

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON OCTOBER 3, 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: Kathy Garrett
Richard Clemack, Attorney

STATEMENT OF CERTIFICATION:

Deputy 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".

SEPTEMBER 7, 2011 Regular Meeting Minutes

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

SEPTEMBER 7, 2011 Regular Meeting Executive Session Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the September 7, 2011 Regular Meeting Executive Session Minutes of the Mayor and Council.

Roll Call:

Ayes: Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: Kelly

Absent: Barr

APPROVAL OF BILLS:

Motion by Councilman Kelly, seconded by Councilwoman Oehler to add to the bill list a bill in the amount of \$56,600.25 for Liberty Construction for the Heritage Pump Station. All in favor.

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

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve and pay the bill list as presented with addition.

Councilman Law asked if this were the final payment for that project at the Heritage pump station and Councilman Kelly answered no.

Roll Call:

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

ORDINANCE:

Ordinance # 18-2011 – 2nd Reading

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

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

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

Motion by Councilman Law, 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 September 7, 2011 meeting and published as provided by law.

PUBLIC HEARING

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

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

Roll Call:

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

RESOLUTIONS:

Mayor Marino presented Resolution # 2011 -41 – Put the Brakes of Fatalities Day October 16, 2011. Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution # 2011 -41 – Put the Brakes of Fatalities Day October 16, 2011. All in favor.

Mayor Marino presented Resolution # 2011 -42 –Chapter 159 Over the Limit Under Arrest 2011. Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution # 2011 – 42. All in favor.

Mayor Marino presented Resolution # 2011 -43 – Chapter 159 Recycle Tonnage Grant. Motion by Councilman Law, seconded by Councilwoman Oehler to accept Resolution # 2011 -43 – Chapter 159 Recycle Tonnage Grant. All in favor.

ATTORNEY HOUR:

1. Request for Bond release for K. Hovnanian

Attorney Clemack said that K. Hovnanian is requesting a bond release for certain improvements installed on their premises. According to Borough Engineer John Ruschke, he rejected the same request in a letter dated September 21, 2011 (which also references a letter dated July 7, 2009), stating the same issues still exist. Attorney Clemack therefore advised the Council against the request.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to reject the request for the bond release for K. Hovnanian for the Heritage Lakes property.

Roll Call:

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

2. Resolution supporting No Left Turn – Patel Gas Station Application

Council discusses the request for a resolution to support a No Left Turn on Route 23 for the Patel Gas Station Application. They are requesting this from the town for their road opening permit to submit to the DOT. Councilman Krasnomowitz said that their resolution from the Land Use Board says that there will be no left turn out of the gas station heading northbound. They want to put up an enforceable sign.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to support the No Left Turn northbound out of the gas station resolution for the Patel Gas Station.

DISCUSSION

Councilman Sena asked who was requesting this and was answered that this was needed by the applicant for the permit.
 All in favor.

Council continued to discuss to the resolution as it is also needed for No Left Turn northbound into the gas station resolution.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to support the No Left Turn northbound into the gas station resolution for the Patel Gas Station. All in favor.

3. PBA Meeting

Mayor Marino would like to hold a committee meeting sometime after October 17th. Councilman Sena said he was available.

EXECUTIVE SESSION RESOLUTION: *No Executive Session*

Attorney Clemack will offer 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.

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.

ENGINEERING:

Mr. Ruschke will be attending the workshop meeting of the Council on October 17th and then there will be more of a detailed discussion regarding the drainage of the ball fields located on Linwood Ave. Councilmen Kelly and Barr have walked the fields with Mayor Marino and there is definite site work that needs to be done. Areas include Hamilton Street, Crystal Springs, and Falcon Ridge also. Councilman Barr, Mr. Ruschke, and Mayor Marino will attend the Board of Education meeting on October 18th at 7 PM to discuss further the drainage issues.

MAYOR'S AGENDA:

1. Randall Cunningham – Appointment to the Historic Commission
Attorney Clemack checked the ordinance as there are certain requirements for this commission. Since Mr. Cunningham fulfills this requirement, Mayor Marino appointed him to the Historic Commission and he will finish the vacancy of Mr. John Burd.

2. Wallkill Valley Recreation and Littel Community Center
The meeting will be held in Hardyston on October 20th with Mayor, Councilman Krasnomowitz, and Clerk Doreen Schott.

3. Police Committee meeting
Mayor Marino said that he would like to hold a police committee meeting possibly before the workshop meeting on the 17th at 6:30 PM.

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's report for July 2011 showed a total of \$345,924.57 being collected. August 2011 showed a total of \$2,053,096.16 being collected.

Motion by Councilman Sena, seconded by Councilman Kelly to accept the Resolution to redeem third party tax sale certificate #11-002 in the amount of \$8980.56 and the Resolution to redeem third party tax sale certificate #11-007 in the amount of \$840.72. All in favor.

2. POLICE COMMISSIONER

Police Monthly Report September 2011

The September monthly report for the Police Department showed 1152 calls of service, including 205 investigative reports, 16 arrests, 9 motor vehicle accidents, and 159 motor vehicle summonses issued.

Police Car

Councilman Sena stated that he received an email from Chief Wright requesting the Council discuss the purchase of a new police vehicle. Mayor Marino said that he wanted to get through the rest of the year without purchasing or leasing a vehicle but at the same time does not want to waste the money on repairs. He spoke to CFO Amy Maronpot and there is money on a line item for a lease that we could use in November. Council discussed the 12 hour shifts, with 1-2 police officers on and whether it is necessary to purchase another vehicle. Councilman Sena will research this more with the CFO, whether to lease or buy and have Chief Wright to discuss it with her also. Council members would like to have a list of the cars and what car the officers drive, if available. They also wondered if the dog was assigned to a specific car. More will be discussed at the workshop meeting on October 17th.

3. BOARD OF HEALTH

The next meeting will be held on Tuesday, October 11, 2011. The rabies clinic will be held on Thursday, December 1st from 4 PM – 7 PM at the fire house.

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

Councilman Kelly discussed the building of the decorative wall around the tree in the municipal parking lot. He said that there were two estimates – a keystone wall at \$1550.00 and a natural rock foundation wall at \$1600.00. The Road Dept. would be responsible for putting in the top soil and mulch, along with the removal of the concrete blocks that are presently there. Council discusses the two options and decides to go with the natural rock foundation.

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to spend \$1600.00 for the construction of the natural rock foundation wall around the tree located in the municipal parking lot. All in favor.

Councilman Krasnomowitz brings up the problems the office is having with the phone system, electrical system and alarm system. The internet had been down for up to three days, along with the phone, with the alarm on and off. Councilman Kelly will contact the Borough Clerk to discuss getting all three companies here at one time to check out the problems.

3. BOARD OF PUBLIC WORKS

Councilman Kelly informed the Council that at the September 14th meeting of the BPW, the generator contract with Kraft Power was discussed. Mr. Kastner and Mr. Ruschke both felt that it was in the best interest of the town to renew the contract and have the professional services for the generators.

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to award the 2012 contract for Emergency Generating Systems Service to Kraft Power in the amount of \$8,725.00 at the recommendation of the BPW.

Councilman Sena asked if they actually perform the services that are listed in the contract.

Councilman Kelly said that according to our Road Dept. Foreman Mike Schneider, they do. He also said that during the hurricane, when the Heritage Lakes generator was out, the company responded quickly and stayed, and this was due to having the contract.

Roll Call:

Ayes: Kelly, Krasnomowitz, Law, Oehler, Sena

Nays: None
 Abstain: None
 Absent: Barr

Councilman Kelly explained that Ms. Judy Zangrilli of Paradise Pools received an extension on the approvals received from the Land Use Board for their project to build on Block 36, Lot 2, which is on hold due to the economy. She returned to the BPW and requested one additional EDU from the Board which had been rescinded. This will now correspond with the Land Use resolution.

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to grant SJZ, LLC Paradise Pools one additional EDU as recommended by the BPW.

Councilman Sena asked if the property were for sale and was answered yes but they were going ahead with building if possible. Councilman Krasnomowitz stated that everything in the resolution was staying the same.

All in favor.

COUNCILWOMAN OEHLER:

1. RECREATION

Councilwoman Oehler said that this year the Recreation Commission will be holding a “Trunk or Treat” at the new fields on Sunday, October 30th from 3 PM-5 PM, with a parade, pumpkin decorating and games. Flyers will be distributed to the school and on the TV and in the paper. Breakfast with Santa will be held on December 11th from 10 AM – 12 Noon. Councilwoman Oehler said that the Rec Commission would like to institute a Senior Award again and would like to know what the Council feelings are about that. Mayor Marino said that the Rec Committee could nominate someone but the Council will honor them.

Councilwoman Oehler also mentioned Tanya Kays being interested in becoming a member. Mayor Marino said that would be fine and that she would be an alternate.

3. OEM / EMS LIASON

No update on the monthly report.

COUNCILMAN LAW:

1. FIRE COMMISSIONER

No update on the monthly report.

Councilman Law said that the air conditioner is not yet wired and it needs to be done soon as there is a lot of moisture in the building and the fans are needed to dry it out. A private electrician was discussed to hook it up but that was decided against as the contract calls for the original contractor to do so.

2. COURT

The roof repair on the back of the Court House roof will be taking place by DPW. There is also inside damage that will also have to be looked at and repaired.

3. RECYCLING

Councilman Law said that the students at the Hamburg School will be doing a town clean-up on October 9th and invited all members to participate if they were available.

Councilman Kelly said that the tonnage grant was based on the recyclable numbers that are given to them; the higher numbers that are submitted, the more money that is given to us in return. He also did say that someone was taking his recyclables. There is a blue truck that comes by early in the day that just empties his recyclable into the back of the truck. It has New York plates on it and once even came into his back yard.

Councilman Law will speak to Chief Wright about this. Attorney Clemack said there was a \$250.00 - \$1000.00 fine for stealing recyclables.

COUNCILMAN KRASNOMOWITZ:

1. OFFICE ADMINISTRATION

Councilman Krasnomowitz said that he has had great feedback about the new assessor Maureen Kaman and the good job she is doing in that department.

2. CONSTRUCTION DEPARTMENT

Construction report for August 2011

Councilmember Krasnomowitz advised that there were 17 permits issued, 4 certificate of occupancy, and 12 certificates of approvals with a total of \$2595.00 collected in fees for the month of August

Councilman Krasnomowitz compared August 2010 with fees at \$1961.00 to the current year (fees at \$2495.00) and was hopeful that the economy was improving.

3. LAND USE BOARD

Councilman Krasnomowitz reiterated that the Land Use Board memorialized the resolution for Paradise Pools.

4. INSURANCE

Councilman Krasnomowitz discussed with the Council the copy of the annual safety meeting report from the Insurance Company regarding this year's claims. There were some minor recommendations and some of the corrections have already been done.

COUNCILMAN BARR

No report given due to absence

1. BOARD OF EDUCATION

2. ROAD DEPARTMENT

4. HISTORIC COMMISSION / HISTORIC SOCIETY

PUBLIC PORTION:

Motion by Councilman Krasnomowitz, 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.

Mike Schneider – Road Dept. Foreman – was asked about the repair issue regarding the air conditioner and he did not know. He only signed off on the lights that were installed in the offices

in the municipal building. There was also a concern about the Road Dept. personnel working on the roof at the Court House. Mr. Schneider stated that the men that he has working there have done many roofs before so they know what they are doing and will not get hurt. Councilman Krasnomowitz said that possibly an electrician needs to come in and trace some of the lines also.

Patty Brown – Hamilton Street- told the Council that they are still pumping water from their basement. There is a 10” pipe in the basement and they asked the Road Dept. if they could help figure it out. They did go to the Board of Education and were told that the town pipes were not maintained and therefore the sediment builds up, causing the back-up. Mr. Schneider stated that he has his road crew cleaning storm drains to alleviate that build-up. There is also a lot of gravel in the Brown’s driveway, causing concern about blockage. Ms. Brown stated that the driveway will be paved that week, but that has never been an issue. Mayor Marino stated that he, the engineer, and Councilman Barr would be attending the Board of Education meeting at the end of October to discuss this again. Hopefully something will be resolved before the winter months.

Ms. Brown also questioned if a Zoning Permit could be faxed to Hardyston Township to hopefully save some time since our Zoning Officer is only here one day a week. As it stands, the resident has to pick it up or it is mailed out, thereby causing more delays. Councilman Krasnomowitz will look further into the matter.

Sheila Frayko – Board of Education Liaison – was asked if the Board had discussed the drainage matter any further and she answered no.

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

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

1. Public Notification Letter – Former Getty Gas Service Station regarding remediating environmental contamination (9/9/11)
2. From Ames Rubber correspondence regarding NJDEP Site Remediation Program (9/9/11)
3. NJLM – Property Tax in New Jersey (9/15/11)
4. From State of NJ – Notification of 2012 State Road Work from Rt. 23 Franklin to Rt. 23 Linwood Avenue.
5. FEMA – correspondence revalidating certain properties in the Borough as changed on the original map (9/9/11)
6. NJLM – Notice of proposed 2012 membership dues (9/9/11)
7. NJLM – Notice of reorganization plan which abolishes COAH and transfers responsibilities to DCA (9/9/11)
8. From State of NJ – Emergency Funding Survey (10/3/11)
9. From State of NJ – Drinking water Revolving Fund Program (9/22/11)
10. Notification that Jaflo Inc. Tree services has been contracted to do tree maintenance by JCPL in the area of Rt. 94 / Wallkill Ave substation. (9/22/11)
11. NJDEP – New Bulletin – “Bear Country” do’s and don’ts (9/22/11)
12. Verizon business Personal Property Tax Development s(9/22/11)
13. From Hatch Mott MacDonald letter to Garcia Construction regarding deficiency in the

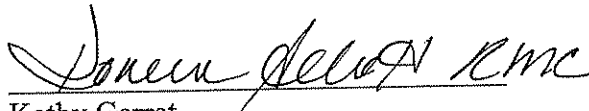
- Orchard Street Project (9/29/11)
14. Mayor Fax Advisory - governor signs law to bring Presidential Primary back to June (9/29/11)
 15. Legal notice Paradise Pool Application before Hardyston Township (9/29/11)
 16. Notice from Elizabethtown Gas notice of public hearing for surcharges and credits (9/29/11)
 17. From State of NJ DOT Safe Routes to School Program (9/29/11)
 18. From State of NJ DEP Community Forestry Management Plan Grants (9/29/11)

ADJOURNMENT

Motion by Councilman Law, seconded by Councilwoman Oehler to adjourn the meeting at 8:40 PM. All in favor.

Date Approved: 11-7-11

Date Released: 11-7-11



Kathy Garret
Deputy Clerk