

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON AUGUST 1, 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".

JULY 6, 2011 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the July 6, 2011 Regular Meeting Minutes of the Mayor and Council. All in favor.

JULY 6, 2011 Regular Meeting Executive Session Minutes

Motion by Councilman Law, seconded by Councilman Barr to approve the July 6, 2011 Regular Meeting Executive Session Minutes of the Mayor and Council. All in favor.

APPROVAL OF BILLS:

The following bills were added to the bill list: Newton Screen Printing in the amount of \$950.00, County Health Tax - \$8961.00, County Library Tax - \$24,428.59, County General Tax - \$337,542.42, and Mr. John Gillooly (Integra Realty Resources) -\$5197.00.
Motion by Councilman Barr, seconded by Councilman Law to add these to the bill list. All in favor.

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

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

Roll Call:

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

ORDINANCE**ORDINANCE # 15-2011 – 2nd Reading****AN ORDINANCE AMENDING CHAPTER 215-20 FLOOD PLAINS OR FLOOD HAZARD AREAS OF THE CODE OF THE BOROUGH OF HAMBURG SETTING FORTH NEW AND ADDITIONAL REGULATIONS FOR DEVELOPMENT**

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

AN ORDINANCE AMENDING CHAPTER 215-20 FLOOD PLAINS OR FLOOD HAZARD AREAS OF THE CODE OF THE BOROUGH OF HAMBURG SETTING FORTH NEW AND ADDITIONAL REGULATIONS FOR DEVELOPMENT

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler 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 July 6, 2011 meeting and published as provided by law.

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 Law, 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

RESOLUTIONS:**Resolution # 2011-30 – Supporting Veterans Cemetery in Northern NJ.**

Motion by Councilman Law, seconded by Councilwoman Oehler to accept said resolution. All in favor.

Resolution # 2011-33 - Over the Limit Under Arrest 2011 Statewide Crackdown

Motion by Councilman Law, seconded by Councilman Kelly to accept said resolution.

Mayor Marino asked if we receive money with this resolution and it was answered that we do. All in favor.

Resolution # 2011-34 – To abate the interest on the August 1, 2011 Tax Quarter

Motion by Councilwoman Oehler, seconded by Councilman Barr to accept said resolution. All in favor.

LIQUOR LICENSE RENEWAL 2011 – 2012

The following application along with the appropriate state and local fees and Tax Clearance certificate has been received for:

- o **Frank Hinger** **1909-33-001-010 (Pocket License)**

Motion by Councilman Barr, seconded by Councilman Law to authorize the Resolution for renewal for Frank Hinger (formally BK Operating). It was clarified that this is a Pocket License only. All in favor.

ATTORNEY HOUR:**1. Notice that the UPSEU was contacted regarding possibly opening up negotiations (Health Benefits only) prior to contract expiration.**

Attorney Clemack gave two dates for the committee to meet but then stated that there was no communication and if they would not open for negotiations, there was no reason to have such meeting.

2. Letter from Attorney from Sussex County regarding new Prisoner Policy

Attorney Clemack reiterated for the Council that last month he stated that he prepared a letter with our concerns but did not send it. He suggested contacting the department and setting up a meeting with them to find out the most effective way for a change. Attorney Clemack stated that towns need to be able to plan budgetary wise for the year and this would make it very difficult for them., as the town would have no idea as to how many hours of overtime would be involved, medical bills, etc. Mayor Marino would like to see a resolution of non-support go out to all municipalities, the Freeholders, State Representatives, Sherriff's Departments, etc.

Motion by Councilman Barr, seconded by Councilman Law to send out said resolution as stated above in discussion. All in favor.

Attorney Clemack will draft the resolution.

3. Retainer Agreement – Michael S. Garofalo

Council is in receipt of the retainer agreement for Michael S. Garofalo. Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept the agreement as presented.

Roll Call:

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

4. “DRAFT” Ordinance # 17-2011 Hamburg Park Rules and Regulations

Councilman Krasnomowitz informed the Council that the committee for the park met and discussed the rules and regulations and drafted an ordinance for the park. He did have a few items for discussion: the garbage collection-he believed it should be a carry in/carry out situation, so that our employees should not have to be responsible for the removal of trash from the park. Discussion also included the park area by the Wallkill River and including this area also in the ordinance. Council agreed. Councilman Kelly would like to see a few garbage cans for the concession stand for when it is open, along with some recycling cans. Council discussed the signage, of which Councilman Barr will provide a draft copy. Members would like to see the Borough logo on it.

Motion by Councilman Law, 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 September 7, 2011.

DISCUSSION

Councilman Kelly asked if #3 c would encompass fishing and was answered that would not be a problem. Councilman Sena commented on the walking path not allowing bikes for safety reasons and would still like to see a safety rail along the top of the hill as it is very steep. Council discussed the enforcement of the ordinance; it was decided that all issues were touched on and covered.

Roll Call:

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

Mayor Marino thanked the committee for all the hard work that they put into it.

Mayor Marino informed the Council that Marianne Smith of Hardyston asked about having a shared services meeting with Hamburg, Franklin and Hardyston. He said that they (Hardyston) are having problems with certain sports groups coming in and taking over the fields and she would like to have everyone's input about the problem and how to deal with it. This meeting would take place sometime in October.

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. Personal matter – Tax Assessor Resumes

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 Councilwoman Oehler to accept the resolution as offered. All in favor.

MAYOR'S AGENDA:

1. Hamburg Garage Sale date

The annual Hamburg garage sales will take place the weekend of September 24th and 25th.

2. Best Practice Survey

Acknowledgement that all have seen the Best Practice Survey for submission to State. Council acknowledges receipt.

3. Recreation Board

Mayor Marino discussed with the Council the fact that the Police Dept is unable to do the finger printing for new rec members so they must get the paperwork and go to the company located in Sparta. He also is concerned about some of the people that work with the summer rec kids that were grandfathered in and felt that these people should be fingerprinted should they do the summer rec program or any other rec program again. Council agrees.

Mayor Marino also said that there are two people that would like to join the rec board. Council approved the members pending approval of fingerprinting.

Mayor Marino recommended Tammy DeOliveria for membership on the rec commission. Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept the recommendation of Tammy DeOliveria pending favorable background check. All in favor.

Councilman Krasnomowitz recommended Paula Marino for membership on the rec commission. Motion by Councilman Barr, seconded by Councilman Law to accept the recommendation of Paula Marino pending favorable background check. All in favor.

4. Discharge of Mortgage – 73 Vernon Ave

Council is in receipt of a Discharge of Mortgage for 73 Vernon Ave. All paperwork was properly submitted and executed.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept as presented. All in favor.

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's report for June 2011 showed a total of \$153,321.83 being collected.

Council is in receipt of a Resolution to redeem third party tax sale certificate #11-001 in the amount of \$2,288.74. Motion by Councilman Sena, seconded by Councilman Kelly to accept the resolution as presented. All in favor.

2. POLICE COMMISSIONER

Police Monthly Report for July

The July monthly report for the Police Department showed 966 calls of service, including 187 investigative reports, 16 arrests, 17 motor vehicle accidents, and 67 motor vehicle summonses issued.

Email from Chief Wright regarding County Record Keeping program

Council discussed the email from Chief Wright regarding the new record keeping program with the County. Chief Wright at this time has decided not to join the in the program for a few reasons: their current program functions adequately and is easy to maintain, there is a minimum of 40 hours of training involved and this would put a strain on the dept., the cost of the program would be expensive in the future, and finally, this is tied to the Sussex County Sheriff's Dept. as a point of contact and Chief Wright is not very confident of that connection. Should the Dept. be compelled to

join, Chief Wright would then send Sgt. Aronson for training.

On July 12th, Councilmen Barr and Sena and Mayor Marino met with Chief Wright regarding the dispersements of the repair of vehicles to vendors, the weekend stops for cell phones, texting while driving, etc. Councilman Sena said that Kevin Keil will move ahead with the court officer only; he will not be taking the training for a "special" at this time due to the cost involved and also due to Roy Southard returning, so he will be the back up special, and Mr. Keil will only be in the court. Mayor Marino said that, since Mr. Southard can not work days, in January we will send Mr. Keil for the training and then he will switch back and forth with Mr. Southard.

The purchase of a new police car will be put on hold for this year.

3. BOARD OF HEALTH

Meeting was held on July 18th, with the next meeting being held on October 11, 2011 and the rabies clinic will be discussed. Doreen Schott gave an update on the meeting, stating there were rabies incidents in Wantage and the proper procedure was explained. Two dates for holding the rabies clinic were given: one in December and the other in January, depending upon the availability of the veterinarian. Help will be needed.

COUNCILMAN KELLY:

1. BUILDING AND GROUNDS

From Road Department to Zoning Officer; cost of providing lawn maintenance service to Block 21 Lot 45.

Councilman Kelly discussed with the Council property maintenance issues at Block 21, Lot 45, 67 Summit Road. The grass is knee high and there have been complaints from residents.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to open to Mike Schneider. All in favor.

Mr. Schneider stated that the bill for the Road Dept. to go in and cut the lawn and get rid of the grass would be approximately \$830.00. This would be due to the amount of time needed to mow as the grass is very high, the slope of the yard, the time spent to rake the yard and then to take the grass clippings to the dump. Councilman Krasnomowitz asked how often this was going to happen as this could get quite expensive and time consuming on the Road Dept. personnel. He also asked why the grass could not just be left there. Council continued to discuss different ways to cut down on the cost and time of personnel. Council members stated that a lien will be placed on the property for the cost of the work so the town will be reimbursed eventually. The Zoning Officer has already issued violation notices.

Motion by Councilman Kelly, seconded by Councilman Barr for the Road Dept. to mow and remove the grass at Block 21, Lot 45, 67 Summit Road, at a cost not to exceed the submitted \$830.00 for Road Dept. personnel services.

Roll Call:

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

3. BOARD OF PUBLIC WORKS

Meter Reader Replacement Estimates : **Schmidt Wholesale Rio Supply, Inc.**

Councilman Kelly explained about the touch pad system and the radio read system, the similarities and differences of each. The radio reads would send out a signal as the "gun" is pointed at the meter and the information would be downloaded to the office. The worker would have to touch the pad of the meter to read it and then take the information to be downloaded to the office. The warranty information was not available for the Badger meters so Mike Schneider will get it and discuss it at the BPW meeting. This will then be returned to the Mayor and Council with a recommendation from BPW. Mr. Schneider said that he had at least 20 meters on hand. He also said that radio read meters needed to go to the Heritage Lake condos.

Mr. Schneider asked about the park by the Wallkill River, about cutting the grass, the garbage, etc. and including this park also in the new ordinance.

Motion by Councilman Kelly, seconded by Councilwoman Oehler to close to Mike Schneider. All in favor.

COUNCILWOMAN OEHLER:

1. RECREATION

Councilwoman Oehler said that summer recreation was attended by approximately 30 – 35 children, with 8 counselors and everything went well.

The plans for Hamburg Day include having about 8 vendors and rec received contributions from sponsors. There will also be water bottle and frisbee handouts. Mayor Marino said that he will try to contact Marge Morreale, who was on the first committee to get the rec fields started to see if she could attend, as this was started back in 1997 when she was on the Council. Banners will be put up in front of the borough hall and the pavilion and there will be a ribbon cutting ceremony also.

Council is in receipt of the resignation of Dan Shane from the rec board. Motion by Councilwoman Oehler, seconded by Councilman Barr to accept with regrets. All in favor.

Councilwoman Oehler said that Chris Fitzpatrick has clinics set up for the next school year.

3. OEM / EMS LIASON

There were approximately 40 calls for the month, making it a very busy month.

COUNCILMAN LAW:

1. FIRE COMMISSIONER

EMS Application – Lisa Karas

Motion by Councilman Law, seconded by Councilman Barr to approve said application, subject to approval of a physical, as background check was returned favorable. All in favor.

Fire Department Application – Scott Styles.

Motion by Councilman Law, seconded by Councilman Barr to approve said application as background check and physical both were favorable. All in favor.

COUNCILMAN KRASNOMOWITZ:**1. OFFICE ADMINISTRATION**

Council received notification that as of September 1, 2011, Tax Assessor John Dyksen will be retiring. Motion by Councilman Krasnomowitz, seconded by Councilman Barr to accept effective September 1, 2011. All in favor.

2. CONSTRUCTION DEPARTMENT

Construction Activity Report for June

Councilmember Krasnomowitz advised that there were 16 permits issued, 2 certificates of occupancy, and 18 certificates of approvals with a total of \$1115.00 collected in fees for the month of June.

3. LAND USE BOARD

There is no meeting this month as there is no activity.

COUNCILMAN BARR**1. BOARD OF EDUCATION**

Due to a vacancy on the Board, Sandy Cunningham was appointed at a special meeting to fill the vacancy.

Councilman Barr asked the Council to once again "sponsor a hole" for the annual Fire Dept. Golf Outing in September. Motion by Councilman Barr, seconded by Councilman Krasnomowitz to donate \$100.00 to the Fire Dept. for the annual Fire Dept. Golf Outing. All in favor.

PUBLIC PORTION:

Motion by Councilman Kelly, seconded by Councilwoman Oehler 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.

Pat Hanna – Weatherhill Road- stated that the Wallkill Ave DPW garage doors are in really bad shape and wondered what could be done about them; the fire hydrant leak was repaired but the sidewalk and road is still not fixed; had a concern about the noise ordinance, especially on Card Street, had called the Police at 4 AM, they were asked to lower the radio but not to move the party inside and this was not acceptable to her. Mayor Marino advised her to keep calling the Police until she gets results.

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

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

Motion by Councilman Barr, seconded by Councilman Kelly to come out of Executive Session. All in favor.

Mayor and Council discuss several issues regarding the recreation fields and signage for that area along with possible signage by the Hamburg Tennis Court and picnic area there. Councilman Sena advises that there is a need to have a rules and regulation meeting with the committee to discuss several issues such as whether the gate will be left open or closed, who will be the responsible party for it, there is concern regarding the large slope on the path and whether a rail type fence should be put there for safety reasons. Also there is a discussion about possibly in the future putting a decorative type rail fence along the fields.

Council discusses the need for the Borough to do something as the lawn maintenance around the Borough buildings is not being kept up. With the short staff, there is a need to hire temporary or part time help.

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

1. Mayors Advisory – reorganizational plan to abolish COAH (7/6/11)
2. Mayors Advisory – Governor signs budget after cutting \$900. Million on spending (7/6/11)
3. Legislative Bulletin – June 2011 (7/14/11)
4. From state of NJ quarterly report for LEA rebates (7/14/11)
5. Township of Stillwater resolution to urge for draft bill to amend open public records act. (7/14/11)
6. Township of Stillwater resolution to support A-196 given municipal courts discretion to assess court costs (7/14/11)
7. Township of Stillwater resolution supporting sharing the burden of tax appeal refunds (7/14/11)
8. Township of Stillwater resolution supporting the construction of a veteran's cemetery in northern NJ. (7/14/11)
9. NJLM – Call of nominations – Governance Awards (7/14/11)
10. Mayors Advisory – statement of state aid (7/14/11)
11. State of New Jersey CY 2011 Property Tax Bills and statements of state aid. (7/14/11)
12. Mayors Fax Advisory regarding 2011 Best practice checklist. (7/15/11)
13. Township of Fredon resolution supporting sharing the burden of property tax assessment appeal refunds (7/21/11)
14. From Tax Court of NJ – copy of complaint against county tax board for appeal (7/21/11)
15. Mayors Fax Advisory information regarding Senior Freeze reimbursements (7/21/11)
16. Mayors Fax Advisory – Pension and Health Benefit Update (7/27/11)


- 17. Mayors Fax Advisory – Pension and Benefit reform guidance (7/27/11)
- 18. State of NJ – Proposed FFY2012 Priority System Drinking Water Revolving Fund (7/26/11)
- 19. Notice of public hearings – Elizabethtown Gas (7/26/11)
- 20. State of NJ – application for Municipal Aid, Bikeway and Transit available (7/26/11)

ADJOURNMENT

Motion by Councilman Kelly, seconded by Councilwoman Oehler to adjourn the meeting at 9:25 PM. All in favor.

Date Approved: 8-7-11

Date Released: 9-7-11



Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett