

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON SEPTEMBER 7, 2011 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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**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".

**AUGUST 1, 2011 Regular Meeting Minutes**

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the August 1, 2011 Regular Meeting Minutes of the Mayor and Council.

Councilman Barr stated that on page 3, #4 under Attorney Hour, with reference to the signage of the rules and regulations of the park, Councilman Barr will provide a draft copy. Motion by Councilman Krasnomowitz to amend the motion to accept with correction, seconded by Councilman Law. All in favor.

**AUGUST 1, 2011 Regular Meeting Executive Session Minutes**

Motion by Councilman Barr, seconded by Councilman Law to approve the August 1, 2011 Regular Meeting Executive Session Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

Mayor Marino added a bill for PM Construction for the Falcon Ridge project in the amount of \$5041.38. Motion by Councilman Barr, seconded by Councilwoman Oehler to approve. All in favor.

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

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

Roll Call:

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

**ORDINANCE:**

**Ordinance # 16-2011 – 2<sup>nd</sup> Reading**

**AN ORDINANCE ESTABLISHING CHAPTER 149 ENTITLED – PARK RULES OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG.**

*(Motion to carry the 2<sup>nd</sup> reading to the October 3, 2011 meeting)*

**RESOLUTIONS:**

**Resolution # 2011-35 – Chapter 159 Alcohol Ed Rehab Enforcement Fund**

Motion by Councilman Law, seconded by Councilman Barr to accept the resolution as presented.  
All in favor.

**Resolution # 2011-36 - Procurement Card Authorization**

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept the resolution as presented.

Councilman Barr asked if the town wanted to list the names of signers on the card or just leave that section out, mentioning this only should there be a personnel change so that the resolution would not have to be changed.

Motion by Councilman Law, seconded by Councilman Barr to amend the motion to accept with changes.

All in favor.

**Resolution # 2011-37 – Municipal Aid Grant 2012 –Edsall and Orchard Street**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept the resolution as presented.

Hamburg applied for a grant for the work done on Edsall and Orchard Street. If we should be awarded funds, the loan would be adjusted and the payments reduced.

Roll Call:

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

**Resolution # 2011-38 – Morris County Co-op renewal and contract.**

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

**Resolution # 2011-39 – Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>.**

Motion by Councilman Law, seconded by Councilman Barr to accept the resolution as presented. All in favor.

**ATTORNEY HOUR:**

**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**
- 2. **Notice of Tort Claim – Hinger vs. Hamburg**
- 3. **Police Grievance – Scheduling – Possible Litigation**

**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 Krasnomowitz to accept the resolution as offered. All in favor.

**ENGINEERING:**

**1. Zinno Construction, LLC – Payment due of \$5,877.48**

Zinno Construction would like to close out the contract and would like payment of \$5877.48. Mr. Ruschke stated that there are two issues to address – the grass and the punch list. The grass has improved greatly and is far enough along that we can approve that issue. Councilman Law asked about the grass by the drainage area on the hill by the parking lot and was told that it is a difficult area and, given the current weather conditions, the grass there is doing just fine. The second issue was the damage to the corner of one of the wooden fence rails. The contractor is insisting that the damage was not caused by him or his trucks and he does not have any responsibilities to vandalism issues. The Road Dept. is stating the same. The contractor is questioning the maintenance bond contract start date and feels that it should be at the substantial completion date which would be a June date. Mike ran the pump for several hours and found no issues with that. Council discussed the issuance of the maintenance bond and the date of it and it was determined that it should have a June date on it. Mr. Ruschke recommended paying the last payment and authorizing the maintenance bond dated back to late June, to when the project was substantially complete.

Motion by Councilman Barr, seconded by Councilman Law to authorize the payment of \$5877.48 to Zinno Construction, LLC, and to authorize the maintenance bond dated late June.

Roll Call:

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

**2. Falcon Ridge**

The project is substantially completed. Mr. Ruschke explained the problems with the pipe jacking and the cost issues.

**3. Orchard Street Drainage - NJEIT**

Mr. Ruschke stated that the work is completed for this year. The punch list items need to be addressed with the contractor, especially around the settling of the basins, before the snow-plowing begins. The paving is under the grant money and will probably wait until the spring for the settling to be done and it is getting close to when the asphalt plants close. Councilman Krasnomowitz asked when the contractor will be returning to address the items, as the quality of the work is poor. Mr. Ruschke will follow up on that and let the Council know.

**4. Heritage Lakes - NJEIT**

Mr. Ruschke said that the generator is on site but with all the water that we've been having, the contractor has had trouble digging the footing. As our current generator is having trouble, Mr. Ruschke is pushing the contractor to hurry along.

**5. 2011 Paving**

At the moment, this project is in the DOT's hands for review. They wanted a road opening permit and are dragging their feet in reviewing the permit. Mr. Ruschke is putting pressure on the DOT. This project has to be awarded by August 2012 so time wise we are still ok. It may be a spring project instead of being done in the fall as asphalt plants will be closing soon.

**6. Rt. 23 Water Main Replacement**

The bid for the Rt. 23 water main replacement will be awarded on September 22<sup>nd</sup> and the work will be performed at night, according to the DOT mandate.

**7. Infiltration / In-Flow**

Mr. Ruschke explained to the Council that the flow through SCMUA has been close to 1 million gallons daily, attributing a lot of this to the rain from Hurricane Irene. The water has been so high and flooded in so many areas, (mentions behind Orchard Street) that the water has been going into the sewer system instead of just the storm drains, which means that gets sent to SCMUA, making those numbers go up so high.

Motion by Councilman Barr, seconded by Councilman Law to open the meeting to Road Dept. Foreman Mike Schneider. All in favor.

Members discuss the amount of water that was in the ball field of the Hamburg School and the retention area there, mentioning the incredible storm that Hurricane Irene was. Mayor Marino asked about putting in additional drainage in that area. Mr. Ruschke said that a drainage system cannot handle a 100 year storm like that, no matter how good of a system that it is. He will start to think about Hamilton Street and the Board of Education property retention basin after discussion about the amount of water that was in the area. But again, Mr. Ruschke stressed that any amount of additional drainage system could not handle the amount of water that was received from that storm. The problems with Falcon Ridge were mentioned. Mr. Ruschke will look into seeing what can be done in the area. Also, Mayor Marino wondered if anything could be done about the electric service

being able to be upgraded on Summit and Circle as they were the last in town to receive restoration. Councilman Barr stated that he was also out of electric service for over 30 hours.

Motion by Councilman Barr, seconded by Councilman Law to open to the public. All in favor.

Russ Brown – 3 Hamilton Street – thanked Chief John Haig of the Fire Dept. for his help. He said that he lost his washer and dryer and also his freezer. It seems that a retention basin over flows from Lawrence to Hamilton and goes into one catch basin. Mike Schneider said he removed brush and debris from the trench from behind the Brown's home. Mr. Ruschke will look at this and make recommendations to the Council.

Sheila Frayko said that nothing has been discussed lately at the Board of Education meetings about the Falcon Ridge drainage issues.

Patty Brown – said that this affected 5 couples in that area. Ms. Brown wondered why the drains in the road are never cleaned out, that might possibly help. Mr. Schneider said that once a year the drains are cleaned.

Karen VanOrden – 5 Hamilton Street – said this is the first time ever she has had water in her finished basement and now she has cracks in her floor that were never there before.

Mayor Marino said that there are a lot of contributing factors to this and will are willing to help. He also said that he is always willing to take phone calls.

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

#### **MAYOR'S AGENDA:**

##### **1. Wallkill Valley Recreation & Littell Community Center**

Mayor Marino said that he has been contacted by Hardyston Township manager Marianne Smith and will be setting up a meeting with himself and Councilman Krasnomowitz for discussion on the Littell Center and Wallkill Valley Recreation leagues.

##### **2. NJMC Legislative Committee**

Mayor Marino stated that he had been asked to sit on the committee so he asked that if the Council has any issues that they would like to be addressed before the committee to please advise him of such.

Mayor Marino also thanked the Fire Dept. for all the work they did with the storm and also the Road Dept.

#### **COMMITTEE REPORTS:**

##### **COUNCILMAN SENA**

##### **1. FINANCE / TAX DEPARTMENT**

Motion by Councilman Sena, seconded by Councilman Law to accept the following resolutions: to redeem third party tax sale certificate #11-009 in the amount of \$959.30; to redeem third party tax sale certificate #11-013 in the amount of \$829.75; to redeem third party tax sale certificate

#11-015 in the amount of \$9,875.29.

Roll Call:

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

**2. POLICE COMMISSIONER**

Police Monthly Report for August

The August monthly report for the Police Department showed 1103 calls of service, including 228 investigative reports, 14 arrests, 17 motor vehicle accidents, and 107 motor vehicle summonses issued.

**Sussex County Record Keeping Program**

Councilman Sena discusses with the Council how the training for the Record Keeping Program went from the initial 40 hours to 16 hours per officer and that we are the only town not participating since it is not yet mandatory. Mayor Marino wants to hold off on this issue at this time and would like the Clerk to send Chief Wright a memo stating same. The following resolution was given by Attorney Clemack:

**#2011-40**

**WHEREAS**, the Mayor and Council of the Borough of Hamburg are aware that the training for the County new record keeping program is at 16 hours; and

**WHEREAS**, other Police Departments are participating in the program, the training is not mandatory.

**THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Hamburg have decided to not participate and will not be sending any police personnel from the Hamburg Police Department for the training until such time it is made mandatory.

Motion by Councilman Sena, seconded by Councilman Barr to accept the resolution as offered.

Roll Call:

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

Mayor Marino would like to have a committee meeting before the next Council meeting.

**3. BOARD OF HEALTH**

The rabies clinic will be held Thursday, December 1<sup>st</sup> from 4 PM – 7 PM at the Fire house.

**COUNCILMAN KELLY:** *Report given by Mayor Marino*

**1. BUILDING AND GROUNDS**

Mayor Marino would like the wall around the Christmas tree in the parking lot. There is only one estimate from Mountain View Landscaping, which he feels is high, so Mike Schneider will obtain more price quotes.

North Jersey Pavement maintenance LLC – authorization for crack filling and line striping for Police Department and DPW Parking Lot in the amount of \$955.00.

Motion by Councilman Barr, seconded by Councilman Sena to authorize North Jersey Pavement Maintenance LLC for the crack filling and line striping for Police Department and DPW Parking Lot in the amount of \$955.00. All in favor.

North Jersey Pavement Maintenance LLC – Overlay of 2” asphalt to existing Municipal Parking Lot - \$11,500.00

Motion by Councilman Barr, seconded by Councilman Law to open the meeting to John Haig. All in favor.

Mr. Haig said that work would be as stated on the estimate, no milling required. Council requires three quotes and only has the one.

Motion by Councilman Law, seconded by Councilwoman Oehler to close to John Haig. All in favor.

Quotes for various work on Wallkill Ave storage area – Garage Door, Soffit Repair and Gutter replacement. This will be carried.

**3. BOARD OF PUBLIC WORKS**

Council received a recommendation from the BPW regarding the Meter Reader Replacements and the purchase of the Badger Touch Pad computer system, 3 cases of meter heads, and 36 complete meter set ups from Schmidt Wholesale Inc. at a total purchase price of \$14,557.74.

Motion by Councilman Barr, seconded by Councilman Law to purchase the Badger Touch Pad computer system, 3 cases of meter heads, and 36 complete meter set ups from Schmidt Wholesale Inc. at a total purchase price of \$14,557.74.

Roll Call:

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

Kraft Power Proposal for Generator Services – will be discussed at BPW for recommendation.

**COUNCILWOMAN OEHLER:**

**1. RECREATION**

Councilwoman Oehler said that Hamburg Day went well despite the fact that it was a little wet. The people that did attend had a good time.

Mayor Marino recommended Lisa Abrahams for membership on the Recreation Commission.

Motion by Councilwoman Oehler, seconded by Councilman Law to accept the recommendation of Lisa Abrahams for the Appointment to the Recreation Commission as her background check was completed and returned favorable. All in favor.

**Tie a Ribbon Campaign**

Councilwoman Oehler will contact Kathy Haig about the Tie a Ribbon Campaign. She and her Brownie Troup placed the ribbons around town last year and did a tremendous job, had fun doing it

and also earned badges.

**3. OEM / EMS LIASON**

Proclamation Declaring the Borough of Hamburg in a State of Emergency from Friday August 26<sup>th</sup> at 11:00 p.m. until further notice from the Office of Emergency Management Officer, Sid Crum. Keith Sukennikoff contacted Councilwoman Oehler regarding the State of Emergency and said he submitted the necessary paperwork for FEMA.

There were 31 EMS calls for the month of July and 37 for August.

**COUNCILMAN LAW:**

**1. FIRE COMMISSIONER**

There were 14 calls for July 42 Fire Dept. calls for the month of August, with 25 of those during the hurricane. There were various members of the department that spent the night at the firehouse should the need arise. Councilman Law thanked them for their dedication. They did numerous pump-outs for the residents.

**COUNCILMAN KRASNOMOWITZ:**

**2. CONSTRUCTION DEPARTMENT**

Construction report for July 2011

Councilmember Krasnomowitz advised that there were 10 permits issued, 1 certificate of occupancy, and 10 certificates of approvals with a total of \$2887.00 collected in fees for the month of July.

**3. LAND USE BOARD**

Councilman Krasnomowitz stated that the Land Use Board will meet as Paradise Pools will be coming for an extension on their permits.

Correspondence was received from the Zoning Officer regarding Governor Haines Parking lot and no violations were issued at this time. Council is in receipt of a monthly report from the Zoning Officer also.

**COUNCILMAN BARR**

**2. ROAD DEPARTMENT**

Councilman Barr complimented the Mike Schneider and Jason Reardon of the Road Dept. on a great job they did during the hurricane and storm that followed.

**4. HISTORIC COMMISSION / HISTORIC SOCIETY**

On September 25<sup>th</sup> at 2 PM, the Historic Society will be placing the marker at Dr. Pellet's home (where the Torrance home is located today).

**Draft sign for Park**

Council discussed the signage and rules and regulations for the Borough Park. Council decided to go with the middle design – Hamburg Park and Recreation Fields -as it encompasses all. Council reviews a list of dos and don'ts to be placed on the sign that Councilman Barr took off the ordinance.



As there were so many changes to Ordinance #17-2011, motion by Councilman Barr, seconded by Councilman Krasnomowitz to rescind Ordinance #17-2011. All in favor.

**ORDINANCE:**

**Ordinance # 18-2011 – 1st Reading**

**AN ORDINANCE ESTABLISHING CHAPTER 149 ENTITLED – PARK RULES OF THE GENERAL CODE OF 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 ESTABLISHING CHAPTER 149 ENTITLED – PARK RULES OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG.**

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 October 3, 2011.

**Roll Call:**

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

Councilman Sena asked about the speed limit being posted at 5 MPH and ‘one way in’ in the parking area. Attorney Clemack will advise.

**State Street Repairs**

Council discussed State Street and the repairs that have to be made there for the emergency storm drain repair.

Quotes were presented from Hank Sanders Inc. for \$16,175.00, Mountain View Landscaping & Construction for \$14,822.00, North Jersey Pavement Maintenance LLC for \$15,922.00, John Garcia Construction Co, Inc. for \$21,475.00, and Concrete Construction Corporation for \$21,850.00. After much discussion regarding the quotes, the differences with what was presented, some quotes listed had prevailing wages included, some had the curbing included (Mike Schneider determined the project did need), it was determined that Hank Sanders was the quote that was the most complete and under the bid threshold.

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to award the State Street project to Hank Sander Inc. at a cost of \$16,175.00, to be started within one week and completed by 9/16/11, weather permitting. Mike Schneider will contact Councilman Barr should any concerns arise regarding this contractor.

**Roll Call:**

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

**PUBLIC PORTION:**

Motion by Councilman Barr, 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.

School Board liaison Sheila Frayko stated that school opened and all was going smoothly.

Motion by Councilman Barr, seconded by Councilman Law 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:

- 4. **Personal matter – Tax Assessor Resumes**
- 5. **Notice of Tort Claim – Hinger vs. Hamburg**
- 6. **Police Grievance – Scheduling – Possible Litigation**

**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 Krasnomowitz to accept the resolution as offered. All in favor.

Motion by Councilwoman Oehler, seconded by Councilman Law to enter into Executive Session. All in favor.

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

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler that the Mayor and Council can authorize an Interlocal agreement with the Township of Lafayette for the services the tax assessor Maureen Kaman and the Mayor and Borough Clerk can execute the agreement once it is received from Lafayette Township and reviewed.

Roll Call:

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

Motion by Councilman Sena, seconded by Councilwoman Oehler that regarding the matter of Hinger vs. the Borough of Hamburg, the Mayor and Council request that the Police Chief provide a confidential report to the Mayor and Council regarding the incident. All in favor. Councilman Law abstained.

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

1. Correspondence regarding law firm practicing in risk management. (8/5/2011)
2. From DEP – news release regarding black bear encounter. (8/5/2011)
3. From NJ League of Municipalities Annual Audit Statement (8/5/2011)
4. Mayors Advisory S & P Downgrade information (8/11/2011)
5. Mayors Advisory – Recycling grant (8/11/2011)
6. From JCPL Annual universal service fund compliance filing (8/11/2011)
7. Hampton Township resolution supporting A-3414 sharing the burden of property assessment appeal refund (8/12/2011)
8. From PS & S notice to landowners from JCPL Permit application (8/18/2011)
9. From State of NJ Underground storage tank 35 Rt. 23 – no further action required (8/18/2011)
10. JCP & L notice of public hearing on tariff and rate schedule (8/18/2011)
11. From Sussex County – resolution recognizing September 11, 2011 as a day of solemn commemoration (8/25/2011)
12. Correspondence regarding information from Mr. Samuel Burlum, President of Energy Solutions and positive test results at Andover Township. (8/25/2011)
13. Correspondence from Tilcon New York regarding the area of Michael Court during the recent construction on Rt. 94 (8/25/2011)
14. State of New Jersey, Board of Public Utilities Cable Television – Renewal Certificate of Approval. (8/30/2011)

**ADJOURNMENT**

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to adjourn the meeting at 10:10 PM. All in favor.

Date Approved: 10-3-11

Date Released: 10-3-11

  
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 Doreen Schott, RMC  
 Municipal Clerk

Submitted by Kathy Garrett