

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON MAY 2, 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:

Councilwoman Oehler	Councilman Krasnomowitz
Councilman Kelly	Councilman Law
Councilman Sena	Mayor Marino

Absent: Councilman Barr

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 21, 2011 Regular Meeting Workshop Minutes

Motion by Councilman Kelly, seconded by Councilwoman Oehler to approve the March 21, 2011 Regular Meeting Workshop Minutes of the Mayor and Council. All in favor.

APRIL 4, 2011 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the April 4, 2011 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Kelly abstained.

APRIL 4, 2011 Regular Meeting Executive Session Minutes

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the April 4, 2011 Regular Meeting Executive Session Minutes of the Mayor and Council.

Roll Call:

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

APRIL 18, 2011 Regular Meeting Workshop Minutes

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the April 18, 2011 Regular Meeting Workshop Meeting Minutes of the Mayor and Council.

Roll Call:

Ayes: Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None
Abstain: None
Absent: Barr

APRIL 18, 2011 Regular Meeting Workshop Executive Session Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the April 18, 2011 Regular Meeting Workshop Meeting Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

There are two additions to the bill list: Liberty Construction in the amount of \$4532.50 for the Heritage Lakes project; and PM Construction in the amount of \$25,627.00 for the Falcon Ridge project. Motion by Councilman Kelly, seconded by Councilwoman Oehler to add these bills to the bill list. All in favor.

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

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

Roll Call:

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

Motion by Councilman Law, seconded by Councilwoman Oehler to open the meeting to Auditor Mr. Bill Schroeder and CFO Amy Maronpot. All in favor.

MUNICIPAL BUDGET

The Mayor and Council present the 2011 Municipal Budget. Same was published in the April 7, 2011 edition of the New Jersey Herald / Sunday Herald as required by law.

Auditor Mr. Schroeder stated that this year The Borough was not subject to a self review and a Ryder resolution was done.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open the meeting to the public on the municipal budget only. All in favor.

PUBLIC HEARING

Mayor Marino stated that health benefits and pensions are always a hard issue for small towns to deal with. He also stated that for the first time in many years, The Borough had to raise the

water / sewer rates. Mayor Marino said this was necessary due to SCMUA rates going up and also our system needs to be overhauled. He is working with the BPW on a 5 Year Plan so that we could keep up with projects and they won't be a burden on the taxpayer.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adopt the 2011 Municipal Budget of The Borough of Hamburg.

Roll Call:

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

CORRECTIVE ACTION PLAN

Mayor and Council are in receipt of the Corrective Action Plan submitted by the Chief Financial Officer Amy Maronpot.

Mayor Marino asked Mr. Schroeder about the audit recommendations that were submitted. Mr. Schroeder stated that the cash receipts should be deposited within 24 hours, but with minor amounts that are collected, that is not always feasible. This was also suggested due to the fact that the Borough changed banks and the deposits are not always made with that time frame. As far as the segregation of duties is concerned, the only solution is to hire more personnel. Mr. Schroeder said that The Borough will always have that recommendation – it is a “checks and balances” for The Borough.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept Resolution #20-2011, the Corrective Action Plan for The Borough of Hamburg for 2010.

Mayor Marino stated that he felt The Borough was in good shape, that these were minor items, and he thanked Mr. Schroeder and Ms. Maronpot for the work they did.

Roll Call:

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

Motion by Councilman Law, seconded by Councilwoman Oehler to close to Mr. Schroeder and Ms. Maronpot. All in favor.

ORDINANCE

ORDINANCE #09-2011 – 1st Reading

AN ORDINANCE AMENDING CHAPTER 209 – WATER – OF THE CODE OF THE BOROUGH OF HAMBURG COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES.

Motion by Councilwoman Oehler, 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 209 – WATER – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the ordinance on first reading and introduction with said ordinance to be published in full and with

second reading scheduled for June 6, 2011.

Roll Call:

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

ORDINANCE # 10-2011 – 1ST Reading

AN ORDINANCE AMENDING CHAPTER 164 – SEWERS – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SEWER RATES.

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

AN ORDINANCE AMENDING CHAPTER 164 – SEWERS – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SEWER RATES.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the ordinance on first reading and introduction with said ordinance to be published in full and with second reading scheduled for June 6, 2011.

Roll Call:

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

ORDINANCE # (11-2011) – 1ST Reading

Parking Ordinance – Orchard Street Extension Parking Lot

Attorney Clemack will prepare an ordinance stating specific details about this issue, such as alternate side of the street parking, times, signage, etc. He will work with John Ruschke on it and also Chief Wright. Mayor Marino also mentions the parking spaces for EMS, Police, and Road Depts. Council will wait for Attorney Clemack until action is taken on this ordinance.

PROCLAMATION

Mayor Marino presented Ms Eileen Thompson with the American Cancer Society Relay for Life Proclamation. Ms. Thompson was appreciative of the Proclamation.

RESOLUTIONS:

Resolution # 2011-21 – Liquor License Transfer – BK Operating Corp., LLC to Frank J. Hinger Jr. – proper notice was posted in the newspaper.

Mayor Marino stated that Mr. Hinger is taking the license out of the corporation name and putting it back into his name.

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to accept Resolution #2011-21. All in favor.

Resolution #2011-22 – Dedicated Trust By Rider for parking Offense Adjudication

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution #2011-

22. All in favor.

ATTORNEY HOUR:

1. Personnel Policy revisions Resolution 2011-23

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution #2011-23 as offered. 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. **Personnel – Jason Eben** (*rice notice was issued*)
2. **Proposed Contract re: Fire Official**
3. **Terms and Conditions Police Chief**

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.

ENGINEERING:

1. Recreation Fields

Mr. Ruschke informed the Council that the work on the concession stand is substantially complete with some fixtures to finish. The contractor wants to do some site work, including some grading and paving, but the weather is not cooperating. He would like the top soil and seed down by Memorial Day. Mr. Ruschke asks of the Council their advice of installing gutters on the structure at a cost of approximately \$3000.00. As it stands now, the rain would fall right at the edge of the concrete around the stand so he does not feel that it would be necessary to spend the money. Council agreed. Councilman Sena asked about the steepness of the walking path by the soccer field and was concerned about kids with skates and skateboards, etc. going off the path and wanted to know about putting up a rail or fence for protection. After some discussion, Mr. Ruschke will look into putting up a fence in that section. Councilman Kelly inquired about the trees that were going to line the driveway coming into the park. Mr. Ruschke stated that we used the money to widen the path. Mayor Marino said that he received information that everything had to be ADA compliant and asked Mr. Ruschke if we are impacted by that. He replied not really because of the topography of the land and the building is not affected by it either.

2. Falcon Ridge – NJEIT Interconnection Project

Work on the Board of Education property has been started. Work on tunneling under the railroad should start next week and will take around one week to complete. The project could end up

costing a few dollars more due to a mark-out being wrong, so more steel had to be used to complete the project.

3. Heritage Lakes- NJEIT Project

Mr. Ruschke informed the Council that the shop drawings have been submitted and approved.

4. Orchard Street-NJEIT Project

Mr. Ruschke said that the road has been marked out and unfortunately, the contractor, John Garcia Construction always starts late but does get the job done.

Mr. Ruschke also said that the Board of Education has been calling him as they would like to coordinate the use of this contractor to do some repairs for them as we did when we did the project on Summit and Circle. Mayor Marino said that he would like to do the section of Bank Street and that possibly use this contractor for that. Mr. Ruschke suggested adding it to the DOT grant that we are receiving.

5. Tax Maps

Mr. Ruschke brought up the situation of our tax maps being entirely updated for about 15 years. He stated that there has been no interaction between himself and the tax assessor to comply. Mr. Ruschke does have the tax maps on the computer but they are not to State code and there is not documentation to all properties in town for the information to correlate to. He has spoken to a surveyor and it would be a minimum of \$12,000.00 to get the tax maps to where they should be. Council members asked if perhaps since the County is requesting the re-evaluation that there would be some financial assistance for this but Mr. Ruschke stated that there is not. Whoever does do the re-evaluation for the town needs to be made aware of this information as it will make a difference. Mr. Ruschke is looking for guidance from the Council as to how to proceed from this point. After Council discussion, Attorney Clemack, Mayor Marino, Mr. Ruschke, and John Dyksen will conference call to resolve the situation.

MAYOR'S AGENDA:

1. Kevin Keil – Application for employment

Mayor Marino said he wanted to talk to Chief Wright about this application first.

2. From Sussex County Agreement and Sample Ordinance for Interlocal Fire Official

Discussed in Executive Session

3. New Jersey Conference of Mayors Update

Mayor Marino spoke to Cindy Randazzo of the State Dept. regarding the T-Mobile tower at the rec fields and us needing a waiver from Green Acres to construct the tower and wondered what we needed to do since we are not seeing any movement at all. Mayor Marino did get the phone number of the Lt. Governor so he said he would call him.

Key Fobs

Mayor Marino said he would be in touch with Spark-Tech in Dover about our system and have them come out and see what is going on with it.

Foley

Information came out for doing an emissions check on state vehicles and Mayor Marino said that Mike Schneider handled the situation.

Cost Recovery – Fire / EMS Motor Vehicles

Mayor Marino said that the information he received about this goes according to NIFRA reports; he requested more information to be sent.

COMMITTEE REPORTS:**COUNCILMAN SENA****1. FINANCE / TAX DEPARTMENT**

The Tax Collector's report for March 2011 showed a total of \$304,409.85 being collected.

2. POLICE COMMISSIONER

Police Monthly report for April 2011

The April monthly report for the Police Department showed 1100 calls of service, including 167 investigative reports, 30 arrests, 14 motor vehicle accidents, and 160 motor vehicle summonses issued.

Councilman Sena discussed the key fob situation and said that Abcode has been contacted to evaluate and give a proposal to have the system work again. Mike Schneider has replaced the locks so the buildings are secure in the meantime.

With regards to the POSHA inspection report that was done on the Police station, the repairs have been completed.

COUNCILMAN KELLY:**1. BUILDING AND GROUNDS**

Motion by Councilman Kelly, seconded by Councilwoman Oehler to open the meeting to Road Dept. Foreman Mike Schneider. All in favor.

Council discussed with Mr. Schneider the work that needs to be done on Summit by the water tanks with the clearing of debris that has washed out and is covering the back and side of a tank. Mr. Schneider stated that the Borough will be able to borrow a small machine from the school to do the clean-up. Council also discussed a retaining wall to prevent this from happening again and Mr. Ruschke believed this was not necessary at this time.

Motion by Councilman Kelly, seconded by Councilman Law to close to Mr. Schneider. All in favor.

COUNCILWOMAN OEHLER:**1. RECREATION**

Councilwoman Oehler informed the Council that the Miss Hamburg, Little Mr. / Little Miss Hamburg Contests have been scheduled for June 26th at 1 PM at the Hamburg School. Hamburg Day has been scheduled for August 20th with a rain date of August 21st. Summer recreation will be held from July 5th – 22nd and flyers have gone out for registrations.

3. OEM / EMS LIAISON

Councilwoman Oehler stated that ambulance 26/41 is still out for repair now for three weeks. There are still issues with some items and the brakes are not working now.

COUNCILMAN LAW:**1. FIRE COMMISSIONER**

Council members discuss the notice from the Sussex County Board of Chosen Freeholders regarding the Certification for Rescue Squad Contribution for the Hamburg EMS Division of the Fire Dept. to receive financial assistance in the amount of \$3500.00 from the County of Sussex. Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept the contribution in the amount of \$3500.00.

Discussion revolves around the issue that the money should go into the EMS budget and not into the Fire budget.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to amend the motion to approve the acceptance of the contribution in the amount of \$3500.00 to go to the EMS budget. All in favor.

2. RECYCLING

A community clean-up was done with the Hamburg School with a good turn out, involving some returning high school and college students also. Quite a few bags of trash were pick-up as a result of the clean-up.

The recycling report was due May 1st, but since there were some conflicts, it will be filed within two weeks.

COUNCILMAN KRASNOMOWITZ:**1. OFFICE ADMINISTRATION****2. CONSTRUCTION DEPARTMENT**

Construction Activity Report for February

Councilmember Krasnomowitz advised that there were 5 permits issued, 0 certificates of occupancy, and 10 certificates of approvals with a total of \$995.00 collected in fees for the month of February.

Construction Activity Report for March

Councilmember Krasnomowitz advised that there were 11 permits issued, 0 certificates of occupancy, and 14 certificates of approvals with a total of \$1848.00 collected in fees for the month of March.

3. LAND USE BOARD

Mr. Patel received his approval for the gas station application after making some changes.

4. INSURANCE

The Mayor and Council received notification that Hale Insurance Company will now be known as HUB International Northeast. Councilman Krasnomowitz has some concerns about how this will now work so he is checking into other options at this time.

5. RECREATION COMMITTEE

Councilman Krasnomowitz informed the Council that he has had second requests about the use of the fields. He stated that nothing has been decided about when we are allowing the use of the fields, etc. Mr. Ruschke stated that although the contractor is still working there, it is very limiting work so we could open the park if we wanted to. Mayor Marino said that he would like to wait until after the grand opening of the fields, then opening it up to residents in June and the to others in the Fall. Council agreed.

COUNCILMAN BARR

Report given by Mayor Marino

1. BOARD OF EDUCATION

The Board of Education meeting focused on the budget and checking into the installation of solar panels on the school roof.

2. ROAD DEPARTMENT

Estimates for Tractor with cutting head and back hoe from Bassani Power Equipment and Nolts Power Equipment.

Discussed in public portion

PUBLIC PORTION:

Motion by Councilman Kelly, 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.

Police Chief Wright – Mayor Marino asked Chief Wright about the policing of the rec fields and he said his department would rely on the ordinances and any rules and regulations the Council made. He did state that he would need the ordinances in place so as to enforce anything that would come up.

Mike Schneider – Road Dept. Foreman – stated that he needed a machine to cut grass and presented the Council with two proposals, one from Nolts in the amount of \$39,800.00 and one from Bassani Power Equipment in the amount of \$37,940.00. The machine included a backhoe with attachments so it could be used for other uses that the road dept. might need it for. Upon discussion, Council suggested buying a lawnmower now and replace the tractor when needed. Mr. Schneider will get information on lawnmowers. Since the BPW is going to be submitting a 5 Year Plan, Councilman Kelly suggested getting a 5 Year Plan from each dept., with other Council members in agreement.

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

Motion by Councilman Krasnomowitz, seconded by Councilman Law to enter into Executive Session at 8:58 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:

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2. **Proposed Contract re: Fire Official**
3. **Terms and Conditions Police Chief**

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

Discussion concerning Personnel – Jason Eben, Proposed Contract re: Fire Official, and Terms and Conditions Police Chief.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to return to the Regular Session. All in favor.

The following actions took place:

Council will inform Chief Wright to contact Kevin Kiel as a hire for a special in Hamburg. Attorney Clemack will look at the Ordinance guidelines.

With regards to the traffic concerns, for the parking at the school, one way early dismissal and delayed opening signs do not apply. Chief Wright recommended an amendment to the ordinance to cover an early dismissal and delayed opening. Hamilton Street side is the problem; maybe doing a barricade during those few times, with a custodian in charge of this.

Motion by Councilman Law, seconded by Councilwoman Oehler to accept the resignation of William Flammer as Fire Official effective May 31, 2011. All in favor.

Hardyston and Andover Townships will be contacted to see if they are interested in the Fire Official position.

The Borough is having Memorial Day Services at North Church Cemetery at 9:15 AM and then at the monument here at Borough Hall at 9:45 AM on Monday, May 30th.

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

1. From the US Census Bureau information regarding 2010 census information (4/7/2011)
2. From the State of New Jersey correspondence regarding 2012 Fiscal Year Budget (4/7/2011)
3. From County of Sussex resolution urging county's local legislators to draft a bill to amend OPRA (4/7/2011)
4. From County of Sussex policy for county roadway banners, parades etc. (4/7/2011)
5. NJLM Legislative bulletin April 2011 (4/7/2011)

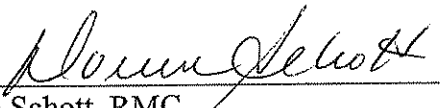
- 6. From State of NJ – Underground storage tank system removal 33 Circle Drive
- 7. Mayors fax advisory – Property assessment appeal sample resolution (4/8/2011)
- 8. NJLM – Support Municipal Priority Funding (4/8/2011)
- 9. Notice of public information center for improvements to Rudetown Road, Hardyston Twp.(4/11/2011)
- 10. Mayors Fax Advisory – Health Benefit Reform (4/14/2011)
- 11. From County of Sussex correspondence regarding hearing on proposed new fare structure for public transportation (4/21/2011)
- 12. From County of Sussex resolution County Board of Taxation – 100% ration of assessed value of real property in Sussex County. (4/21/2011)
- 13. From Sussex County to North Jersey Planning Authority authorization to enter into agreement for improvements to Rudetown Road, Hardyston Township. (4/21/2011)
- 14. Mayors Fax Advisory – Defeated School Budgets (4/29/11)
- 15. From Wallkill Valley High School, notice of rescheduled meetings. (4/29/11)

ADJOURNMENT

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to adjourn the meeting at 9:40 PM. All in favor.

Date Approved: 6-6-11

Date Released: 6-6-11



 Doreen Schott, RMC
 Municipal Clerk

Submitted by Kathy Garrett