

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON FEBRUARY 4, 2013 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.

MOMENT OF SILENCE:

Mayor Marino offered a moment of silence for Ex-Mayor Richard Schneider and Ex-Fire Chief Marty Zoon.

ROLL CALL:

Mayor Marino requested a roll call:

Councilman Barr	Councilwoman Oehler
Councilman Krasnomowitz	Councilman Garrett
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, 2013 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".

January 1, 2013 Re-Organization Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman to approve the January 1, 2013 Re-organization Meeting Minutes of the Mayor and Council. All in favor.

January 7, 2013 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the January 7, 2013 Regular Meeting Minutes of the Mayor and Council. All in favor.

January 7, 2013 Executive Meeting Minutes

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the January 7, 2013 Executive Meeting Minutes of the Mayor and Council. All in favor.

APPROVAL OF BILLS:

Additions to the bill list: US Bank Equipment Finance for the Police Copier – monthly rent; and John Garcia Construction payment #4 - \$13,072.98 for Orchard Street Drainage.

Motion by Councilman Law, seconded by Councilwoman Oehler to add these bills to the bill list. All in favor.

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

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the bill list as presented with additions.

Roll Call:

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

ORDINANCES:

Ordinance #01-2013 – 2nd Reading

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AN AMBULANCE IN AND BY THE BOROUGH OF HAMBURG, NEW JERSEY, APPROPRIATING \$176,000. THEREFOR AND AUTHORIZING THE ISSUANCE OF \$167,000. BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF AN AMBULANCE IN AND BY THE BOROUGH OF HAMBURG, NEW JERSEY, APPROPRIATING \$176,000. THEREFOR AND AUTHORIZING THE ISSUANCE OF \$167,000. BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

Motion by Councilman Law, 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 January 7, 2013 meeting and published as provided by law.

DISCUSSION

Mayor Marino stated the one of the current ambulances is over 18 years old and needing a lot of repair work. We will carry the second reading to the following meeting of March 4, 2013 due to a error.

Motion by Councilman Law, seconded by Councilman Garrett to carry the second reading on ordinance 01-2013 to march 4, 2013

Roll Call:

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

Ordinance #02-2013 – 2nd Reading

CAPITAL ORDINANCE AMENDING SECTION 1 OF THE CAPITAL ORDINANCE NUMBER 12-2011 (WATER MAIN REPLACEMENT ON RT. 23) IN THE BOROUGH, ADOPTED JULY 6, 2011 IN ORDER TO AMEND THE APPROPRIATION AMOUNT OF THE IMPROVEMENT AUTHORIZED TO BE UNDERTAKEN.

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

CAPITAL ORDINANCE AMENDING SECTION 1 OF THE CAPITAL ORDINANCE NUMBER 12-2011 (WATER MAIN REPLACEMENT ON RT. 23) IN THE BOROUGH, ADOPTED JULY 6, 2011 IN ORDER TO AMEND THE APPROPRIATION AMOUNT OF THE IMPROVEMENT AUTHORIZED TO BE UNDERTAKEN.

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 January 7, 2013 meeting and published as provided by law.

DISCUSSION

Mayor Marino stated that there have been many breaks in this section of the pipe which is costly in repairs, and includes the section from Winding Brook to Fairview.

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

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

Roll Call:

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

Ordinance #03-2013 – 1st Reading

CALENDAR YEAR 2013 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-4.5.14)

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

CALENDAR YEAR 2013 – ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-4.5.14).

Motion by Councilman Krasnomowitz, 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 March 4, 2013.

Mayor Marino stated that the Borough will limit any increase in the budget to 2 % and cap out at 3 1/2 %.

Roll Call:

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

Ordinance #04-2013 – 1st Reading

AN ORDINANCE TO AMEND SECTION 44 -POLICE DEPARTMENT - OF THE CODE OF THE BOROUGH OF HAMBURG TO AMEND CERTAIN PROCEDURES FOR PROMOTION AND TO ELIMINATE THE POSITION OF LIEUTENANT.

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

AN ORDINANCE TO AMEND SECTION 44 -POLICE DEPARTMENT - OF THE CODE OF THE BOROUGH OF HAMBURG TO AMEND CERTAIN PROCEDURES FOR PROMOTION AND TO ELIMINATE THE POSITION OF LIEUTENANT.

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 March 4, 2013.

DISCUSSION

Mayor Marino stated that the language in the ordinance is being changed to coincide with the director instead of police chief. Also, the position of lieutenant is being taken out to keep costs down.

Motion by Councilman Law, seconded by Councilwoman Oehler to open to Director Yahm. All in favor.

Councilman Law asked who would be the Officer in Charge (OIC) if the Lieutenant’s position would be eliminated. Director Yahm stated that we are not required to have an OIC. In the Director’s absence, the highest ranking officer, a sergeant is able to sign paperwork, (gun permits, etc.),

Councilman Garrett asked who would pick the other two Law Enforcement professionals for the oral question and answer examination and was told that the director makes the recommendation to the committee.

Councilman Law believed that it would be hurtful to the moral of the department to remove the lieutenant’s position.

Mayor Marino asked for a poll of the Council as if the position should be removed. Councilmen Law and Sena would like the Lieutenant's position to remain; Councilmembers Barr, Krasnomowitz, Garrett, and Oehler to remove the position.

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

Roll Call:

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

RESOLUTIONS:

Resolution # 2013- 04

Resolution consenting to the proposed water quality management (WQM) plan amendment entitled: Sussex County Water Quality Management Plan.

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

ATTORNEY HOUR:

1. **Revaluation (to be discussed in executive session)**
2. **Award of Bid - Type III Cutaway Van with Integrated Modular Ambulance Body.**

Attorney Clemack will be meeting with the ambulance committee during the coming month and asked that this be tabled for one month.

ENGINEERING:

Motion by Councilman Barr, seconded by Councilwoman Oehler to open to John Ruschke, Gerald Kastner, and Mike Schneider. All in favor.

1. Water main Replacement Project – Preliminary Construction Sequence – PM Construction.

This project has a two week time frame and is ready to start, with no problems with the contractor. When asked if service will be interrupted, Mr. Ruschke stated no, that the new main will be in service first and hopefully there will be no breaks in the line, which would be the only problem that would cause the interruption. Homes will be noticed in advance.

2. Well #3

Mr. Ruschke stated that the pump on Well #3 will be replaced. This will be bid out as a base bid, which includes the pump and motor, of \$100,000.00 with supplementals of approximately \$90,000.00 for the electrical which does not need to be done at this time, but Mr. Ruschke is hopeful that the bids will be competitive so that all can be done at once. Mr. Kastner also discussed the need to refurbish the well and also feels the base bid will not be a problem but that the supplementals may be costly. He gave a summary of the unaccounted for water of the town, stating that residents are using less water, readings are more accurate, meters must be replaced and we need to continue doing what we are doing because that unaccounted for water, according to the DEP, is down, which is beneficially to us.

3. Retaining Wall – Linwood Avenue

Council discussed the retaining wall on the corner of Linwood Ave and Rt. 23, the Kays' property, and the fact that it has fallen over. Council discussed that the State put in the wall when they did the intersection; other members of the Council stated that property owners put up the wall; and others said the church put it up when they put in the driveway. Council was concerned about the safety issue of the children walking to school as the bricks have fallen into the sidewalk. They have an estimate to repair from North Jersey Pavement at for \$3850.00. and would like Mr. Ruschke to review the bid. Mayor Marino would like to get

the State to absorb the cost, stating that the wall did not meet standard safety measures and practices. Motion by Councilman Law, seconded by Councilman Barr to approve spending the \$3850.00 for the repair of the retaining wall at the Kays' property.

DISCUSSION

Councilman Krasnomowitz asked why the town is repairing the wall when it is not our wall. He said that a truck backed into it so the homeowner should be responsible for the repairs of it. Some Council members were concerned about the safety issue for the children using the sidewalk and therefore wanted to repair immediately. Attorney Clemack was asked for legal advice and deferred to Executive session.

Motion by Councilman Law, seconded by Councilman Barr to remove the motion and discuss in Executive Session. All in favor.

Mr. Ruschke suggested looking at the site plan for the church.

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

MAYOR'S AGENDA:

1. 2012 Annual Holiday Decorating contest

The Mayor announced the 2012 Annual Holiday Decorating Contest winners: Keith Davis of 10 Oak Street – 1st place; Anthony and Dawn Baccola of 29 Circle Drive – 2nd place; and Dean and Jennifer Crowell of 18 Linwood Ave – 3rd place. All were in attendance to receive their certificates and prize money. Best overall street was Sunrise Court. Mayor Marino thanked the Recreation Committee for taking the time to decide the winners.

2. Ethics Class

Mayor Marino discusses employees taking an Ethics Course, which would take approximately 2 hours. This will include office staff, Road Dept., Board Chairmen, and OEM. More information will follow.

2. Employee Raise

Mayor Marino discusses giving the Borough employees a 2% raise, not including the Police or Road Dept., which have their own contracts.

Motion by Councilman Barr, seconded by Councilwoman Oehler to give Borough employees a 2% raise, not including the Police or Road Dept., which have their own contracts. All in favor.

3. Police Director

Mayor Marino stated that it is time to reappoint Wayne Yahm to his position as Police Director.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to appoint Wayne Yahm as Police Director for the Borough of Hamburg.

Roll Call:

Ayes: Barr, Garrett, Krasnomowitz, Law, Oehler

Nays: Sena

Abstain: None

Absent: None

4. March Meeting

Mayor Marino relayed to the Council that the second meeting in March will be used for discussion on the budget.

COMMITTEE REPORT

COUNCILMAN SENA

2. ROAD DEPARTMENT

Motion by Councilman Sena, seconded by Councilman Garrett to open to Road Dept. Foreman Mike Schneider. All in favor.

Mr. Schneider stated that there were no problems in the Road Dept.; that everything was running smoothly. Nothing new to report.

Motion by Councilman Sena, seconded by Councilman Garrett to close to Mr. Schneider. All in favor.

3. BOARD OF HEALTH

Board of Health held its re-organization meeting January 8, 2013. Linda Adams is Chairwoman and Peter Karas is Vice-Chairman.

COUNCILMAN GARRETT

1. BOARD OF EDUCATION

The Board of Education held their re-organization meeting on January 3rd and their regular meeting was held January 29th. Councilman Garrett stated that in 2009, an Energy Audit was done at the school and 12 items were found that needed to be done, of which the furnace and windows were included, and the Board said they were not doing those repairs as they were costly and the savings were not great. There was other energy saving measures they were willing to perform though. He was also asked about the water drainage issue at Hamburg Village and opened the meeting to Mr. Ruschke to get his input so he could report back to the Board.

Motion by Councilman Garrett, seconded by Councilman Barr to open to John Ruschke. All in favor. When asked what the status was about the drainage issue onto the Board of Education property from Hamburg Village, Mr. Ruschke stated that they have completed the improvements and an inspection will be done in the spring after it rains. He has done a preliminary inspection.

Motion by Councilman Garrett, seconded by Councilman Barr to close to Mr. Ruschke. All in favor.

Councilman Garrett also said the school was having a public hearing on the budget on March 26th, one hour before the regular meeting.

2. WATER QUALITY

Councilman Garrett attended the meeting, which he learned the history of the watershed property, said it was interesting, and although a lot of the agenda items did not pertain to Hamburg, did learn a lot from attending.

3. BOARD OF PUBLIC WORKS

Councilman Garrett said the Board had their re-organization meeting. Chris Kelly is the Chairman with Maria Marino as Vice-Chairwoman. The Board is reviewing and revising the Water / Sewer Ordinances and will be sending them to the Council for an Ordinance change after the professionals also review them.

At the recommendation of the BPW, Councilman Garrett presented employment contracts for Gerald Kastner for Water Superintendent for January 1, 2013 – December 31, 2013 at an annual salary of \$6,978.19; an employment contract for Gerald Kastner for Collection System Licensed Operator for January 1, 2013 – December 31, 2013 at a monthly salary of \$1,000.00; and an employment contract for Mike Schneider Assistant Chief Transmission Operator and Plant Attendant for January 1, 2013 – December 31, 2013 at a monthly salary of \$500.00.

Motion by Councilman Garrett, seconded by Councilman Law to accept these contracts as presented. All in favor.

COUNCILWOMAN OEHLER:

1. NEWSLETTER COMMITTEE

Information is needed by February 15th.

2. RECREATION

Recreation had their re-organization meeting and Lisa Abrahams is the Chairwoman with Tammy DeOliveria as Vice-Chairwoman. There have been about 6 clinics held so far, with approximately 12 attending each one. Councilwoman Oehler said that recreation would like to have a refrigerator at the rec fields so they did not have to transport food and drinks back and forth for functions. Council did not see a problem with them purchasing one for the fields. She also questioned who would be taking care of refreshments for the games that will be held there and was told the individual teams, should they decide to sell. Discussion also included the rec storage building and the best way to proceed with it. Councilwoman Oehler also informed the Council that the Board is once again discussing the nominations of Senior Citizen, and she would like to nominate Gary Kays.

COUNCILMAN LAW:

1. BUILDING AND GROUNDS

Retaining Wall – Linwood Avenue-*Discussed under Mayor*

2. COURT

Court is running smoothly now, with no issues and the back-log is down.

3. RECYCLING AND SANITATION

Councilman Law stated that Marguerite Nemeth is doing a great job with recycling and is sending out letters to businesses and requesting reports.

4. SOLID WASTE

The first meeting is being held this month and Councilman Law will report back.

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

December 2012 report

Councilmember Krasnomowitz advised that there were 11 permits issued, 0 certificates of occupancy, and 6 certificates of approvals with a total of \$6137.00 collected in fees for the month of December.

3. LAND USE BOARD

Land Use had their re-organization meeting and Bob Adams remains as Chairman with Tom Watts as Vice-Chairman.

4. INSURANCE

Councilman Krasnomowitz said there is a Statewide Insurance meeting on Thursday.

COUNCILMAN BARR

2. FIRE COMMISSIONER – OEM

Application for Raffle License # 555, - Blue Knights New Jersey Chapter IX Inc.

Council is in receipt of an application for Raffle License # 555, for the Blue Knights New Jersey Chapter IX Inc. for October 19, 2013.

Motion by Councilman Barr, seconded by Councilman Garrett to approve the application of the Blue Knights New Jersey Chapter IX Inc., Raffle License #555. All in favor.

3. POLICE COMMISSIONER

Monthly Report – December 2012 and January 2013

Motion by Councilman Barr, seconded by Councilman Garrett to open the meeting to Police Director Wayne Yahm. All in favor.

Director Yahm gave the monthly reports:

The December 2012 monthly report for the Police Department showed 359 calls of service, including 9 arrests, 15 motor vehicle accidents, and 57 motor vehicle summonses issued.

The January 2013 monthly report showed 362 calls of service, including 6 arrests, 17 motor vehicle accidents, and 81 motor vehicle summonses issued.

Director Yahm stated that now, with the two new officers on board, training has resumed again, with the officers training on days off and taking advantage of using a police vehicle. He is also starting the training for detective again, for future use. The repeater at the tower is starting to fail, and the Director had a price of \$8000.00 for a new one. Mayor Marino said that there is money the town received through OEM from Hurricane Irene that could be used for that purpose.

Motion by Councilman Barr, seconded by Councilman Law to purchase a 100 watt Motorola repeater at a cost of \$7869.00 for the Police Dept.

Roll Call:

Ayes: Barr, Garrett, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: None

Director Yahm also stated that a prescription medicine drop off will be held on April 27th. Last year the department collected 32 pounds of prescription drugs.

When asked, Director Yahm reiterated that there is no active detective in the Police Dept.

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

3. HISTORIC COMMISSION / HISTORIC SOCIETY

Re-organization meeting was held and Tom Watts is Chairman.

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.

Jeff Carroll – Bluffs Court – asked when the last revaluation took place.

Motion by Councilman Barr, seconded by Councilwoman Oehler 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:

- 1. Contract Negotiations – Hamburg Revaluation**
- 2. Unfair Practice Charge: FOP and PBA**
- 3. Telephone Contracts**

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

All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to add to Executive Session:

4. Confidential Legal Advise – Linwood Ave retaining wall

All in favor.

Motion by Councilman Law, seconded by Councilwoman Oehler to return to regular session

Attorney advises that the borough received two (2) Revaluation RFP's . The Tax Assessor by way of letter dated January 23, 2013 makes the recommendation that the council award to Appraisal Systems, Inc.

Motion by Councilman Law, seconded by Councilwoman Oehler to award to Appraisal Systems Inc. (ADI) the contract for the Borough of Hamburg Revaluation. The contract is hereby awarded in the amount of \$114,065. Subject to the approval of the Division of Taxation, Legal Review and subject to certification of funds from the CFO.

Roll call:

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

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

1. State Board of Public Utilities information regarding increase.(1/10/13)
2. Elizabeth Town Gas – Keep residence Safe informational pamphlet.(1/10/13)
3. SCMUA Actual Annual Charge FY 2012
4. Notice of Foreclosure B1 28, Lot 14
5. After the Storm Seminar (1/13/2013)
6. Emerald Ash Borer infestation newsletter
7. Water Quality Management Agenda (1/11/2013)
8. From State of NJ 2013 Consumer Confidence Report methods of delivery to public (1/16/13)
9. Correspondence from K. Ferrara regarding snow plowing (1/17/13)
10. Copy of November 2012 LUB Minutes (1/17/13)
11. Hamburg Housing Rehabilitation Program update (1/17/2013)
12. From Hardyston Township Year End Fire Prevention Report (1/17/13)

ADJOURNMENT

Motion Councilmember Oehler, seconded by law to adjourn the meeting at 9:35 p.m. All members present are in favor.

Date Approved: _____

Date Released: _____

Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett