

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON AUGUST 6, 2012 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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**CALL TO ORDER:**

In accordance with the Open Public Meetings Act, with regards to notices, the regularly scheduled Meeting of the Hamburg Mayor and Council is called to order at 7:30 p.m., August 6, 2012.

Motion by Councilman Barr, seconded by Councilwoman Oehler to designate Councilman Richard Krasnomowitz as Council President.

Roll Call:

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

**SALUTE TO THE FLAG:**

**ROLL CALL:**

Councilman Krasnomowitz requested a roll call:

	Councilman Barr	Councilwoman Oehler
	Councilman Krasnomowitz	Councilman Law
Absent:	Councilman Kelly, 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, 2012 by delivering to the New Jersey Herald and the Sunday Herald and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant the provisions of the "Open Public Meetings Act".

**June 18, 2012 Regular Meeting Minutes**

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the June 18, 2012 Regular Meeting Minutes of the Mayor and Council. All in favor.

**June 18, 2012 – Executive Session Minutes**

Motion by Councilman Barr, seconded by Councilwoman Oehler approve the June 18, 2012 Executive Session Meeting Minutes of the Mayor and Council. All in favor.

**July 2, 2012 – Regular Meeting Minutes**

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the July 2, 2012 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Law, seconded by Councilwoman Oehler to open to the public with regards to the bill list only. All in favor.

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

Motion by Councilman Law, seconded by Councilwoman Oehler to approve and pay the bill list as

presented.

Roll Call:

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

**ORDINANCES:**

**Ordinance # 08- 2012 – 2<sup>ND</sup> Reading**

**CAPITAL ORDINANCE PROVIDING FOR THE PURCHASE OF A 2012 JOHN DEERE BACKHOE IN THE BOROUGH BY THE BOROUGH OF HAMBURG, IN THE COUNTY OF SUSSEX, NJ APPROPRIATING \$40,000.00 THEREFORE FROM THE CAPITAL IMPROVEMENT FUND AND \$27,150 FROM THE WATER SEWER OPERATING ACCOUNT**

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

Motion by Councilman Barr, seconded by Councilman Law 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 June 4, 2012 meeting and published as provided by law.

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

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

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

Roll Call:

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

**Ordinance # 09 – 2012- 1<sup>st</sup> Reading**

**AN ORDINANCE TO AMEND CHAPTER 183-STREETS AND SIDEWALKS –OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE CONSTRUCTION, PLACEMENT OR ERECTION OF DEVICES, STRUCTURES OR EQUIPMENT FOR RECREATIONAL ACTIVITIES ON PUBLIC STREETS.**

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

AN ORDINANCE TO AMEND CHAPTER 183-STREETS AND SIDEWALKS –OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE CONSTRUCTION, PLACEMENT OR ERECTION OF DEVICES, STRUCTURES OR EQUIPMENT FOR RECREATIONAL ACTIVITIES ON PUBLIC STREETS.

Motion by Councilman Barr, 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 5, 2012. All in favor.

**RESOLUTIONS:**

**No. 2012-25 – Chapter 159 – Alcohol Ed Rehab Enforcement fund 2012**

Motion by Councilman Law, seconded by Councilwoman Oehler to accept Resolution #2012-25, \$539.63 from the State of NJ for the Alcohol Ed Rehab Enforcement fund 2012 as offered. All in favor.

**No. 2012-26** – Chapter 159 – Clean Communities Grant

Motion by Councilman Barr, seconded by Councilman Law to accept Resolution #2012-26, to receive funding for \$455.98 from the State of NJ. All in favor.

**No. 2012-27** – Chapter 159 – EMS Freehold Grant 2012

Motion by Councilman Barr, seconded by Councilman Law to accept Resolution #2012-27, \$2800.00 for the EMS Freehold Grant 2012. All in favor.

**No. 2012-28** – K Hovnanian

K Hovnanian at Hamburg, LLC – Bond and release and discharge; Bond #'s 111 2750 4972 and 111 2750 4956.

Attorney Clemack stated that Borough Engineer John Ruschke reviewed the request received by K Hovnanian and confirmed that all improvements have been accepted by the Borough.

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

Councilman Law asked if this was the final release of payment and was answered yes.

All in favor.

**No. 2012-30** – Supporting The Drive Sober of Get Pulled Over 2012 Statewide Crackdown

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

**ATTORNEY HOUR:**

1. Correspondence from Tax Assessor – Block 7, Lots 18 & 19 (Main Street)

Attorney Clemack discussed with the Council that this property was put on the foreclosure list but did not take action to acquire the title. The tax assessor would have to reduce the school tax, which has already been budgeted into this years' budget, therefore, not being beneficially for the town, along with environmental studies, pollution, having to be done to bring this to foreclosure.

Motion by Councilman Barr, seconded by Councilman Law to open to Road Dept. Forman Mike Schneider.

All in favor.

Mr. Schneider explained that his department maintains the grass and has done so for many years, spending a few thousand dollars in maintenance fees so far.

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

After further discussion, motion by Councilman Barr, seconded by Councilman Law to take no action on the municipal lien, to not take foreclosure action at this time on Block 7, Lots 18 & 19, 19 Main Street, for the above stated reasons. All in favor.

2. Subordination Agreement – John J. Burd and Deanna L. Burd

Council is in receipt of a Subordination Agreement, a Small Cities Grant, for John J. Burd and Deanna L. Burd in the amount of \$8,120.00.

Motion by Councilman Law, seconded by Councilwoman Oehler to accept the Subordination Agreement.

All in favor.

3. Resolution for Mayor

Attorney Clemack presented to the Council a resolution excusing the Mayor from the past two meetings due to health reasons.

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

**EXECUTIVE SESSION RESOLUTION:** *None*

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.

**MAYOR’S AGENDA:**

1. Letter of resignation from Mr. Ryan Kelly from the Hamburg Recreation Commission. Council is in receipt of a letter of resignation from Ryan Kelly, chairman of the Recreation Commission due to personal reasons.

Motion by Councilman Barr, seconded by Councilman Law to accept with regrets. All in favor. Council members stated that he did a great job while on the recreation commission.

2. Correspondence from Hardyston Township Municipal Utilities Authority regarding Inter – Connection of Public Water Systems.

Motion by Councilman Barr, seconded by Councilman Law to hold discussion on this correspondence at this time. All in favor.

3. Hamburg Garage Sale Date.

After a brief discussion, motion by Councilman Law, seconded by Councilman Barr to hold the annual garage sales for the Borough of Hamburg on the last weekend of September, the 29<sup>th</sup> and 30<sup>th</sup>. All in favor.

**COMMITTEE REPORT**

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

2. The Tax Collector’s report for June 2012 showed a total of \$160,718.61 being collected.

A Resolution for a water refund for Schifano Construction Corp. in the amount of \$548.00 due to overpayment of water on a jobsite was presented.

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

**3. POLICE COMMISSIONER**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to open to Police Director Yahm. All in favor.

Monthly report for July 2012

The July 2012 monthly report for the Police Department showed 977 calls of service, including 200 investigative reports, 8 arrests, 16 motor vehicle accidents, and 67 motor vehicle summonses issued.

Director Yahm informed the Council that there is a problem with a radio wire in a car and are working on having that taken care of.

On August 25<sup>th</sup>, a clothing drive will be held at the Police Dept. in which the money will benefit the Jr. Police program. It will be held from 9Am – 1 PM.

The lighted sign is up on the building and Director Yahm believes it is having a positive effect on the officers.

The Director is taking resumes for the two officer positions and next week will begin interviews.

Councilman Law questioned when the resignation letter from Officer Aronson was received as he had found

out by way of a resident in a local store. Director Yahm stated that he received the letter one week prior to his leaving. Councilman Law believed that everyone should have been notified as he did want to wish him good luck in his new job, which he did manage to do (thanks to the resident).

Motion by Councilman Law, seconded by Councilman Barr that the Council is notified as soon as someone notifies the Borough of their resignation. All in favor.

Motion by Councilman Barr, seconded by Councilman Law to close to Director Yahm. All in favor.

Council is in receipt of a letter of resignation from Sgt. Erik Aronson of the Hamburg Police Department due to accepting employment with another department.

Motion by Councilman Barr, seconded by Councilman Law to accept the resignation of Sgt. Erik Aronson with regrets and wishes of good luck in his new job. All in favor.

**4. BOARD OF HEALTH**

Meeting was held on Tuesday, July 10, 2012.

**COUNCILMAN KELLY:**

*No report given due to absence*

- 1. **BUILDING AND GROUNDS**
- 2. **WATER QUALITY**
- 3. **BOARD OF PUBLIC WORK**
- 4. **SOLID WASTE ADVISORY**

**COUNCILWOMAN OEHLER:**

**2. EMS**

There were 14 calls and 57 man hours logged for the month.

Councilwoman Oehler discussed with the Council the need for a new rig as approximately \$26,000.00 was spent on repair for the rigs over 6 years. The rig cannot go over 45 mph. and she had general concerns of safety with it. Councilwoman Oehler named a committee: Karl Brennan, Gary Kays, Jerry Youkon, and Bill Oehler, with Councilwoman Oehler as the Liaison. Councilman Law stated that he would also like to take part in the discussions. Motion by Councilman Barr, seconded by Councilman Law to form and accept the committee as presented. All in favor.

Councilman Krasnomowitz suggested talking to Finance and to begin looking for grants.

**3. RECREATION**

The regular meeting was changed to August 14<sup>th</sup> to finalize plans for Hamburg Day, which is August 19<sup>th</sup>.

Councilwoman Oehler stated that Chairwoman Paula Marino has many activities planned for the day; pony rides, petting zoo, bounce house, volley ball games, face painting, vendors and food. Councilwoman Oehler invited all to attend.

**COUNCILMAN LAW:**

**1. FIRE COMMISSIONER - OEM**

Councilman Law stated that there were 18 calls with 226 man hours. Councilman Law discusses the car wash that took place two weeks ago and knows that the one that was scheduled last week was cancelled. He stated that the Fire Dept. did not know about it and asked if it were legal to do so with all the DEP restrictions on washing vehicles.

Motion by Councilman Law, seconded by Councilman Barr to open to Mike Schneider and Fire Chief John Haig. All in favor.

Mr. Schneider stated that the Road Dept. cannot wash our cars unless in an approved place. Chief Haig had no restrictions on washing and informed everyone that the 1<sup>st</sup> car was approved by himself. The 2<sup>nd</sup> one was

not.

Councilman Barr does not believe it is a council matter; this took place in the truck room over which the Chief has authority and as a Borough official has the decision over that area.

Councilwoman Oehler stated that the entity should have insurance; the DEP has no restrictions over car washes.

Motion by Councilman Law, seconded by Councilwoman Oehler to open to Ron Garrett, president of the Fire Dept. All in favor.

Mr. Garrett stated that the DEP frowns on car washes but does not have any rules banning them. He was also concerned about the water usage.

Chief Haig stated that the Hamburg School holds car washes frequently.

Motion by Councilman Law, seconded by Councilman Barr to close to all.

Council stated this matter should go back to the Fire Dept. for further discussion if necessary but final decision.

Councilman Krasnomowitz stated that the soccer goals were ordered today so the soccer fields can be used shortly.

**COUNCILMAN KRASNOMOWITZ:**

**2. CONSTRUCTION DEPARTMENT**

Construction report for July 2012

Councilmember Krasnomowitz advised that there were 8 permits issued, 2 certificate of occupancy, and 14 certificates of approvals with a total of \$1009.00 collected in fees for the month of July.

Councilman Krasnomowitz compared the total fees from July 2010 and July 2011 and as there was an increase in the fees was encouraged once again with the building growth.

Correspondence was received from Hardyston regarding the Shared Service Agreement for Construction. The contract proposes changes as the construction official will be reducing his hours from full time to part time.

Councilman Krasnomowitz said that a letter addressing the Littell Community Center and Recreational Shared Services was received and due to the summer months, there have been no discussions, but Hardyston would like to schedule a date within the near future to resume those discussions.

**3. LAND USE BOARD**

The meeting was cancelled for August.

**COUNCILMAN BARR**

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

Councilman Barr informed the Council that the 21 street signs are complete and at the Road Dept., ready for installation. These were once done in the 50's and then redone in the 70's.

Councilman Barr is working with John Geddis on the welcome sign for the town and hopes to have the 6 signs ready for spring installation.

**PUBLIC PORTION:**

Motion by Councilman Barr, 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.

Mike Schneider- Road Dept. Foreman - stated that the new rig was under the State Contract.

Paula Marino – Recreation Commission – concerning Hamburg Day and the bathroom facilities being cleaned, but Mr. Schneider said that the Road Dept. will be cleaning them on Saturday and that he had all the supplies. Ms. Marino invited all and also asked for all available to help out.

Ron Garrett – questioned the overpayment of water for Schifano Construction.

Jennifer Murphy – Alternate Press NJ – asked about the resignation of the police officer and asked about his advancement to what town.

Councilman Law also asked Mr. Schneider how bad the infield is at the rec fields and why this was not discussed sooner so that money could have been held in escrow to repair the situation. Attorney Clemack advised the Council to contact the engineer.

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

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

1. From Tax Assessor - Various correspondence to County regarding assessments and status of revaluation.(7/19/12)
2. From Sussex County – submittal of sewer service area maps. (7/19/12)
3. Getty Bankruptcy Court (7/19/12)
4. Notice of sale of Liquor License and request for term extension (7/19/12)
5. From State of New Jersey –information regarding property tax deduction for eligible seniors. (7/19/12)
6. From State of New Jersey –No further action required Underground storage tank block 3, lot 1. (7/19/12)
7. Lafayette township resolution supporting Vietnam Veterans (7/19/12)
8. NJDEP – Statewide Sewer Mapping Compliance (7/19/12)
9. Email from Sussex County regarding sewer mapping compliance (7/19/12)
10. Informational letter from Lyons Environmental Services (7/19/12)
11. From the State of NJ – Highlands Water Protection and Planning Council (7/9/12)
12. Notification regarding Getty Petroleum Marketing bankruptcy court. (7/9/12)
13. State of NJ Water Quality Compliance Inspection at facility (7/9/12)
14. Email from NJLM regarding new content on DLGS Website (7/9/12)
15. NJCM email regarding NJ Supreme court rules on Judges Contribution to pension and health care. (7/9/12)

**ADJOURNMENT**

Motion by Councilwoman Oehler, seconded by Councilman Barr to adjourn the meeting at 8:22 PM. All in favor.

Date Approved: \_\_\_\_\_

Date Released: \_\_\_\_\_

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Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett