

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON MARCH 7, 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 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 6, 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".

FEBRUARY 7, 2011, Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to approve the February 7, 2011 Regular Meeting Minutes of the Mayor and Council. All in favor.

FEBRUARY 7, 2011 Executive Session Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the February 7, 2011 Regular Executive Session Meeting Minutes of the Mayor and Council. All in favor.

FEBRUARY 23, 2011 Regular Workshop Meeting Minutes

Motion by Councilman Barr, seconded by Councilman Law to approve the February 23, 2011 Regular Workshop 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 Barr, seconded by Councilman Krasnomowitz to open to the public with regards to the bill list only. All in favor.

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

Motion by Councilwoman Oehler, seconded by Councilman Kelly 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 #02-2011 – 2ND Reading**

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

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Attorney Clemack advised the Council that the figures given to the Council by the Auditor were incorrect thereby causing this ordinance needing to be denied.

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to open the meeting to the public for any questions or comments they may have with regards to the ordinance prior to adoption of same. All in favor. This ordinance was introduced on first reading at the February 7, 2011 meeting and published as requested by law.

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

Motion by Councilman Kelly, seconded by Councilman Law to reject Ordinance 02-2011. All in favor.

ORDINANCE**ORDINANCE #07-2011 – 1ST Reading****AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

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

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion by Councilman Krasnomowitz, 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 March 21, 2011. All in favor.

ORDINANCE #03-2011 – 2ND Reading**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.**

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

AN ORDINANCE GRANTING MUNICIPAL CONSENT TO THE ISSUANCE OF A FRANCHISE TO SERVICE ELECTRIC CABLE T.V. OF NEW JERSEY, INC., TO CONSTRUCT, OWN, OPERATE, EXTEND AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, SETTING FORTH

CONDITIONS ACCOMPANYING THE GRANT OF SAID MUNICIPAL CONSENT AND PROVIDING FOR THE REGULATION AND USE OF SAID SYSTEM.

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to open the meeting to the public for any questions or comments they may have with regards to the ordinance prior to adoption of same. All in favor. This ordinance was introduced on first reading at the February 7, 2011 meeting and published as requested by law.

PUBLIC HEARING

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

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

Roll Call:

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

ORDINANCE # 04-2011 – 2ND Reading

AN ORDINANCE AMENDING CHAPTER 215 – ZONING OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG TO AMEND SUB-SECTION 173:1 – LANDMARKS AND LANDMARK DISTRICTS TO DESIGNATE AN ADDITIONAL LANDMARK

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

AN ORDINANCE AMENDING CHAPTER 215 – ZONING OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG TO AMEND SUB-SECTION 173:1 – LANDMARKS AND LANDMARK DISTRICTS TO DESIGNATE AN ADDITIONAL LANDMARK

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open the meeting to the public for any questions or comments they may have with regards to the ordinance prior to adoption of same. All in favor. This ordinance was introduced on first reading at the February 7, 2011 meeting and published as requested by law.

PUBLIC HEARING

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

Motion by Councilman Barr, seconded by Councilman Kelly to adopt the ordinance as presented. Attorney Clemack asked if this ordinance had Planning Board approval and it was sent to the Planning Board. Attorney Clemack did not speak to their attorney.

Roll Call:

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

ORDINANCE #05-2011 – 1ST Reading

This will be discussed in Executive Session

AN ORDINANCE AMENDING THE GENERAL CODE OF THE BOROUGH OF HAMBURG ESTABLISHING NEW CHAPTER 132 – LIQUEFIED PETROLEUM GAS FACILITY.

Attorney Clemack will read the Ordinance by title for first reading and publication.
AN ORDINANCE AMENDING THE GENERAL CODE OF THE BOROUGH OF HAMBURG
ESTABLISHING NEW CHAPTER 132 – LIQUEFIED PETROLEUM GAS FACILITY.
A motion is in order to approve the Ordinance on first reading and introduction with said ordinance
to be published in full with second reading scheduled for April 4, 2011

ORDINANCE # 06-2011 – 1st Reading *This will be discussed in Executive Session*
**APPOINTING SUSSEX COUNTY SHERIFF'S DEPARTMENT AS HAMBURG FIRE
OFFICIAL**

ORDINANCE # 08 -2011 – 1st Reading
**AN ORDINANCE AMENDING CHAPTER 197 - TOWING -OF THE CODE OF THE
BOROUGH OF HAMBURG TO REGULATE THE NUMBER AUTHORIZED TOWING
COMPANIES IN THE BOROUGH OF HAMBURG**

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 AMENDING CHAPTER 197 - TOWING -OF THE CODE OF THE
BOROUGH OF HAMBURG TO REGULATE THE NUMBER AUTHORIZED TOWING
COMPANIES IN 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 April 4, 2011.

DISCUSSION

Council discussed the information provided by the Borough Clerk. Councilman Krasnomowitz
suggested changing the fees to the \$200.00 so to be consistent with other towns. Modifications for
the milage would be amended to \$4.00, along with the storage fees to a flat rate. Attorney Clemack
will make the necessary changes.

All in favor.

RESOLUTIONS:

Resolution #2011-09 2010 Recycling Tonnage Grant Application to the NJDEP

Councilman Law presented the Resolution endorsing the Submission of the 2010 Recycling
Tonnage Grant Application to the NJDEP for Council approval.

Motion by Councilman Law, seconded by Councilman Barr to approve the Resolution 2011-09. All
in favor.

Resolution # 2011-10 – Emergency Temporary Appropriation

Motion by Councilman Barr, seconded by Councilman Law to approve Resolution 2011-10
Emergency Temporary Appropriation for the Borough of Hamburg. All in favor.

Resolution # 2011-11 – Discharge of Mortgage – 59 Wishing Well Road

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to approve Resolution #2011-11
Discharge of Mortgage. Attorney Clemack stated that this is one of the Affordable Housing Loans that is
forgiven and not repayable. All in favor.

ATTORNEY HOUR:**1. Personnel**

Council discussed the possible backlog in the Tax Assessors' Office due to the absence of the tax assessor due to illness. Councilman Krasnomowitz stated that there are some problems due to his illness and he would like to wait for the time being before anything is done. He did say and other Council members agreed that if the tax assessor were out longer that a temporary replacement should be looked into.

ENGINEERING:**1. Water Main Replacement Route 23 Report given by Mayor Marino**

Mayor Marino discussed with the Council the problems with the water breaks on Route 23. Correspondence was submitted from John Ruschke regarding the repairs of the water lines, in which the repairs will cost approximately \$190,000.00. More will be discussed at the Board of Public Works meeting and then for Council discussion again in April.

2. Recreation Fields

The structure is being worked on, weather permitting, and should be completed by May.

MAYOR'S AGENDA:**2. Air One Landing**

Mayor Marino is in receipt of a request from EMS for Atlantic Air One Helicopter to land at the Fireman's Pavilion on March 26, 2011 from 0600 hours – 1900 hours for the Air One Landing Zone Presentation for the Hamburg Fire Dept. and Emergency Medical Services.
Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the request as submitted. All in favor.

COMMITTEE REPORTS:**COUNCILMAN SENA****FINANCE / TAX DEPARTMENT**

Council members are in receipt of the Tax Collector's Annual report for 2010.
The Tax Collector's report for January 2011 showed \$599,088.98 being collected.

POLICE COMMISSIONER

Police Monthly report for February 2011

The January monthly report for the Police Department showed 1127 calls of service, including 185 investigative reports, 9 arrests, 12 motor vehicle accidents, and 130 motor vehicle summonses issued.

Council is in receipt of an application for Crossing Guard Applicant Joyce Oehler. The background check has been returned favorable. Motion by Councilman Sena, seconded by Councilman Barr to accept the application as presented.

Roll Call:

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

BOARD OF HEALTH

Councilman Sena was not sure about the status of the meetings but Mayor Marino said that the meetings were staying as were, meeting quarterly at night. The next meeting will be held on Tuesday, April 12th at 6:30 PM.

COUNCILMAN KELLY:

No updates given.

COUNCILWOMAN OEHLER:**1. RECREATION**

A letter of resignation was received from Mr. Chuck McCann and Mrs. Laura McCann due to a change of address. Motion by Councilman Barr, seconded by Councilman Law to accept with regrets the letter of resignation from Chuck and Laura McCann. All in favor.

Mayor Marino discusses getting more members for the recreation board, which is down to three members.

COUNCILMAN LAW:**1. FIRE COMMISSIONER**

Councilman Law presented a Social Affairs Permit for the Fire Dept for March 19th from 11:00 AM – 6:00 PM for a fund raising event. Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the permit as submitted. All in favor.

Councilman Law presented the Highway Occupancy Permit for the Fire Dept. After some discussion, Councilman Law withdrew his motion to approve, seconded by Councilman Kelly and this will be further discussed in Executive Session. All in favor.

Hamburg Fire Department EMS application – Ms. Cori Mae Dekmer. Council started to discuss, had some questions regarding the application and so further discussion in Executive Session.

COUNCILMAN KRASNOMOWITZ:**2. CONSTRUCTION DEPARTMENT**

Council discussed the correspondence from Hardyston Township regarding Inter-Local Agreement for Construction Services that was carried from last month along with the Shared Service Agreement – Construction Department Inter-Local Agreement for the years January 1, 2011 through December 31, 2014. Councilman Krasnomowitz stated that there was no amendment on the 2.5 %. Council would have like to have had 2%. Councilman Krasnomowitz said that Hardyston was doing a terrific job and would like to continue with the present contract that was presented. Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to accept the Shared Service Agreement for the Construction Department Inter-Local Agreement with Hardyston Township for January 1, 2011 – December 31, 2014.

Roll Call:

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

Construction Report for December 2010

Councilmember Krasnomowitz advised that there were 7 permits issued, 8 certificates of occupancy, and 13 certificates of approvals with a total of \$846.00 collected in fees for the month of December.

January 2011

Councilmember Krasnomowitz advised that there were 12 permits issued, 0 certificates of occupancy, and 5 certificates of approvals with a total of \$1106.00 collected in fees for the month of January.

3. LAND USE BOARD

The gas station application will be carried until May. The DOT is looking at the street opening and safety issues, along with the ingress and egress of the project.

COUNCILMAN BARR**1. BOARD OF EDUCATION**

Councilman Barr did not attend the Board meeting due to illness. Chuck McCann resigned also from this Board due to residency issues.

2. ROAD DEPARTMENT

Once again, Councilman Barr commended the Road Dept. on the great job they did with handling the winter weather. They will begin doing repairs on burms, roads, etc. once the weather breaks.

4. HISTORIC COMMISSION / HISTORIC SOCIETY

A letter of resignation was received from Mr. John Burd due to personal reasons. Motion by Councilman Barr, seconded by Councilman Law to accept with regrets the letter of resignation from John Burd. All in favor.

Councilman Barr informed the Council that the next historic marker will honor Dr. Pellet, whose home is on Rt. 23, next to the Merry-Go-Round.

PUBLIC PORTION:

Motion by Councilman Barr, seconded by Councilman Kelly 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 – Fire Chief – Mr. Haig stated that the helicopter is doing a landing drill to teach all and in case there are no officers are present also. With regards to the fund drive, the DOT will regulate the times on Friday night, we just submit the application and they will get back to us. Chief Haig discussed FerrelGas with the Council. His concerns were: if the driver fell at night while delivering, no one else would be around and he would be off-loading, he would not be able to hit the shut off valve. If this were during the day, a certified technician would be with the driver.

Mr. Haig also inquired about the baseball fields at the new rec fields. Wallkill Valley would like to use them as secondary fields. Mayor Marino stated the fields would not be ready until May; rules and regulations also need to be discussed before any use.

Bridget Walsh – 2 Main Street – inquired of the Council as to if a decision has been made about the parking in the municipal lots. Councilman Kelly said that he did walk the area, spoke to Jodi at Wilcox Press and she stated that she would allow parking behind her building as long as liability papers were signed. Ms. Walsh again reiterated that there is not enough space in the back to do what Jodi is suggesting and there is an easement and parking is not available in the easement. Councilman Kelly again stated that if we make exceptions with her then the Council must make them with everyone else that comes before them. Mayor Marino asked when Ms. Walsh last new tenant moved in and was answered January 15, 2011.

Sheila Frayko – School Board Liaison – said that the school budget increase was 7.4% Motion by Councilman Law, seconded by Councilwoman Oehler to close to the public. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to enter into Executive Session at 8:33 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. Liquefied Petroleum Gas Facility – possible litigation matters
2. EMS applicant

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

Motion by Councilman Barr, seconded by Councilman Law to add EMS applicant to Executive Session. All in favor.

Discussion regarding Liquefied Petroleum Gas Facility and EMS applicant.

Motion by Councilwoman Oehler, seconded by Councilman Kelly to return to the Regular Meeting at 9:08 PM. All in favor.

ORDINANCE # 06-2011 – 1st Reading

AN ORDINANCE TO AMEND CHAPTER 116 - FIRE PREVENTION - OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG DESIGNATING THE FIRE MARSHALL/OFFICIAL OF THE OFFICE OF THE FIRE MARSHALL OF THE COUNTY

OF SUSSEX AS THE LOCAL ENFORCING AGENCY

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

AN ORDINANCE TO AMEND CHAPTER 116 - FIRE PREVENTION - OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG DESIGNATING THE FIRE MARSHALL/OFFICIAL OF THE OFFICE OF THE FIRE MARSHALL OF THE COUNTY OF SUSSEX AS THE LOCAL ENFORCING AGENCY

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for April 4, 2011.

Councilman Sena asked if the fees that are being charged would remain the same and was answered yes.

All in favor.

Resolution 2011-12

RESOLUTION AUTHORIZING THE BOROUGH OF HAMBURG TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SUSSEX FOR ENFORCEMENT AGENCY SERVICES AS SET FORTH IN THE NEW JERSEY STATE UNIFORM FIRE CODE REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 et seq.

Motion by Councilman Law, seconded by Councilman Kelly to approve the resolution as offered. Attorney Clemack stated that this resolution will not go into effect until after Ordinance 06-2011 is passed.

All in favor.

ORDINANCE #05-2011 – 1st Reading

AN ORDINANCE AMENDING THE GENERAL CODE OF THE BOROUGH OF HAMBURG ESTABLISHING NEW CHAPTER 132 – LIQUEFIED PETROLEUM GAS FACILITY.

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

AN ORDINANCE AMENDING THE GENERAL CODE OF THE BOROUGH OF HAMBURG ESTABLISHING NEW CHAPTER 132 – LIQUEFIED PETROLEUM GAS FACILITY.

Motion by Councilman Law, seconded by Councilwoman Oehler in order to approve the Ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for April 4, 2011.

All in favor.

The Hamburg Fire / EMS Department has requested permission to hold a coin toss at the intersection of Route 23/94 on May 20, 2011 from 4 PM to 8 PM and May 21 and 22, 2011 from 8:00 AM to 5:00 PM and on August 26, 2011 from 4 PM to 8 PM and August 27 and 28, 2011 from 8:00 AM to 5:00 PM as a means of raising funds for the Volunteer Fire/EMS Department.

Motion by Councilman Law, seconded by Councilwoman to approve the Highway Occupancy Permit for the Fire Dept. All in favor.

Mayor Marino asked that for the March 21st Workshop Meeting, all Council members think about rules and regulations for the recreation fields. The budget will also be introduced.

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

1. From Sussex County Technical School regarding Energy Efficiency Conservation Block Grant. (2/10/11)
2. Mayors Fax Advisory – revisions to the open public meetings act (2/10/11)
3. Mayors Fax Advisory – conditional Veto of Civil Service Reform (2/10/11)
4. Hardyston Township – Amended ordinance – Land Use Procedures (2/10/11)
5. Stillwater Township – Resolution regarding Senate Bill S-818, revision of medical service delivery. (2/10/11).
6. Stillwater Township – Resolution endorsing Senate Bill 2174 – Pension reforms (2/10/11)
7. Copy of 2010 Census Data (2/10/11)
8. From State of NJ – public notice on Draft Sussex County Sewer Service Area. (2/10/11)
9. Mayors Advisory – Federal Reimbursement for December 201 Snow Storm (2/18/11).
10. From Wantage – Resolution opposing Senate Bill S-818 which revises requirement for medical service delivery. (2/18/11)
11. From Elizabethtown Gas notice of public hearing – rates (2/18/11).
12. From State of New Jersey to John Ruschke Permit Application review (2/24/11)
13. From State of New Jersey – One year extension granted for Treatment Works for Falcon Ridge Interconnection. (2/24/11)
14. From Hatch Mott MacDonald estimate for Water Main Replacement – Route 23 (2/24/11)
15. Inspection and Testing report from Jan Mar Alarm Company. (2/24/11)
16. Mayors Fax Advisory – State Budget week in review and call for action (2/25/11)
17. From State of NJ to BPW regarding Limited Firm capacity to supply future development. (2/28/11)
18. From Hatch Mott MacDonald to Earth Tec Associates advising of the need to provide the borough with a maintenance bond in the amount of \$230,975.50 prior to final payment being made. (3/3/11)

ADJOURNMENT

Motion by Councilman Law, seconded by Councilwoman Oehler to adjourn the meeting at 9:18 PM. All in favor.

Date Approved: 4-4-11

Date Released: 4-4-11



Kathy Garrett
Deputy Clerk