

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON APRIL 4, 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 Law
Councilman Sena	Mayor Marino

Absent: Councilman Kelly

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".

MARCH 7, 2011, Regular Meeting Minutes

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

MARCH 7, 2011 Executive Session Meeting Minutes

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

MARCH 21, 2011 Regular Workshop Meeting Minutes

Motion by Councilman Barr, seconded by Councilman Law to carry the March 21, 2011 Regular Workshop Meeting Minutes of the Mayor and Council. All in favor.

APPROVAL OF BILLS:

Motion by Councilman Law, seconded by Councilwoman Oehler to add to the bill list the following bills: \$200.00 to the Fire Dept. Auxiliary for Lunch with the Easter Bunny and \$75.00 to O'Shea's Florist for a funeral arrangement. All in favor.

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

Motion by Councilman Barr, seconded by Councilman Law to approve and pay the bill list with additions.

Roll Call:

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

2010 MUNICIPAL AUDIT

A Synopsis of Audit has been published as required by law. The Certification is to be signed by the Governing Body.

Motion by Councilwoman Oehler, seconded by Councilman Barr to accept the Resolution for Certification of Annual Audit to be adopted.

Roll Call:

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

ORDINANCE

ORDINANCE #08-2011 – 2ND 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 Law, seconded by Councilwoman Oehler for Attorney Clemack to read the Ordinance by title for second reading and public hearing. 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 Law, 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 March 7, 2011 meeting and published as requested by law.

PUBLIC HEARING

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

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

Roll Call:

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

ORDINANCE #05-2011 –

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

Attorney Clemack stated that on Wednesday, April 6th, he and town officials will be meeting with the executives of Ferrell Gas so he suggested postponing this ordinance until after this meeting. At the next Mayor and Council meeting on May 2nd, we could always introduce it again. Council is in agreement.

ORDINANCE # 06-2011 – 2nd Reading

Mayor Marino informed the Council that he contacted other towns in reference to this ordinance and regarding the fee schedule, he learned that 65 % could come back to the town. Since more research needs to be done with this, and since the County can not do the work for awhile, Attorney Clemack is suggesting that this be rejected.

APPOINTING SUSSEX COUNTY SHERIFF'S DEPARTMENT AS HAMBURG FIRE OFFICIAL.

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

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 March 7, 2011 meeting and published as required by law.

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

Motion by Councilman Krasnomowitz, seconded by Councilman Law to deny Ordinance #06-2011 for adoption.

Roll Call:

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

RESOLUTIONS:

Resolution # 2011-14 – Earth Day Proclamation

Motion by Councilman Law, seconded by Councilwoman Oehler to accept resolution #2011-14, Earth Day as April 22, 2011, as presented. All in favor.

Resolution # 2011-15 – Municipal Court – Outstanding Balances

Motion by Councilman Law, seconded by Councilwoman Oehler to accept resolution #2100-15, outstanding balances on the municipal court, as presented. All in favor.

Resolution # 2011-16 – Emergency Budget

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept resolution #2100-16, the emergency budget for the Borough of Hamburg, as presented.

Roll Call:

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

ATTORNEY HOUR:1. **Ferrell Gas - Correspondence**

Attorney Clemack stated that he did send a letter regarding the incident and they were meeting on Wednesday, April 6.

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. **EMS personnel – privacy issues**

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

ENGINEERING: *Report given by Mayor Marino*

Mayor Marino stated that work is continuing on the rec field structure and it is really coming along.

MAYOR'S AGENDA:1. **2011 Road Resurfacing Municipal Aid**

Mayor Marino announced that the Borough received notification from the State that we did receive \$150,000.00 for the 2011 Municipal Aid for Road resurfacing in 2011.

2. **DEP meeting**

Mayor Marino stated that he, Attorney Clemack, Borough Clerk Doreen Schott, Councilman Krasnomowitz, Mr. Ruschke, and representatives from the DEP met regarding the cell tower location at the recreation field location. The meeting went very well and Mr. Ruschke is putting a letter together on behalf of the town. Mayor Marino stated that the money collected would be used specifically for the recreation fields and their improvements.

3. **Petition to Extend Licensed Premise**

Mayor Marino received a petition to extend the licensed premise of SJR Co LLC (Doc's) for an Anniversary Party May 7, 2011, beginning at 7:00 am through May 8, 2011 until 2:00 am. Motion by Councilman Barr, seconded by Councilman Law to approve said application. All in favor.

4. **April Workshop Meeting**

Mayor Marino would like to have the Tax Assessor and Fire Official properly noticed to attend the April Workshop meeting for discussion on various items.

A mandated health benefits committee is being formed from the State which is opposing collective

bargaining and this is being opposed by the NJ League of Municipalities. Mayor Marino does not want to take any action at this time; this is just informative.

5. Main Street Parking

Mayor Marino said that he spoke with Bridget Walsh of 2 Main Street regarding the parking. Councilman Sena came up with an alternate side of the street parking idea for Main Street, which Council thought was an idea that could work. Mayor Marino also would like to designate parking spots behind the police station and court house for employee parking, along with Road Dept and EMS spots. Council members continue how the alternate side of the street parking would work on Main Street, discussing hours, etc., and passing an ordinance with exact stipulations so there will be no doubt. Until that time, Council members discuss passing a resolution to lift the restrictions so that tenants on Main Street do not continue to receive tickets.

Motion by Councilman Law, seconded by Councilwoman Oehler that the Mayor and Council are contemplating revising the parking ordinance on Orchard Street and the lifting the parking restriction from Orchard Street to Main Street as stated by the Council and the police be notified of this resolution and be advised accordingly.

Roll Call:

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

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

Motion by Councilman Sena, seconded by Councilwoman Oehler to accept the Resolution to redeem third party tax sale certificate # 10-002 in the amount of \$9,212.05. All in favor.

The Tax Collector's report for February 2011 showed a total of \$1,549,398.16 being collected.

2. POLICE COMMISSIONER

Police Monthly report for March 2011

The March monthly report for the Police Department showed 1153 calls of service, including 195 investigative reports, 16 arrests, 4 motor vehicle accidents, and 121 motor vehicle summonses issued.

Councilman Sena questioned the correspondence received from Chief Wright regarding traffic concerns at the school during delayed openings and Chief Wright asked in the email if it had been discussed at the Council level. Councilman Sena had no knowledge of the matter and had not heard anything further from Chief Wright.

3. BOARD OF HEALTH

The next meeting will be held on April 12th at 6:30 PM.

COUNCILMAN KELLY:

Report given by Mayor Marino

1. BUILDING AND GROUNDS

Council is in receipt of the Interlocal Agreement for the Street Sweeping Services for 2011 with the Township of Hardyston. The agreement is the same rate as last year.

Motion by Councilman Law, seconded by Councilman Barr to accept the agreement as presented.
All Council members present in favor.

3. BOARD OF PUBLIC WORKS

Council received a recommendation from the BPW regarding the water main replacement project on Route 23. Councilman Law noticed a small leak in one spot and wondered how quickly we could move on this project so that we did not have to spend any more money on repairs. Motion by Councilman Barr, seconded by Councilman Law to approve said project and have Borough Engineer John Ruschke submit the necessary paperwork.

Councilman Krasnomowitz inquired if we have to send this out to bid and was answered no.

Roll Call:

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

COUNCILWOMAN OEHLER:

1. RECREATION

The Rec Commission will be making a donation of \$200.00 to the Fire Dept. Auxiliary for Lunch with the Easter Bunny that will be held on April 16th at 12 noon.

Volunteers are needed for this board.

2. OEM / EMS LIASON

Councilwoman Oehler reported that there were 27 EMS calls for the month. She also stated that ambulance 26 /40 was just repaired and is costing a lot in repairs. Ambulance 26 / 41 will be going out for repair next. The Air One Drill that was held at the pavilion was very successful and was attended not only by members of our Fire / EMS depts., but by surrounding towns also.

COUNCILMAN LAW:

1. FIRE COMMISSIONER

EMS applicant will be discussed in Executive Session.

2. COURT

Councilman Law informed the Council that the extra court session did help but they were still in a back log. Councilman Sena inquired as how far behind they were, that the Court personnel needed to stay longer as compensation would not be done again.

3. RECYCLING

A spring clean-up with the Hamburg school students was scheduled for April 10th and Councilman Law invited all to help out.

COUNCILMAN KRASNOMOWITZ:

3. LAND USE BOARD

KP & Jay Patel, LLC will be attending the Land Use Meeting on Monday, April 11th to discuss their application for the gas station.

4. INSURANCE

Councilman Krasnomowitz stated that the Borough received a Safety and Loss Control Award from Statewide Insurance Fund for their commitment to safety.

5. RECREATION COMMITTEE

Councilman Krasnomowitz stated that the park committee, Council members Oehler and Sena and himself met, and decided upon the following: the operating hours of the park will be from dawn to dusk with the police being asked to open and close the gates and patrol as needed. To start, the building use will be limited to borough use only. The walking path will be for walking only, no roller blades, bikes, scooters, etc. for safety reasons due to the grade of the path. As far as scheduling goes, Councilman Krasnomowitz would be the contact person, and he would like Mary Toscano doing the actual paperwork. More will be discussed concerning this aspect of it.

COUNCILMAN BARR

1. BOARD OF EDUCATION

April 27th is the school election from 2 PM – 9 PM.

2. ROAD DEPARTMENT

The road dept. will be busy fixing burms and repairing the roads from the winter months and also beginning the spring pick-up.

PUBLIC PORTION:

Motion by Councilman Barr, seconded by Councilman Krasnomowitz 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.

Guy McHugh – Wallkill Valley High School Board of Education representative gave a presentation on solar panels that the School Board will be asking taxpayers to vote for on in the school election taking place on April 27th. He stated that this will be at no cost to the taxpayer and the extra money will be used to fund sports programs and activities. This will cost approximately \$3.8 million to install but with \$1 million in a fund now, there will be approximately \$2.8 million to pay down with funding for 15 years. If the panels are installed now, by mid August they will start generating energy. There will be a meeting on April 19th at 7 PM at the school with the engineers for the school and the solar panel company for more information.

Sheila Frayko – Hamburg Board of Education Liaison – Mayor Marino asked if she had any information as to the issue with the traffic situation and she did not.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler 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:

2. EMS personnel – privacy issues

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

Motion by Councilman Law, seconded by Councilman Krasnomwitz to enter into Executive Session at 8:33 PM. All in favor.

Discussion concerning EMS personnel.

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

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the application of EMS applicant Cori Mae Dekmer.

Roll Call:

Ayes: Barr, Krasnomowitz, Law, Oehler, Sena

Nays: None

Absent: Kelly

Abstain: None

Councilman Sena advised that the Police OT has gone very high mostly due in fact to court time. Special Officer Roy Souther was not able to qualify due to his full time employment, so the Police Dept. are not utilizing specials to cover court but are using police personnel. Council is concerned as the plan was to have non-police officers as court bailiffs.

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

1. From Montague Township resolution opposing COAH reform bill (3/10/2011)
2. From Hardyston Township ordinance amending Land Use Procedures (3/10/2011)
3. Mayors Advisory – Budget Hearing Schedule (3/10/2011)
4. Montclair State University – Assembly budget committee public hearing (3/10/2011)
5. From Montague Township resolution supporting A-196 (3/10/2011)
6. From Bloomingdale Borough resolution supporting state intervention to increase safety on parts of Route 23. (3/10/11)

7. Mayors Advisory – Health Care Benefit Reform (3/10/11)
8. Mayors Advisory – Calculation of the reserve for uncollected taxes. (3/10/11)
9. From Vernon Township resolution supporting state intervention to increase safety on parts Route 23. (3/10/11)
10. From NJ Industrial Safety Committee – 83rd Annual Safety Awards Dinner (3/11/2011)
11. From State of NJ 2011 – 2012 Allocation of Equalized Valuation” (3/16/2011)
12. From Hampton Township resolution opposing COAH reform (3/16/2011)
13. NJ Transit – Fiscal Year 2011 request for federal financial assistance (3/16/2011)
14. Legislative Bulletin – March 2011(3/16/2011)
15. From Sussex County – Final Equalization Table (3/18/2011)
16. From Andover Township resolution support of A-196 granting courts discretion to assess court costs for certain dismissals. (3/18/2011)
17. From NJLM Health Benefits Reform (3/25/2011)
18. From JCPL – Posting signs and banners on utility poles (3/25/2011)
19. Sussex County Board of Taxation – Petition of Appeal – 29 Route 23 ((3/25/2011)
20. From County, food inspections are no on line (3/30/2011)
21. From State 2011 Certified Local Government Grant application on line (3/30/2011)
22. NJLM – Health Benefit reform (3/30/2011)
23. The impact of OPRA (3/30/2011)
24. Sussex County Board of Taxation – Petition of Appeal – 5 Michael court (3/29/2011)
25. From State Highlands Planning Council Plan Conformance Grant information of status. (3/24/2011)
26. Sussex County Board of Taxation – Petition of Appeal – 71 Lakeview Drive (3/31/2011)
27. Notice of Tax appeals – 100 route 23 S (3/31/2011)
28. Notice of Tax appeals – Winding Brook (10 residents as listed on letter) (3/31/2011)
29. Mayors Advisory – Supreme court to hear league’s COAH appeal (4/1/2011)

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilman Law to adjourn the meeting. All in favor.

Date Approved: 5/2/11

Date Released: 5/2/11

Doreen Schott
Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett