

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON OCTOBER 4, 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 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".

**SEPTEMBER 8, 2010 Regular Meeting Minutes**

Motion by Councilwoman Oehler to approve the September 8, 2010 Regular Meeting Minutes of the Mayor and Council. All in favor.

**SEPTEMBER 8, 2010 Executive Session Meeting Minutes**

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve the September 8, 2010 Regular Executive Session Meeting Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Krasnomowitz, seconded by Councilman Barr 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 Councilman Krasnomowitz 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 – 2<sup>nd</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 Law for Attorney Clemack to read the ordinance by title for second reading and public hearing. All in favor.

**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 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 August 2, 2010 meeting and published as required by law.

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

Borough Clerk stated that this ordinance has been approved by the Land Use Board.

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

Roll Call:

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

**ORDINANCE #05-2010 – 2<sup>ND</sup> Reading**

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

Motion by Councilman Barr, seconded by Councilman Law for Attorney Clemack to read the ordinance by title for second reading and public hearing. All in favor.

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

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 September 8, 2010 meeting and published as required by law.

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

Borough Clerk stated that this ordinance has been approved by the Land Use Board.

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

Roll Call:

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

Nays: None  
Abstain: None  
Absent: None

**ORDINANCE #06-2010 – 1<sup>ST</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 53 – RECORDS OF THE CODE OF THE BOROUGH OF HAMBURG TO ESTABLISH FEES FOR DUPLICATION OF RECORDS**

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

**AN ORDINANCE AMENDING CHAPTER 53 – RECORDS OF THE CODE OF THE BOROUGH OF HAMBURG TO ESTABLISH FEES FOR DUPLICATION OF RECORDS**

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 November 1, 2010.

Roll Call:

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

**ORDINANCE #07-2010**

**AN ORDINANCE OF THE BOROUGH OF HAMBURG COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM THE STATE OF NEW JERSEY**

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

**AN ORDINANCE OF THE BOROUGH OF HAMBURG COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM THE STATE OF NEW JERSEY**

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 November 1, 2010.

Attorney Clemack stated that the State of New Jersey is conveying certain parcels of land to The Borough of Hamburg. Nick Dogias of the DOT will give us the exact parcel numbers.

**DISCUSSION**

Councilman Barr asked about who would be in charge of the retention basin upkeep. There are two basins, Wallkill Ave and Winding Brook, and Attorney Clemack stated that it would probably be the Borough since we are taking over the deeds. Council asked about the keys for all areas and Attorney Clemack will also find out about this.

Councilman Krasnomowitz asked about the drainage from the roadway and that should not be our responsibility.

Roll Call:

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

**RESOLUTIONS:**

**Resolution # 2010-27 – Chapter 159 Over the Limit Under Arrest 2010 Statewide Crackdown.**

Mayor Marino stated that the Borough is receiving \$4,400.00 from the State in grant money. Motion by Councilman Barr, seconded by Councilwoman Oehler to accept the resolution as offered. All in favor.

Councilman Krasnomowitz noted that Hamburg was the only town in Sussex County to receive this money and thanked Chief Wright for his efforts.

**Resolution #2010 – 28 – Put the Brakes on Fatalities Day.**

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

**ATTORNEY HOUR:**

1. Service Electric Cable TV of New Jersey Application for Renewal.

Attorney Clemack stated that this application has been submitted for an extension. Councilman Krasnomowitz asked if it is treated as a utility by the FCC and was answered no by Attorney Clemack.

Motion by Councilman Law, seconded by Councilwoman Oehler authorizing the public notice of sixty (60) days, which will set the public hearing date of December. All in favor.

2. Personnel Matter – Executive Session

**MAYOR’S AGENDA:**

**1. Mayor’s Recognition Dinner**

Mayor Marino and Councilman Kelly attended a dinner at the Lafayette House, honoring and recognizing mayors from the county sponsored by the Sussex County Economic Development Partnership. The mayors’ picture along with brief facts about their town, how the budget cuts were affecting their towns were also presented. They had an enjoyable evening.

**2. EMS Mutual Aid concerns**

An article was published in the local newspaper about Vernon EMS covering Hamburg. Mayor Marino stated that towns have no formal coverage or agreements; they do respond to mutual aid calls and help each other out. Councilwoman Oehler, as the EMS Captain did respond with a Letter to the Editor explaining the situation.

**COMMITTEE REPORTS:**

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

**TAX COLLECTORS REPORT**

The Tax Collector’s report for August 2010 showed a total of \$947,554.85 being collected.

Councilman Sena presented the following resolution for redemption: Resolution to redeem third party tax sale certificate #10-010 in the amount of \$1173.86; Resolution to redeem third party tax sale certificate # 10-009 in the amount of \$6475.65; Resolution to redeem third party tax sale certificate #10-007 in the amount of \$761.18.

Motion by Councilman Sena, seconded by Councilman Kelly to accept the resolutions as offered.

## Roll Call:

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

**2. POLICE COMMISSIONER**

Monthly report for September 2010

The September 2010 monthly report for the Police Department showed 1074 calls of service, including 177 investigative reports, 12 arrests, 7 motor vehicle accidents, and 118 motor vehicle summonses issued.

2011 – 2013 9-1-1 Dispatching Service Agreement. **This was discussed in Executive Session**

**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 presented a Landscaping Maintenance Contract for Orchard Street Extension, Municipal Park, Clock area, and Municipal Parking Lot from Farmside Landscape & Design. There were three (3) options to choose from, with Councilman Kelly recommending option #2, which included spring clean up: \$785.00, bi-weekly weed control: \$3050.00, and fall clean up / cutbacks: \$785.00, which comes to \$254.17 a month. Farmside will also do a general clean up with cutbacks for \$1575.00.

Motion by Councilman Kelly, seconded by Councilwoman Oehler to accept the landscaping maintenance contract from Farmside.

Councilman Krasnomowitz asked what does the bi-weekly entail; if it were a chemical weed spraying and if that was really necessary. He also asked about the beautification project with the volunteers and if we were going to proceed with that. Mayor Marino said that the beautification project can be in addition to this. Councilman Krasnomowitz suggested that we approve the fall clean up now and get additional information on the cost and chemicals. Councilman Kelly will contact them for that information.

Councilman Kelly withdrew the original motion.

Motion by Councilman Kelly, seconded by Councilwoman Oehler to accept the general cleanup and cutback contract from Farmside at a cost of \$1575.00. All in favor.

Councilman Kelly discusses with the Council the need for a maintenance agreement for the generators in town. He said that the road dept only does the oil changes to the generators and that all other things are done by calling in a contractor. He was going to speak with John Ruschke and Jerry Kastner about the idea.

Councilman Kelly stated that he received an advertisement from an electric company in which bills could be lowered by 11-20% a month. He was going to check into it.

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

The Brownie Troop of Kathy Haig placed the pink ribbons around town for the month of October in recognition of Breast Cancer.

For the Senior Meeting, the pharmacist did attend to give a presentation, in which the seniors did enjoy very much.

**2. RECREATION**

The Halloween Parade will be held on October 31<sup>st</sup>, beginning at 2 PM at the fire house, with the paraders marching behind the fire truck to the Hamburg School for goodie bags.

Councilwoman Oehler mentioned that the golf social was held in August with 28 golfers. The trip to the observatory in Franklin is on hold until the summer months. Chris Fitzpatrick has the following clinics scheduled at the Hamburg School: scrabble/chess, guitar, bongo drum, dance class, karate, drawing, arts and crafts, juggling, exercise, hula-hoop, and bike rodeo.

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

The Fire Dept. held the golf outing and marched in the County Parade and both were successes.

**3. COURT**

Councilman Law stated that the Judge and administrator requested a meeting with him.

**4. RECYCLING**

Recycling with Hardyston is going well. This coming weekend, October 10<sup>th</sup>, the 8<sup>th</sup> grade class from Hamburg School will be doing a clean-up around town. Councilman Law invited all to attend.

**COUNCILMAN KRASNOMOWITZ:****1. OFFICE ADMINISTRATION**

The new recording software has been received.

**2. CONSTRUCTION DEPARTMENT**

Construction Report August 1, 2010 – August 31, 2010

Councilmember Krasnomowitz advised that there were 15 permits issues, 0 certificates of occupancy, 17 certificates of approvals with a total of \$1961.00 collected in fees for the month of August. Councilman Krasnomowitz stated that in August of 2009 a total of \$4376.00 was collected and in August of 2010 a total of \$1961.00 has been collected, so activity has really declined.

**3. LAND USE BOARD**

Due to the Columbus Day Holiday, the Land Use Board will be meeting tomorrow, October 5<sup>th</sup>. The gas station proposal is not on the agenda until the November meeting, but the "Amazing Stoneworks" application and the rezoning of the property at the Gingerbread Castle is on the agenda.

**4. INSURANCE**

Councilman Krasnomowitz stated that he will be setting up a meeting within the next weeks for

next year.

## **COUNCILMAN BARR**

### **1. BOARD OF EDUCATION**

Councilman Barr spoke with the Board of Education regarding the OEM truck and they will purchase it for \$1.00.

Motion by Councilman Barr, seconded by Councilman Law to approve the sale of the OEM truck to the Hamburg School for \$1.00. All in favor.

### **4. HISTORIC COMMISSION / HISTORIC SOCIETY**

On October 24<sup>th</sup>, the Historic Society will be making the presentation of the Historic Marker for John Linn at the "Merry-Go-Round", which was his home.

### **PUBLIC PORTION:**

Motion by Councilman Krasnomowitz, 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.

Chief John Haig – with regards to the repair of the fire house – the adjuster from the insurance company did come to estimate the damage to the building and truck, so the estimate will be coming soon. There was a problem with the alarm system and no one knew the pass code on the fire system. Chief Haig did not have access into the building so he requested that he does. Council agreed and his key fob will be updated. He also inquired about a delinquent tax notice that he received. Borough Clerk explained that there was a mix-up with many mortgage companies and dates but everything should be straightened out by now.

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

Motion by Councilman Barr, seconded by Councilman Kelly to enter into Executive Session at 8:13 PM. 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. Police Personnel - rice notice has been given**
- 2. Police – applications**

**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 Law, seconded by Councilman Krasnomowitz to include the 911 dispatching contract in Executive Session. All in favor.

Motion by Councilman Barr, seconded by Councilman Kelly to enter into Executive Session at 8:13 PM. All in favor.

Discussion concerning Police Personnel, Police Applications, and 911 Dispatching Contract.

Motion by Councilman Sena, seconded by Councilman Kelly to return to Regular Session at 8:50 PM. All in favor.

With regards to the new hires of Police Personnel, motion by Councilman Sena, seconded by Councilman Barr to hire Mr. Daniel Farruggio beginning November 1, 2010 and Mr. Robert Vander Ploeg III beginning January 1, 2011. Both new officers will be probationary, with pending criminal background checks and drug tests.

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. The New Jersey Shade Tree Annual Conference (9/8/100)
2. Jersey Central Power and Light, notice of change to some Societal Benefits (9/8/100)
3. Mayors Fax Advisory – Division of Pension Counseling Sessions (9/8/100)
4. New Jersey League of Municipalities – “Property Tax in NJ” (9/8/10)
5. Discharge Notice – Underground Tank Removal Hillside Drive (9/8/10)
6. From State of NJ Maintenance Roadway section of Rt. 94 (9/9/100)
7. From State of NJ Maintenance Roadway section of Rt. 94 (9/9/100)
8. From State of NJ Notice of Non compliance BPW (9/23/100)
9. Notice from County regarding PAC Meetings (9/23/10)
10. Correspondence from Mr. O’Connor regarding Air Gas. (9/24/10)
11. Information package from Pro-Tech energy solutions (9/24/10)
12. From Sussex County – Farmland Planning Grant Info. (9/29/10)
13. Copy of Hardyston Twp Legal Notice for Zoning Board (9/29/10)
14. Notice of contact from Chase Bank 155 Falcon Ridge Way (9/29/100)
15. Notice of contact from Chase Bank 5 Orchard Street (9/29/10)
16. Notice of contact from Bank of America 124 Falcon Ridge Way (9/29/10)

**ADJOURNMENT**

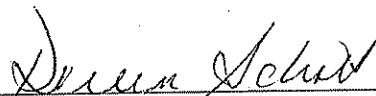
Motion by Councilman Barr, seconded by Councilwoman Oehler to adjourn the meeting at 9 PM.



All in favor.

Date Approved: 11-1-10

Date Released: 11-1-10



Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett