

MINUTES OF THE WORKSHOP MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON FEBRUARY 23, 2011 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

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

STATEMENT OF CERTIFICATION:

Clerk advised that:

Adequate notice of this meeting has been provided to the public and the press January 06, 2011 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".

1. Ferrell Gas Company --

Motion by Councilmember Barr, second by Law to open the meeting to Fire Chief John Haig with regards to Ferrell Gas Company. Councilmember Barr amends the motion to open the meeting to the public. All members present are in favor.

Chief Haig advises the council of an incident that occurred where he received a call from a resident on Orchard Street advising of a gas smell. When he arrived he did not smell gas but went over to Ferrell Gas as a truck was off loading a tanker truck. At this time the driver indicated that he had been there for approximately 2 hours but that he was not pumping anything. Chief Haig smelt the odor of gas and noticed that there was gas leaking on the ground. Chief Haig advised the driver to close the valves immediately. Upon him trying to close the valves the chief noted that of the 3 valves; one leaked, one was frozen and the third was closed off. Chief Haig notified the 24 hour hot line number and got a technician to come down and verified that there was a leak. They advised that they would come back the next day. The chief met with the county fire marshall the following day while attending a meeting was advised to contact the DCA to report the incident. Chief Haig contacted the DCA and they came to the site and met with Ferrell Gas the next morning, which by that time everything had been repaired and was all operational. The chief further learned that the truckers who off load the gas do not have the same training as the technicians who work for the company. He advised Ferrell Gas that maybe they should operate loading and off loading during business hours when the licensed technicians from Ferrall gas are present. The chief's concern is that you would never see a leak at night time, he only noticed it as he was there with a flashlight.

Mayor Marino thanks Chief Haig for a job well done advises that this is a great safety issue and wants to see the town put an ordinance in place where operations can only take place during regular business hours and not at night when the Ferrell Gas technicians are not present. Second issue the Mayor addresses is our present inspection system and feels that regarding our commercial properties it may be a better alternative to have the inspections done at a county level vs. in house as we presently have.

At this time the meeting is opened to Mr. Joseph Inga Sussex County Fire Marshall. Mr. Inga addresses the council. He advises that he had a lot of experience when Able Gas blew in Newton years ago. He advises that this recent incident was handled the best way, temporarily shut it down and call the DCA and let them take over. He also agrees with the chief that curtailing the off loading and loading during business hours is a good thing to implement.

Mayor and Council are in receipt of correspondence dated February 22, 2011 from Mr. Inga which describes how an inter local agreement with the county as far as taking over the inspections of our commercial; both life hazard and non life hazard facilities would work. In the role of shared services the county follows the "State Uniform" code vs. just a town code which allows for greater enforcement. Should Hamburg agree to go with this inter local agreement the county would take over all commercial business and life hazard inspections which are done on a yearly basis. All the responsibility would then lie on the County. Also, if during the course of these inspections a violation is found they will contact the towns building department for follow up by that agency. Currently the county is also in an inter local agreement with Franklin Borough. The last page of the agreement shows a fee page which Mr. Inga explains is what the charges would be. They decided to go with one fee schedule as adopted by Newton and apply the same fees to all other towns involved in a shared service agreement in lieu of each town having separate fees. Mr. Inga briefly goes over the proposal advising that an amendment to our ordinance would need to be done naming the county as the enforcement agency and the actual inter local agreement would need to be executed along with a resolution being adopted. Mr. Inga advises that presently there are two part time assistants assisting himself and a part time clerical position on staff. They presently have Franklin and have been working hard to make sure that all businesses are registered which has not been the case and would commit to the same here. Chief Haig would now contact the county if there is a fire and as previously stated by the Sussex County Fire Marshall, Mr. Inga would be three inspectors available to respond.

Councilmember Barr questions that business that have hazardous materials are only inspected yearly. Mr. Inga advises that that is code and yes it would be yearly, however, like the recent incident with Ferrell Gas if there is an incident a call would warrant another inspection, also with regards to businesses with residents above they have jurisdiction if there are three or more apartments to the common area only such as hallways. Clarification is made that the county would not be taking over residential inspections, that would still be done in house with our inspector (ie: smoke detector and carbon monoxide inspection on resale).

Councilmember Kelly questions why there is a one time fee of \$1500.00 to download data software and is advised that the county has no control over this cost as it is a cost to the county so the county must pass it on to the respective municipality. This would be the only cost to the borough and in return the county would receive all inspections and permit fees. We would receive from the county a monthly report showing what was inspected. Councilman Krasnomowitz questions the role of our present inspector and the fact that we presently have an inter-local agreement with Andover to share the costs associated with his lap top. Mayor and Council thank Mr. Inga for his presentation and will review the proposal and forward to the attorney for review.

Clerk is advised to obtain copies from the fire official copy of his Data Base Summary for 2009 and 2010 for all life hazard and commercial business.

Mr. Inga does advise that the state will only transfer on the quarter so if this goes it is anticipated that inter local can be implemented July 1st.

Mr. Inga thanks the Mayor and Council for their time and leaves the meeting.

Fire Chief Haig advises the council of another incident where there where a drive be made a report to Hamburg PD of red lights flashing at Ames Rubber. Upon inspection he found that the red lights were for the water treatment plant, the person reporting the incident thought the red lights meant that something was malfunctioning. Chief Haig made them take down the red lights.

Mayor and council have concerns regarding the loading and off loading of gas during night hours and instruct clerk to have the attorney look into having our ordinance amended to where there can be no trucks entering and loading or off loading any time aside from when Ferrell Gas in in operation or "during regular business hours"

2. Building and Grounds

- Mayor advises that the stove issue in the Fire house has been corrected. It was thought that a new stove would need to be purchased but Chief Haig called in a repair company and they were able to fix the stove and it is now running correctly.

Mayor advises that he spoke with auditor Bill Schroeder regarding his concern of the 2.5% pay raise that was implemented this year for the road department and the borough employees and finds that it is fine for this year and can be addressed next year. Mayor would like to see in the future not having medical benefits locked into any negotiating contract as the state may implement increases which the town has no control over.

Motion by Councilmember Barr, second by Oehler to close the meeting to the public. All in favor.

3. Recreation Appointment – George Endres

Clerk is advised that the appointment for the recreation board will be put on hold as the council did not receive the formal resignations from the two members who resigned and a background check is required.

EXECUTIVE SESSION RESOLUTION:

Mayor Marino offered the following resolution to enter into executive session.

WHEREAS, the Open Public Meeting Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist, and

WHEREAS, the Mayor and Council of the Borough of Hamburg find it necessary to enter into executive session for the reasons hereafter cited:

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.

PUBLIC PORTION:

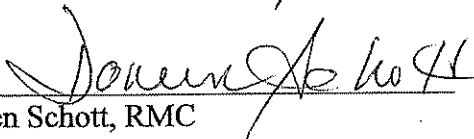
There was no public in attendance for the public portion.

ADJOURNMENT

Motion by Councilmember Barr, second by Councilmember Oehler to adjourn the meeting at 9:10 PM. All in favor

Date Approved: 3/7/11

Date Released: 3/7/11



Doreen Schott, RMC
Municipal Clerk