

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON SEPTEMBER 8, 2010 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ

CALL TO ORDER:

Mayor Marino called the meeting to order at 7:30 PM 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

Acting Sergeant Dave McNulty was sworn in to the office of Sergeant. Mayor Marino stated that he was a fine officer and has given many years of service to the dept.

AUGUST 2, 2010 Regular Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the August 2, 2010 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

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

AUGUST 2, 2010 Executive Session Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to approve the August 2, 2010 Regular Workshop Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

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

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

Roll Call:

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

Nays: None

Abstain: None

Absent: None

ORDINANCE**ORDINANCE #04-2010 – 2nd 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.

Attorney Clemack offered the following resolution:

Resolved, that Ordinance 04-2010 be carried to the October 4, 2010 meeting of the Mayor and Council of the Borough of Hamburg as the Land Use Board has not returned comments to the Mayor and Council.

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

Councilman Kelly asked if we would make an exception for DOT signs and Attorney Clemack stated that they would be considered commercial signs and would not fall under the ordinance.

Roll Call:

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

Nays: None

Abstain: None

Absent: None

ORDINANCE #05-2010 – 1st Reading

AN ORDINANCE OF THE BOROUGH OF HAMBURG DESIGNATING LANDMARKS AND LANDMARK DISTRICTS PURSUANT TO ARTICLE XXIX – HISTORIC PRESERVATION – AS SET FORTH IN CHAPTER 215 – ZONING – OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG.

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

AN ORDINANCE OF THE BOROUGH OF HAMBURG DESIGNATING LANDMARKS AND LANDMARK DISTRICTS PURSUANT TO ARTICLE XXIX – HISTORIC PRESERVATION – AS SET FORTH IN CHAPTER 215 – ZONING – OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG.

Motion by Councilman Barr, seconded by Councilman Law to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for October 4, 2010.

Attorney Clemack stated that this included the Limekilns and Wheatsworth Mill also.

Roll Call:

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

RESOLUTIONS:

Resolution # 2010-22 New Jersey Environmental Infrastructure Trust Program

Motion by Councilman Law, seconded by Councilman Barr to accept Resolution # 2010-22 New Jersey Environmental Infrastructure Trust Program as presented.

Roll Call:

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

Resolution #2010-24 Chapter 159 Alcohol Education Rehab Enforcement

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept Resolution #2010-24 Chapter 159 Alcohol Education Rehab Enforcement.

Roll Call:

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

Resolution #2010-25 Abate Interest for August 1, 2010 Tax Quarter.

Motion by Councilman Kelly, seconded by Councilwoman Oehler to accept Resolution #2010-25 Abate Interest for August 1, 2010 Tax Quarter.

Roll Call:

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

MAYOR'S AGENDA:

1. Maintenance Bond – Mike Fitzpatrick and Sons.

Borough Engineer John Ruschke inspected the site of Summit Road and Circle Drive and recommended that the Borough accept the Maintenance Bond # B1071415 in the amount of \$196,037.22, which replaces the Performance Bond for the contractor, Mike Fitzpatrick and Sons. Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to accept the recommendation of the Engineer and accept the Maintenance Bond #B1071415 in the amount of \$196,037.22 for Mike Fitzpatrick and Sons.

Roll Call:

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

Abstain: None
Absent: None

2. Recreation Field Dedication – Hamburg Day

Mayor Marino stated that he signed the papers to expedite the construction of the pavilion at the recreation field. He questioned the feasibility of Hamburg Day taking place this year due to many different reasons and said that we could revisit this in October, possibility holding an open house for everyone to see the fields, but having Hamburg Day in the Spring. Councilman Krasnomowitz said that the soccer field was really turning brown but did notice that it looked as though they were attempting to water it.

3. Vehicle Bid – 1992 F-350, Bid Date 8/31/2010.

Mayor Marino said there was one bid in the amount of \$505.55 to Mr. Dan Dames, Manasquan, NJ, for the vehicle bid. Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the bid of \$505.55 for the 1992 Ford Econoline and award it to Mr. Dan Dames. All in favor.

4. Liquor License Renewal

Restaurant Kaya #1909-33-003-009 – Tax clearance certificate has been received and the application and fees have already been sent down to the State.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the Liquor License Renewal for Restaurant Kaya.

Councilman Law asked if the restaurant intends to reopen and was answered possibly.

Roll Call:

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

5. Correspondence re: parking on Main Street

Mayor Marino addressed correspondence that he received from Mr. Laido, owner of 7-11 Main Street, who complained about the lack of parking for his tenants since the intersection was redone. Mr. Laido has 2 apts, and 1 store front along with a two-car garage that he rents out for storage. He said that there are two municipal parking lots that are empty and wondered why they could not be used. Council discussed the issue, stating that perhaps other businesses would let him use their parking.

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

TAX COLLECTORS REPORT

The Tax Collector's report for July 2010 showed a total of \$262,813.10 being collected.

Motion by Councilman Sena, seconded by Councilman Kelly to accept the Resolution to refund Block 14, Lot 41 in the amount of \$419.22. All in favor.

Motion by Councilman Sena, seconded by Councilman Barr to accept the Resolution to redeem third party tax sale certificate #10-005 in the amount of \$6151.92. All in favor.

2. POLICE COMMISSIONER

Monthly report for August 2010

The August 2010 monthly report for the Police Department showed 1193 calls of service, including 192 investigative reports, 16 arrests, 8 motor vehicle accidents, and 155 motor vehicle summonses issued.

Councilman Sena stated that Officer John Barrett will be retiring as of November 1, 2010 and Officer Paul DeMott as of January 1, 2011. Officer Jason Eben is still out on disability and will be going for a test on his back on September 13th.

Motion by Councilman Sena, seconded by Councilwoman Oehler to open the meeting to Chief Jan Wright. All in favor.

Chief Wright stated that retirement papers for both officers have been filed with the State and he has copies of them. He asked the Council what, if anything was going to be done about replacing them. Mayor Marino asked what his preference was, a new recruit or to get someone in with experience. Mayor Marino stated that one position needed to be kept open for Officer Eben. Council discussed hiring new recruits vs. experienced but then weeding out those who may have been laid off and the possibility of being re-hired back to their old jobs. The committee, consisting of Mayor Marino, Council members Sena and Barr, and Chief Wright will meet with the next two recruits on the previous list of prospective candidates, a decision will be made, and the new candidate will be in attendance at the October 4th meeting for hire in November.

Chief Wright discussed with the Council the 2011 – 2013 9-1-1 Dispatching Service Agreement. He stated that he has issues with Andover but did have positive results when he contacts them. Council discussed the per person amount, as that is what the contract figure is based on and it goes according to the census, of which we have not received the 2010 figures as of yet. Councilman Sena stated that this would be an 8% increase over last year. Council is hesitant to sign the contract without knowing what the new census number for Hamburg will be. Upon further discussion and Attorney advisement, Council will continue the discussion in Executive Session.

Chief Wright stated that the Department is now equipped with Live Scan Fingerprint, which he received free of charge, but has to maintain. He is capable of fingerprinting Fire / EMS volunteers and will receive the results within 24 hours.

The antenna on the station is being replaced.

One of the new officers had a car accident, hitting a car in the back that he was pulling over. Chief Wright stated that there was \$3500.00 worth of damage to car #9 and they have \$1000.00 deductible.

Mayor Marino asked Chief Wright if he could get a report every month for Finance of every officer and the amount of sick days that are used. He replied that that is already being done.

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to close to Chief Wright. All in favor.

3. BOARD OF HEALTH

The next meeting will be held on Tuesday October 12, 2010 at 6:30 PM.

COUNCILMAN KELLY:

1. BUILDING AND GROUNDS

Councilman Kelly stated that the generator at the Police Station and the Borough Hall needed maintenance, but he will be discussing the costs and how to proceed first with Mike Schneider and then presenting to the Council at the October meeting.

The gas stoves in the kitchen in the Fire Dept. are old and dangerous and need to be replaced. A proposal will be coming in October for them also.

The light is still out in the tunnel at the railroad trestle making it a scary and dangerous situation for anyone walking through it. Since no one is willing to take responsibility of maintaining the tunnel, and Councilman Kelly feels that it is a safety issue, he would like to get price estimates on a vandalism proof light that the Borough could purchase, since it seems that it is a vandalism issue there. We will try to get the DOT to pay for the light and the installation (electric included).

Mayor Marino brought up the issue about the tree and the State will replace it in sometime in October. We will oversee the planting of the new tree, which will probably be smaller in size, but a horticulturist will be on hand to make sure it is done right. Council also discusses constructing a wall to protect the tree from cars, snow plowing, salt, etc.

3. BOARD OF PUBLIC WORKS

Councilman Kelly presented to the Council a request from BPW to allocate one (1) additional EDU to KP Kit and Jay LLC, Block 14, Lots 9, 10, 11, for their property that already has three (3) EDUs. The project is a proposed gas station and mini mart with four (4) pumps, scaled down from an original six (6), utility room with a slop sink, a work area with sink and one (1) bathroom. Mr. Ruschke drafted a resolution for the BPW stating approval of such so that the applicant could continue on to the Land Use Board, but the resolution in no way guaranteed Land Use approval. Should the Land Use Board approve the six (6) pumps, the applicant can return to the BPW to apply for additional gallonage.

Motion by Councilman Kelly, seconded by Councilman Law to approve the one (1) additional EDU for Block 14, Lots 9, 10, 11, making a total of four (4).

Councilman Krasnomowitz stated that he had just received the Land Use package and wondered why the plans had not been revised to show the four (4) pumps instead of leaving the original design of the six (6) pumps.

All in favor. Councilman Barr opposed.

COUNCILWOMAN OEHLER:

1. DRUG ALLIANCE

Councilwoman Oehler said that for the seniors meeting on September 28th, she is trying to get a commitment from the pharmacist at Rite Aid as a speaker. Drug Alliance will sponsor the luncheon.

2. RECREATION

There was no meeting due to a lack of a quorum.

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

Councilman Law will have reports for the October meeting.

3. COURT

Court is doing very well. JoAnn Coan restarted her project towards her certification.

4. RECYCLING

Recycling this month went very well, with only a few stragglers on the wrong days. Hardyston did make return trips but Councilman Law said that he did not know for how long they will continue to do so. A recycling container was placed at The Marketplace Deli and people are actually utilizing it. Councilman Law is looking into obtaining more and placing them around town. SCMUA tipping fees were lowered by \$20.00 a ton, thanks to the work of our legislators Oroho, Chisiano, and McHose. This helps out what Hardyston has to pay SCMUA for our recycling, which in turn helps us out.

COUNCILMAN KRASNOMOWITZ:**2. CONSTRUCTION DEPARTMENT**

Construction Report July 1, 2010 through July 31, 2010

Councilmember Krasnomowitz advised that there were 15 permits issues, 4 certificates of occupancy, 8 certificates of approvals with a total of \$2815.00 collected in fees for the month of July. Councilman Krasnomowitz stated that in July of 2009 a total of \$3136.00 was collected and in July of 2010 a total of \$3011.00 has been collected, so activity has just about stayed the same.

3. LAND USE BOARD

There is a meeting on Monday, September 13th in which the gas station applicant will be heard.

4. INSURANCE

The Borough had a Loss Control Visit by the Insurance Co. in which claims were discussed and improvements that could be done on our part.

The cell phone tower company would like different sites offered but the best site would be Bank Street by the water tower, but they do not think that it would be high enough. Councilman Barr stated that they would like to put one at our new rec fields but we spent a lot of money and to place a tower there would be an eyesore; let alone it is an historic district. Orchard Street was also mentioned but then the tower would affect the residents' homes.

The damage to the fire dept. building is discussed under the public portion.

COUNCILMAN BARR

Councilman Barr asked once again that the Mayor and Council sponsor a hole for \$100.00 for the fundraiser for the Golf Outing for the Fire Dept.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to sponsor a hole for \$100.00

for as a fundraiser for the Golf Outing for the Fire Dept. All in favor.

1. BOARD OF EDUCATION

First day of school went well. The Board of Education thanked the Borough for paving School Street and the parking lots for them.

4. HISTORIC COMMISSION / HISTORIC SOCIETY

On October 17th the Presbyterian Church will be closing. Reports are being worked on by Wayne McCabe. Councilman Barr said that the parsonage is 105 years old and it would take sixty (60) days to designate as historic.

PUBLIC PORTION:

Motion by Councilman Barr, seconded by Councilman Law to open the meeting to the public for any questions or comments they might have with regard to the good and welfare with the Borough. All in favor.

John Haig – Linwood Ave - asked if the Gingerbread Castle is a historic building and was answered yes by Councilman Barr. Mr. Haig stated that there is a new business going in and again, Councilman Barr said that they are keeping everything as is and just running their business from there.

Mr. Haig asked about instituting a beautification program for the intersection – landscaping the two areas as it is overgrown and unruly. Council discussed different options and will begin something in the spring.

Council asked Mr. Haig about the damage to the fire dept. building and if anyone has been in to give estimates as the clerk has received nothing to date. Mr. Haig stated that one person did stop in and gave an estimate. Councilman Law has all the reports and pictures; he will give them to the clerk.

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. Andover Dispatch - Contract Negotiations

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

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to enter in Executive Session at 9:00 PM. All in favor.

Discussion concerning the Andover Dispatch – Contract Negotiations.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to return to the Regular Meeting. All in favor.

Clerk will contact Andover Township with the discussed changes to the proposed 911 Dispatch Contract for the 2011-2013 year.

Councilman Krasnomowitz asked about the pick-up truck that the town (OEM) gave to the school board for their use. Councilman Barr said that as long as the school was using it their insurance was covering it. (The school needed a truck and Sid Crum said that he did have an OEM truck that they could use for free). Councilman Kelly suggested selling it to the school for \$1.00. Councilman Krasnomowitz was questioning the fact of whether they did have insurance on it. Councilman Barr will get confirmation of insurance from Mr. Bill Sabo.

Council discussed the fire department stoves. The fire dept. fundraiser money was going to EMS for the training sessions that they now have to pay for on their own (EMS has \$8000.00 towards the training sessions). Mayor Marino said that the fire dept. should use the fundraiser money for the stoves and the town will help with the money for the EMS training sessions.

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

1. From Sussex County resolution urging adoption of Bill 2176 (8/5/10)
2. From State of NJ – Drinking Water State Revolving Fund Program (8/5/10)
3. From Samaritan Inn – 7th Annual Grape Expectations Event (8/5/10)
4. From State of NJ discharge notice Underground Tank 47 Orchard St. (8/5/10)
5. From Statewide Ins. Fund report of Loss Control Visit. (8/5/10).
6. Letter from Mr. O'Connor regarding Air gas (8/5/10)
7. Legislative Bulletin July 2010 (8/5/10)
8. Mayor's Fax Advisory – Governor signs S-1804 (8/5/10)
9. Report from Nelson Consulting Group regarding Highlands Meeting (8/6/10)
10. Mayors Fax Advisory Pension training for Certifying Officers. (8/12/10)
11. NJLM Annual Audit Statement (8/12/10)
12. SCMUA – Tipping Fee Reduction (8/12/10)
13. NJLM 2010 Conference Resolutions (8/12/10)
14. Sussex County Health and Family newsletter (8/12/10)
15. JCPL – Annual Universal Service Fund Compliance Filing. (8/12/10)
16. State of NJ 1010 Certified Local Government on line application (8/13/10)
17. Hamburg Borough Fire Prevention report June 2010
18. Hamburg Borough Fire Prevention report July 2010
19. Notice from State of NJ regarding COAH (8/26/10)
20. JCP & L notice regarding Clean Energy Program (8/26/10)


- 21. Notification of contact for Clerk (8/26/10)
- 22. Elizabeth Town Gas Notice to customers of public hearing rate change (8/26/10)
- 23. Elizabeth Town Gas Notice of public hearing , rate change (8/26/100)

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilman Law to adjourn the meeting at 9:30 PM. All in favor.

Date Approved: 10/4/10

Date Released: 10/4/10


Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett