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Barr, seconded by Councilman Krasnomowitz 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 Barr 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, Oehler, Sena
Nays:	None
Abstain:	Law
Absent:	None

**ORDINANCE**

**ORDINANCE #03-2010 – 2<sup>nd</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 203-VEHICLES AND TRAFFIC – OF THE CODE OF THE BOROUGH OF HAMBURG TO REGULATE PARKING ON THE PREMISE OF THE MUNICIPAL BUILDING**

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

**AN ORDINANCE AMENDING CHAPTER 203 – VEHICLES AND TRAFFIC – OF THE CODE OF THE BOROUGH OF HAMBURG TO REGULATE PARKING ON THE PREMISE OF THE MUNICIPAL BUILDING.**

Motion by Councilman Barr, seconded by Councilwoman Oehler 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 July 7, 2010 meeting and published as required by law.

**PUBLIC HEARING**

Hearing no comments from the public, motion by Councilman Barr, seconded by Councilman Kelly to close to the public. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to adopt the ordinance as presented.

Roll Call:

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

**ORDINANCE #04-2010 – 1<sup>ST</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 215-ZONING-OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE PLACEMENT OF SIGNS ON, OVER, OR ABOVE STREETS IN THE BOROUGH OF HAMBURG.**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz for Attorney Clemack to read the Ordinance by title for first reading and publication. All in favor.

**AN ORDINANCE AMENDING CHAPTER 215-ZONING –OF THE CODE OF THE BOROUGH**

*City  
Exhibit*

OF HAMBURG TO PROHIBIT THE PLACEMENT OF SIGNS, ON, OVER OR ABOVE STREETS IN THE BOROUGH OF HAMBURG.

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve the Ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for September 8, 2010. All in favor.

**DISCUSSION**

Councilman Krasnomowitz asked how this would affect the Borough should we want to hang a sign for Hamburg Day, for example. This ordinance shuts everything down. Mayor Marino stated that for safety purposes, he felt it was necessary to pursue and we would have other options.

All in favor.

As this is a zoning issue, the ordinance will now be sent to the Land Use Board for comment.

**RESOLUTIONS:**

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept Resolution # 2010- 19 Authorizing submission of 2011 Municipal Drug Alliance grant in the amount of \$3,715.00. All in favor. Council members comment that the Borough will utilize every amount that they can acquire.

**ATTORNEY HOUR:**

**1. WASTE MANAGEMENT – Surety Bond No. 1016119**

Mayor and Council received a request to release a Bond for Waste Management in the amount of \$152,646.00. Attorney Clemack stated that there was no reason not to release the bond.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to release Surety Bond #1016119 in the amount of %152,646.00 at the request of Waste Management. All in favor.

**2. UPSEU Contract**

Attorney Clemack and Borough Clerk Doreen Schott have reviewed the contract and all is in order. Councilman Krasnomowitz questioned the hourly rate of \$13.00, which will be for full time only; part time will be at \$10.00 hour.

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve the UPSEU contract for January 01, 2010 to December 31, 2012.

Roll Call:

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

**ENGINEERING:**

**1. Fiscal Year 2011 Municipal Aid Program – Road Resurfacing Project (Parts of: Governor Haines Road, King Cole Road, Urban Street, Prince Street, Wishing Well Road)**

John Ruschke presented to the Mayor and Council the Road resurfacing project for the Fiscal Year 2011 Municipal Aid Program, stating this is NJDOT funding. The Borough funds 80 % of the project and it would cost between \$150,000. - \$200,000.00. This would only be an overlay. In his discussions with Road Dept. Foreman Mike Schneider, Mr. Schneider does not want to include those roads, but certain other sections of those roads. Councilman Sena disagreed with Mr. Schneider and believes that Wishing Well / King Cole / and Gov. Haines are all in need of the paving. Councilman Kelly stated that there are targeted areas he would like to see done, especially

the “V” at Gov. Haines and Wishing Well for safety reasons and asked if we would get points for improving this section. Mr. Ruschke said that anything that improves safety is a benefit. Motion by Councilman Krasnomowitz, seconded by Councilman Barr to approve the Fiscal Year 2011 Municipal Aid Program – Road Resurfacing Project, including King Cole Road, Urban Street, Prince Street. All in favor. Councilman Kelly abstained.

**2. Gingerbread Castle Road Recreation Field Concession Stand / Rest Room Project**

Mr. Ruschke informed the Council that the bid was held on July 27, 2010 at 10AM with only one bidder Zinno Construction LLC. He said that many picked up the bid but he believed that there were too many things to sub out and issues with performance bonds. Mr. Ruschke’s total base bid was \$216,600.00, supplemental bid item A was \$51,000.00 for a total bid of \$267,600.00. Zinno Construction, LLC came in at \$219,063.00, \$51,523.00 for a total bid of \$270,586.00. Mr. Ruschke is recommending Zinno Construction LLC for the Gingerbread Castle Road Recreation Field Proposed Restroom/Concession Building pending certification of funds and attorney review. Motion by Councilman Barr, seconded by Councilman Kelly to award the contract for the Gingerbread Castle Road Recreation Field Proposed Restroom/Concession Building to Zinno Construction LLC pending certification of funds and attorney review, referencing correspondence from Mr. Ruschke dated July 29, 2010.

**DISCUSSION**

Councilman Law asked if the concession stand was designed with what we agreed upon. Mr. Ruschke stated that all things were considered and included.

**Roll Call:**

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

Mr. Ruschke also stated that the engineering fees for the project would be approximately \$20,000.00 as stated in correspondence from Hatch Mott MacDonald dated July 30, 2010.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to accept the engineering fees for the abovementioned project. All in favor.

**3. NJEIT Update**

Mr. Ruschke gave thanks to the Mayor and his meeting with the DEP commissioner with moving this project along. The environmental review is very tough but this planning document has been revised and approved and returned to the DEP for a pre-award approval. Mr. Ruschke is hopeful that we can go out to bid by October.

**4. Summit and Circle Update**

Most of the project is 95 % complete. The contractor will be back to complete the punch list items that include curbing issues and a driveway issue. There were two complaints: the lawn in front of a home – it was seeded, but due to the hot weather, it did not do well at all, so it will be redone in the fall; and a driveway – having clear access and a water issue.

Councilman Krasnomowitz spoke to Hardyston regarding the Orchard Street extension to Wheatsworth Road and with the County moving in on Wheatsworth Road, that something needs to

be done about the traffic situation that will result from it. Mr. Ruschke also said that maybe the County, Hamburg, and Hardyston could all meet to discuss it.

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

#### **1. New Jersey Conference of Mayors Meeting**

Mayor Marino informed the Council that at the meeting the Board voted unanimously on binding arbitration. Also discussed was that the director may be changing.

Mayor Marino commends Councilman Barr and the Road Dept. for their clean-up with the summer storm last week. Parts of Penny Rock and upper Hamburg got hit hard with wind and trees and wires were knocked down. They were providing a service for the residents.

#### **2. SJR Co. LLC – Doc's**

Mayor Marino received a request from SJR Co. LLC – Doc's for an Extension of License permit for:

- September 4, 2010 from 9:00 am to 12:00 midnight for Labor Day BBQ
- September 24, 2010 12 noon to 12 midnight for Wedding Reception

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve said applications for the Extension of License permits for SJR Co. LLC - Docs due to occupancy reasons. All in favor. The permit will need to be signed by the applicant and Chief of Police upon approval.

### **COMMITTEE REPORTS:**

#### **COUNCILMAN SENA**

##### **1. FINANCE / TAX DEPARTMENT**

##### **TAX COLLECTORS REPORT**

The Tax Collector's report for June 2010 showed a total of \$211,773.51 being collected.

Motion by Councilman Sena, seconded by Councilwoman Oehler to accept the resolution to redeem third party tax sale certificate #10-006 in the amount of \$370.87.

Roll Call:

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

Councilman Krasnomowitz inquired about the tax bills and about the resolution that is needed if they are sent out late. After a brief discussion, it was decided that the resolution was not done.

Therefore:

A motion was made by Councilman Krasnomowitz, seconded by Councilman Barr that no interest will be charged for the 3<sup>rd</sup> quarter tax bills if payment is received within 25 days from the date on the Tax Bill. All in favor.

##### **2. POLICE COMMISSIONER**

Monthly report for July 2010

The July 2010 monthly report for the Police Department showed 916 calls of service, including 238 investigative reports, 11 arrests, 12 motor vehicle accidents, and 78 motor vehicle summonses issued.

**3. BOARD OF HEALTH**

A meeting was held on July 13<sup>th</sup> and Fred Reisen is our new health inspector, but due to a conflict, Denise Webb will continue to represent the county at our meetings to give the reports from Mr. Reisen. Gencarelli's, the pizza place/deli that opened on Vernon Ave, will have the tile floor in place within 4 months of opening and the dishwasher in within 6 months.

**COUNCILMAN KELLY:****1. BUILDING AND GROUNDS**

The benches have been installed at the rec fields and the Road Dept. spends a lot of time there mowing, so the fields look great.

**3. BOARD OF PUBLIC WORKS**

The grinder at the Falcon Ridge pump station needed to be repaired at a cost of \$5700.00. This is a project that has been put in for the infrastructure projects.

There was a water main break on Rt. 23 that once it was repaired and turned on again, it broke the pipe in another place; but that has now been taken care of and repaired.

**COUNCILWOMAN OEHLER:****1. DRUG ALLIANCE**

A basketball program will be held at the Hamburg School at the end of October, early November and Police Chief Wright will give a presentation on drugs.

**2. RECREATION**

The recreation meeting was cancelled in July but will be held on August 18<sup>th</sup>.

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

Councilman Law had a request for the Old Ambulance Truck (Ford Econoline) to be put out for bid and wanted input from Fire Chief John Haig.

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

Fire Chief Haig simply put it that the truck is no longer needed and he would recommend selling it.

Motion by Councilman Barr, seconded by Councilman Kelly to close to Chief Haig. All in favor.

Motion by councilman Barr, seconded by Councilwoman Oehler to declare the 1992 Ford Econoline E350 Diesel Engine surplus and place an ad in the newspaper stating that bids will be received at Borough Hall, with a minimum bid of \$500.00. All in favor.

Councilman Barr said that this truck has red lights on it and they need to be taken off.

**3. COURT**

Councilman Law stated that nothing has been received from the Sussex Court with regards to getting together for further discussion.

**4. RECYCLING**

The first pick-up done for recycling went okay. Hardyston did make a return trip on some streets as a courtesy. It will take a few months for residents to get used to the new schedule.

**COUNCILMAN KRASNOMOWITZ:**

**1. OFFICE ADMINISTRATION**

The recording system for the Borough is no longer functioning. Three options were presented to the Council for a decision: a digital recording with laptop computer for a total of \$3870.00, a digital recording operating on a desktop computer for a total of \$3770.00, and a digital recorder for a total of \$2050.00. After some discussion, Council decided to approve the Option #1 for a total of \$3870.00.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to approve the Option #1, a digital recording with laptop computer for a total of \$3870.00.

Roll Call:

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

**2. CONSTRUCTION DEPARTMENT**

No report was received from the Construction Department.

**3. LAND USE BOARD**

Councilman Krasnomowitz stated that the Land Use Board recommended to the Mayor and Council the adoption of the Historic Preservation Report.

There is no scheduled meeting in August, but he believes they will be getting the application for the gas station.

**COUNCILMAN BARR**

**1. BOARD OF EDUCATION**

School starts September 7<sup>th</sup>, with a new Vice-Principal Patrick Ketch.

**2. ROAD DEPARTMENT**

Councilman Barr said that the Road Dept. could use a brush hog to use at the rec fields. The brush is so thick and this way, they could cut it back from around the walking path and by the baseball backstop. Councilman Kelly asked if they would do behind the outfield fence and was answered if needed.

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve \$1500.00 for the Road Dept. to purchase a brush hog at Tractor Supply.

**4. HISTORIC COMMISSION / HISTORIC SOCIETY**

Councilman Barr stated that the next marker will be to honor John Linn, our 1<sup>st</sup> Mayor, and his house is now The Merry-Go-Round.

Councilman Barr said that there was no problem at the Land Use approving the Historic Preservation Designation Report at their meeting. But before the Council adopts it, he would like to open to the public for comment.

**PUBLIC PORTION:**

Motion by Councilman Barr, seconded by Councilwoman Oehler 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.

Julius Papson – (owns a small section of the property in question on the designation report) has no problem with the report.

Chris Fitzpatrick – Glenside Ave – thanked Councilman Barr for the clean –up help from the storm.

Ron Garrett – Vernon Ave – asked about the sign ordinance, especially for the Rt. 23 / 94 intersection, and if the DOT jurisdiction would supersede our local zoning ordinance. Attorney Clemack answered DOT would not supersede our zoning ordinance.

John Haig – Fire Chief – asked Councilman Kelly if anything is being done with the driveway in front of the bay doors of the firehouse. Councilman Kelly said that it was tabled for now due to a lack of funds and we could put it in next year's budget. Mr. Haig also said that he has no response from the adjusted regarding the building and the fire truck that was damaged with the deck gun. This will be looked into.

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

The following resolution #2010-21 was offered:

Whereas, at the July 12, 2010 Land Use Board meeting, the Historic Preservation Designation Report was reviewed, and

Whereas, the Land Use Board is in favor of the adoption of the Historic Preservation Designation Report for the Limekilns Block 11, Lots 10, 10.01 and the designated section of lot 7, and

Whereas, the Limekilns, Block 11, Lots 10, 10.01 and the designated section of lot 7, will be considered the Limekilns Historic District.

Therefore, Be It Resolved, that the Mayor and Council recommends for adoption the Historic Preservation Report.

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept the resolution as offered.

Roll Call:

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

Mayor Marino stated that on Wednesday, August 4<sup>th</sup> at 1:30 PM in Parsippany is a Highlands Meeting.

**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. **Police – Sergeants Interview – Rice Notice Given**
2. **Confidential Legal Advice / General Procedures DPW**

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

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to enter into Executive Session at 8:55 PM. All in favor.

Discussion concerning Police-Sergeants Interview and General Procedures DPW.

Motion by Councilwoman Oehler, seconded by Councilman Kelly to return to the Regular Meeting. All in favor.

Motion by Councilman Sena, seconded by Councilman Barr that upon the recommendation of the Police Committee, the Mayor and Council appoint Acting Sergeant Dave McNulty to the position of Sergeant effective August 2, 2010.

Roll Call:

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

Motion by Councilman Barr, seconded by Councilman Kelly that the DPW Supervisor is authorized to enact rules and regulations.

Roll Call:

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

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

1. Mayors Fax Advisory – 2.5 Commercial Fee Reinstated (7/7/10)
2. Mayors Fax Advisory – Governor Open Space Session (7/7/10)
3. Mayor Fax Advisory – Special Session Update (7/7/10)
4. Discharge Notice – Tank Removal, Lime Kiln Road (7/7/10)

- 5. New Jersey Society of Municipal Engineers Project Award Program (7/7/10)
- 6. Discharge Notice – Tank Removal , Quarry Road (7/7/10)
- 7. Elizabeth Town Gas, Notice of Public Hearing. (7/14/10)
- 8. Mayors Fax Advisory – Governor Signs S-29
- 9. Notice of Filing Complaint in Foreclosure, Burlington Court
- 10. From Franklin Borough Land Development Ordinance #9-2010 (7/21/10)
- 11. From Sussex County- Non compliance letter regarding Recycling (Fireman’s Pavilion) (7/21/10)
- 12. Notice of Lien Holder Status, Prospect Avenue (7/21/10)
- 13. From State of NJ notice that NJEIT Project received Level 1 approval on planning information and proposed action. (7/21/10)

**ADJOURNMENT**

Motion by Councilman Kelly, seconded by Councilwoman Oehler to adjourn the meeting at 9:55 PM. All in favor.

Date Approved: 9.8.10

Date Released: 9.8.10

  
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Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett