

**MINUTES OF THE WORKSHOP MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON OCTOBER 17, 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 salute to the flag.

**ROLL CALL:**

Mayor Marino requested a roll call:

|                            |                      |
|----------------------------|----------------------|
| Councilmember Barr         | Councilmember Sena   |
| Councilmember Kelly        | Councilmember Oehler |
| Councilmember Krasnomowitz | Councilmember Law    |
| Mayor Marino               |                      |

Also Present: Doreen Schott  
Special Counsel Michael Garofalo

**STATEMENT OF CERTIFICATION:**

Clerk advised:

Adequate notice of this meeting has been provided to the public and the press January 06, 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".

**Engineering**

**1. 2011 Municipal Aid Grant / Road Resurfacing Project (Urban, King Cole, Limekiln, Wishing Well, Governor Haines.)**

Engineer John Ruschke advises that this project required a road opening permit from the State DOT and we now have that permit. This project was slightly delayed waiting for the permit so he advises that the council has two options; we can advertise the bid now and state in the bid that the work is to commence in the spring of 2012 or we can advertise in January with a start date of March 2012. He advises that waiting will in no way jeopardize the grant as the project must be awarded by August 2012 either way we will be in conformance. Mayor and council feel it will be better to advertise, award and start all at one time.

*Motion by councilmember Krasnomowitz, second by councilmember Law to advertise for the 2011 Municipal Aid Grant / Road Resurfacing Project in January 2012. Roll call shows all members present in favor.*

**2. 2012 Municipal Aid Grant / Road Resurfacing Project (Orchard Street and Edsall)**  
Grant was submitted along with resolution from Governing Body authorizing grant.

**3. NJEIT(contract #3) - Orchard Street Drainage Project**

Engineer advises that he has met with the contractor regarding several outstanding issues, they agreed to come back and complete the work and as of this date they have not returned. A letter was sent to the bonding company advising that the contractor failed to complete the work and was in default of his obligation. Engineer advised that he will speak to the attorney and that we could find

them in default in November and engineer can send a letter advising that we will hire a new contractor to complete the work. He will obtain prices from other contractors and report to council in November. Mayor and council advise that he has been given sufficient time already.

*Motion by councilmember Barr, second by councilmember Law to have the engineer find another contractor to finish the work and the Mayor can give the authorization. Roll call shows all members present in favor.*

#### **4. Route 23 Water Main Replacement Project – October 4, 2011 bid results**

Engineer advises that the bid opening for this project was held on October 4, 2011 and the apparent low bidder was MSP Construction with a bid of \$295,522.00. The bid estimate from the engineer was \$190,000.00 so this and the other bids were substantially higher than anticipated. Mr. Ruschke spoke with several of the contractors regarding their bid and he was advised that they were of the opinion that the DOT was going to be very stringent on their rules of the project with regards to the terms of the road opening permit, hours they can start and stop. Contractors felt that they needed to compensate for this in their bid price. Also, the work would take approximately one month and whether it is night or day work the main detour was going to be through Orchard Street. Council would not want Orchard Street to be the main detour when you consider the size of the vehicles that would be using it.

Mayor and council discuss, they would like to table at this time, when the project is bided they want to specify that the work be done only in the night and they do not want Orchard Street to be the pass through detour.

*Motion by councilmember Sena, second by councilmember Kelly to table all bids at this time due to funding and to look at the project again in the Spring. Roll call shows all members present in favor.*

#### **5. Direct Install Grant – Donnelly Energy Solutions**

Hamburg qualified for the Direct Install Grant through Donnelly Energy Solutions. There were two grants; one for 2010 which included the Municipal Building and one for 2011 which included the Police Dept, Court Building, EMS and Road Department Building. Several of items were replaced to be more energy efficient such as all the lighting in the buildings, boilers, air conditioning units. The Municipal Building was to receive a new air conditioning unit; however, through some miscommunications and misunderstandings the one in the Municipal Building was not replaced but the one in the Fire House was. After much discussion on the part of the engineer, borough and contractor it was decided that Donnelly when applying for the 2012 grant will again include Hamburg and the replacement of the Municipal Building Air Conditioning unit. At present there is an outstanding bill in the amount of \$3,338.32 which was being held until this matter was resolved.

*Motion by councilmember Barr, second by councilmember Sena to authorize the payment of \$3338.32 to Donnelly Energy Solutions as final payment for services rendered. Roll call showed all members present in favor.*

#### **6. North Governor Haines Drainage Issue**

Engineer advises that he was advised of a substantial drainage issue on North Governor Haines Road. Stormwater from North Governor Haines Road discharges onto two properties at the end of the road. No recent changes have been made to the road. The stormwater runoff represents the historic drainage pattern likely when the road was first constructed. There is a house that was built on the property receiving the water approximately 2-3 years ago. A retaining wall was constructed in the rear of the property and directs water to a neighboring property. At the time the house was built

the contractor offered to put in drainage but was supposedly told that he could not do that by the former DPW superintendent. Unfortunately, water is now eroding the soil behind the retaining wall and in time may cause damage to the wall. The house fronts Wishing Well Road. Engineer recommended that Mike Schneider get estimates on what the cost would be to install drainage off the end of the road thru the rear of the properties and then discharge onto Wishing Well Road. He gives a ball park estimate of \$25,000.00. It is also something that the town can possibly include in its capital improvements for next year.

#### **7. Linwood Avenue Drainage Issue – BOE Property**

Engineer advises that himself, the Mayor and Dan Barr will be meeting with the board of education tomorrow to discuss drainage improvement on the Board of Education property as well as Lawrence street to improve the conveyance of stormwater through the neighborhood. The engineer advises that the proposed improvements would not significantly reduce the volume of water coming onto the ball fields from the Falcon Ridge Developments. The Falcon Ridge detention basin was not designed to recharge stormwater. It is designed to detain the water and release it at a slow rate. The Falcon Ridge detention basin represents a typical design for both past and present standards. They will look into the possibility of constructing an infiltration / retention basin on Board of Ed property, however, it is likely that concerns will be raised if the water stands for an extended period of time. Engineer advises that in order to keep the water off the field it would have to be piped, but along with piping a larger detention basin would have to be put in, which is what was proposed in the past by Falcon Ridge and was denied by the Board of Education, doing this would help the water on the fields which would then help the flooding on the Brown property. Engineer does advise that in doing all these improvements, the creek behind the Brown property would still overflow if we see another storm the magnitude of Irene. If the creek behind the Brown property was piped it would eventually discharge on Route 23, that process would involve a lot of pipe and engineer feels the DEP may not even approve it. Engineer states for the record that there are ways in which the water on the ball field can be minimized which in turn would keep it from running across the road onto Lawrence and the surrounding properties but it would not eliminate the situation entirely. Engineer concurs again that there are several minimal steps that can be taken that will produce significant results.

#### **Committee Report – Insurance**

Councilmember Krasnomowitz recommends to the council that Hamburg look into switching insurance carriers. For many years we were with Country Insurance, Mr. Bill Nestor up Mr. Nestor's passing the business was bought by Hale Insurance and now has now become HUB Insurance located in Berkley Heights. Councilman Krasnomowitz highly recommends Mr. George Morville of The Morville Agency located in Newton. He will ask Mr. Morville to meet and go over all the coverage and make a review. Councilmember Kelly also advises that he has worked with Mr. Morville and highly recommends the change.

*Motion by Krasnomowitz, second by Law to retain the services of The Morville Agency, George Morville as the Insurance Carrier for the Borough of Hamburg.*

#### **PUBLIC PORTION:**

1. Mike Schneider addresses the council and advises that the previously discussed air conditioning unit is fully hooked up and a test was performed and was inspected and passed.

Likewise the work for the Direct Install Grant at the police station, EMS building and court were also all inspected and everything passed. Councilman Law questions whether the air conditioning unit has an outside cold weather kit, Mike advises that the old one did not and the new one does not. Mike advises that at the request of the council he will obtain prices to put curbing around the landscaping which is now around the Christmas tree. He will have prices at the November meeting.

2. Russell Brown – 3 Hamilton Street addresses the council as it is his property that has had the significant flooding causing damage to his personal property. He advises that he knows the water problem can never be totally eliminated but states that prior to the sewer project this summer there was a ditch behind school by the RR and ball field which kept the water from crossing over the street. Engineer disagrees and advises that the way the pipe was left with the sewer project would have helped the problem not make it worse. All parties agree that something has to be done and with the pending meeting with the board of education, hopefully a resolution will be found.

### **Resolution**

#### **Resolution # 2011 – 47 Authorizing Maureen Kaman Tax Assessor to defend the Borough of Hamburg before the Sussex County Tax Court**

*Motion by councilmember Barr, second by councilmember Law to accept Resolution # 2011 – 47. All members present in favor.*

### **Committee Report Law**

Motion by councilmember Law, second by councilmember Krasnomowitz to approve Hamburg Fire Department Raffle License for December 1, 2011. All members present in favor,.

### **Committee Report Sena**

Council discusses request from Chief Wright for new police vehicle. Car 9; crown Victoria is in need of an extensive amount of repair and considering the year and mileage on the vehicle it is not worth putting any more money into it. Council is in receipt of a estimate for a new car in the amount of \$24,094.69. Chief Wright prefers to go with a car vs. another SUV plus the cost is less. Finance advises that although you end up paying slightly more in the end she recommends going with a lease vs. a purchase as the cost of the lease payment is already built into the budget so there would be no additional funds needed. Council review and discuss the list of vehicles the police department presently has and what each is used for. Clarification is made that the car to be purchased will be a Crown Victoria for \$24,094.69 as the paperwork says a Dodge Charger.

*Motion by councilmember Barr, second by councilmember Law to authorize the lease purchase of a 2011 Crown Victoria for \$24,094.69 as quoted. Roll call shows all members present in favor*

### **EXECUTIVE SESSION RESOLUTION: Motion to go into Barr, Russ,**

Special Counsel Michael Garofalo offered the following resolution to enter into executive session later.

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 Issues
2. Contract Issues and potential litigation
3. Attorney Client Privilege

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 as provided by law;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council advises the public that formal action may be taken this evening on the matters discussed in closed session or on other matter.

*Motion by councilman Barr, second by councilman Law to enter into executive session. All members present in favor,.*

*Motion by councilmember Barr, second by councilmember Oehler to come out of executive session. All members present in favor*

*Motion by councilmember Barr, second by councilmember Sena to authorize Special Counsel Michael Garofalo to notify Jason Eben that he is to take his FMLA time.*

**ADJOURNMENT**

Motion by councilmember Barr, second by councilmember Oehler to adjourn the meeting at 9:30 pm. All in favor

Date approved: 11-7-11

Date Released: 11-7-11

*Doreen Schott RMC*

Doreen Schott, RMC  
Municipal Clerk