

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON MAY 6, 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.

ROLL CALL:

Mayor Marino requested a roll call:

Councilwoman Oehler

Councilman Krasnomowitz

Councilman Garrett

Councilman Law

Councilman Sena

Mayor Marino

Absent: Councilman Barr

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".

March 18, 2013 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilwoman Oehler to approve the March 18, 2013 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Law abstained.

April 1, 2013 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the April 1, 2013 Regular Meeting Minutes of the Mayor and Council. All in favor.

April 15, 2013 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilwoman Oehler to approve the April 15, 2013 Regular Meeting Minutes of the Mayor and Council. All in favor.

May 1, 2013 Special Meeting Minutes

Motion by Councilman Garrett, seconded by Councilwoman Oehler to approve the May 1, 2013 Special Meeting Minutes of the Mayor and Council. All in favor.

APPROVAL OF BILLS:

Councilman Garrett asked about the engineering bill for John Ruschke for the gas leak and the possibility of having PM Construction covering the costs due to them being at fault. After a brief discussion, it was determined that this should be approved then clarified and since this is the first payment, future payment applications can be held.

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

Roll Call:

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

CORRECTIVE ACTION PLAN / RESOLUTION 2013 - 16

Mayor and Council are in receipt of the Corrective Action Plan as prepared by the CFO and Resolution No .2013 – 16 approving the Corrective Action Plan.

Mayor Marino stated that the Audit was received and that the Borough will take action and make the necessary corrections, but we are in good shape.

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2013-16 approving the Corrective Action Plan.

Roll Call:

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

ORDINANCES:

Ordinance #08-2013- 1st Reading

AN ORDINANCE AMENDING CHAPTER 209 – WATER –OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES.

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

AN ORDINANCE AMENDING CHAPTER 209 – WATER –OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES.

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 June 3, 2013.

Roll Call:

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

Ordinance # 09-2013 – 1st Reading

AN ORDINANCE AMENDING CHAPTER 164-SEWERS-OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SEWER USER FEES.

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.

AN ORDINANCE AMENDING CHAPTER 164-SEWERS-OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY SEWER USER FEES.

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 June 3, 2013.

Roll Call:

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

Ordinance #10-2013-1st Reading

AN ORDINANCE AMENDING CHAPTER 215 ZONING AND VARIOUS CHAPTERS OF THE CODE OF THE BOROUGH OF HAMBURG TO PROVIDE FOR MODIFICATIONS OF FEES.

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

AN ORDINANCE AMENDING CHAPTER 215 ZONING AND VARIOUS CHAPTERS OF THE CODE OF THE BOROUGH OF HAMBURG TO PROVIDE FOR MODIFICATIONS OF FEES.

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for June 3, 2013.

Roll Call:

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

**(this is a clerical correction; # 3 fees for summer recreation, second child fee is changed from \$75.00 to \$60.00)*

RESOLUTIONS:

2013 – 17 – Resolution Authorizing the Issuance of \$250,000 Special Emergency Notes of the Borough of Hamburg, New Jersey (Revaluation)

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

Roll Call:

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

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. ~~Police Personnel~~
2. Appointment of Special Counsel regarding employee disciplinary matter.
3. Proposed settlement of tax appeals of unites in Heritage Lakes, Falcon Ridge and Hamburg Village.
4. Unfair labor practice complaints filed by DPW Union.
5. Employee disciplinary action

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

ENGINEERING:

1. 2012 Water main Replacement Project – Route 23 – Payment Application No. 1 in the amount of \$130,006.21

Council is in receipt of payment application no. 1 in the amount of \$130,006.21 for PM Construction.

Motion by Councilman Garrett, seconded by Councilwoman Oehler to authorize payment to PM Construction in the amount of \$130,006.21.

Roll Call:

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

MAYOR’S AGENDA:

PRESENTATION:

Senior Citizen of the Year Award

2013 Senior Citizen Award – Mr. Gary Kays

Mayor Marino presented a 2013 Senior Citizen Award to Mr. Gary Kays, commending his years of service on the Fire Dept. and EMS.

2013 Senior Citizen Award – Mrs. Linda Adams (will be attending the June meeting)

Junior Citizens Award for 2012 – Joshua Evan Abrahams

Mayor Marino presented a 2012 Junior Citizens Award to Joshua Evan Abrahams for volunteering at various Recreation Commission functions, going above and beyond what was ever asked for, and for being such an exemplary student and young individual.

Proclamation: Relay for Life of Sussex County

Mayor Marino presented a proclamation for the American Cancer Society, recognizing the week of May 13th as the "Relay for Life Days".

Motion by Councilman Law, seconded by Councilman Garrett to accept the Proclamation as offered. All in favor.

Conference of Mayors

Mayor Marino stated that there was a lot of focus on Hurricane Sandy issues; the Federal Government taking trying to take away our tax exempt for bonds, which would put on a 26% cost to any bond that the town would borrow. This would be a huge cost on the town. There will be a resolution to oppose, putting the pressure on the Federal Government. Doreen Schott will contact our Bond Counsel to see if there has been any information lately.

There were also energy seminars as a big topic, of which the Borough has done its part. Last year we received a grant to redo the air conditioner, lights, and heating.

COMMITTEE REPORT

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for March 2013 showed a total of \$222,158.94 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the following Resolutions:

Resolution to redeem third party tax sale certificate #12-032 in the amount of \$27,968.48;

Resolution to redeem third party tax sale certificate #12-010 in the amount of \$1971.27;

Resolution to redeem third party tax sale certificate #09-021 in the amount of \$49,915.25; and

Resolution to redeem third party tax sale certificate #09-009, 10-003, 12-005 in the amount of \$4137.04.

Roll Call:

Ayes: Garrett, Krasnomowitz, Law, Oehler, Sena

Nays: None

Abstain: None

Absent: Barr

2. ROAD DEPARTMENT

Receipt of quotes for Storage Structure

Councilman Sena stated that he would like to table this matter until the end of summer, early fall as he would like to view the site and he has not been able to talk to the Road Dept. Foreman yet.

Request from Road Supervisor to eliminate the requirement of a CDL (commercial driving license) as part of employment.

Council is in receipt of a memo from Road Dept. Foreman Mike Schneider requesting the elimination of a CDL as part of the employment requirement due to the reasoning there are not any trucks within the boro that require the need to have a CDL to drive. Mayor Marino stated it was not an ordinance requirement,

just something the Borough required. Councilman Sena said there only one vehicle that needed a CDL to operate it. He then went on to say that the truck should be eliminated as it is just sitting

there and the money should be used for the purchase of something else.

After further discussion, motion by Councilman Sena, seconded by Councilwoman Oehler to auction the GMC 500 plus plow as surplus equipment.

DISCUSSION

~~Councilman Garrett stated that it is not our responsibility to supply a truck for someone to take a~~
 CDL test on; that the CDL shows you are more professional. If the Road Dept. needs a bigger truck, then that's a different story.

Roll Call:

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

Request from Road Department Supervisor to hire Mr. Wayne Poyer to the position of Full Time Road Worker

After reviewing over 50 applications that were received, Road Dept. Foreman Mike Schneider is recommending that Mr. Way Poyer be hired as a full time employee in the Road Dept. Mr. Schneider stated via letter that Mr. Poyer has been employed for part-time for more than five months and is impressed with his work ethics and quality of work and would be an asset to the dept. Motion by Councilman Sena, seconded by Councilman Law to accept the recommendation of Mr. Schneider and hire Mr. Poyer as a full-time employee.

DISCUSSION

Councilman Garrett asked what, since Mr. Poyer is living in New York and does not move within 1 year, what would happen. He is answered that Mr. Poyer would lose his job.

Roll Call:

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

3. BOARD OF HEALTH

The Board of Health met on April 9th at 6:30 PM. Food inspections were done and no major issues were found for the last three quarters. Councilman Sena stated that our health inspector Kurt Bockbrader follows up if there is an issue. He also said that mosquitos will be an issue this year. Councilman Sena also mentioned the health fair at the school.

5. PLAYGROUND

Councilman Sena informed the Council that the Recreation Commission volunteered to help with putting up the playground at the rec fields. He just needs the location and size of the playground and will talk to John Ruschke for this information so they can get started.

Mayor Marino said he was getting calls from residents asking why they were not able to use the fields. He said they could as no one else was on there but Hardyston was going to do the actual scheduling of the fields. Councilman Law mentioned that the baseball field was in bad shape and work needed to be done on it.

COUNCILMAN GARRETT

1. BOARD OF EDUCATION

Councilman Garrett said that 2 calls were made to the Sherriff's Dept. but there was no response so he has no update on the DARE program.

~~There are 3-3 year seats open and 1-1 year seat open on the Board this year.~~

A mobile computer lab was purchased for the 2014-2015 school year so the 3-8 graders will be doing testing on these computers.

3. BOARD OF PUBLIC WORKS

Councilman Garrett stated that the BPW is requesting the authorization of one (1) additional EDU to Martin Lee, LLC for Block 31, Lot 11 to convert office space to apartment space.

Motion by Councilman Garrett, seconded by Councilwoman Oehler to authorize on additional EDU to Martin Lee, LLC for Block 31, Lot 11. All in favor.

There are two more shut-offs to repair, according to Mr. Schneider.

COUNCILWOMAN OEHLER:

1. NEWSLETTER COMMITTEE

Councilwoman Oehler mentioned that information for the spring newsletter needs to be submitted by May 17th.

2. RECREATION

Family Fun Day was held at the YMCA and was very successful. There were approximately 60 residents in attendance that swam for the full 2 hours and then had snacks afterwards.

The Miss Hamburg, Little Mr. /Miss Hamburg Contests will be held on June 15th at the Hamburg School at 2 PM.

Hamburg Day is scheduled for August 25th from 12-4 PM at the Rec Fields. The refrigerator was purchased and has been delivered. There was a question as to whether the locks in the bathroom have been fixed, but Councilwoman Oehler believes they have been repaired as it is just the type of lock that was purchased.

The clinics for the year are done and Chris Fitzpatrick did a tremendous job with them.

5. EMS

Councilwoman Oehler said that the overhang at the EMS building is rusted and beginning to warp badly. She asked that Councilman Law look at it.

COUNCILMAN LAW:

1. BUILDING AND GROUNDS

Receipt of quotes for Turf Care at Town Park Fields.

Councilman Law informed the Council that there were two bids received for the turf care at the rec fields – one from Farmside and one from Mountain View. He stated that the Farmside bid included six treatments and it was less costly as opposed to five treatments offered by Mountain View. This will include fertilizer and weed control, with grass seed as necessary. Councilman Law reiterated that the infield of the baseball field is unplayable at the moment, with hopefully opening it up in the spring to the leagues.

Motion by Councilman Law, seconded by Councilwoman Oehler to award the Turf Care at the Rec

Fields to Farmside Landscape & Design in the amount of \$2205.00, as set forth in a letter dated April 11, 2013.

DISCUSSION

Councilman Krasnomowitz, when stated that this covered the playing fields and not the entire park ~~getting the treatment~~, Councilman Law replied yes.

Councilman Sena remarked that the address referred to the fields on Wheatsworth Road and it should be noted that they are located on Gingerbread Castle Road. All in favor.

Receipt of quotes for Linwood Avenue Wall Project

Councilman Law brings up the quotes for the project for the planting on Linwood Ave- Farmside submitted a bid for \$5900.00 while Mountain View submitted \$2040.00.

Motion by Councilman Law, seconded by Councilwoman Oehler to accept the proposal of Mountain View Landscaping & Construction in the amount of \$2040.00 for the project on Linwood Ave.

Councilman Sena asked if there were any warranty on the plants and was answered there was not. Councilman Krasnomowitz asked if this was after the Road Dept. did the grading and was also answered yes. Mayor Marino went on to say that there is an agreement with the homeowner that they will take care of it from that point on -- there will be no further obligation from the town to replace any plants or to do any further work. The engineer will sign off on the project also. All in favor.

2. COURT

The court had their inspection but passed everything with a few minor issues to correct.

3. RECYCLING AND SANITATION

The recycling and sanitation report was due for submission on the 30th.

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

Construction Report April 2013.

Councilmember Krasnomowitz advised that there were 10 permits issued, 0 certificates of occupancy, and 10 certificates of approvals with a total of \$1694.00 collected in fees for the month of April.

3. LAND USE BOARD

Councilman Krasnomowitz stated that site plan for the 7-11 was approved and now they are waiting for DOT approval.

The Century 21 office building lower level received their additional EDU to convert to four apartments.

COUNCILMAN BARR:

Given by Mayor Marino

1. FIRE COMMISSIONER / OEM

Certification for Rescue Squad Contribution in the amount of \$2,800.00 from Sussex County.

Mayor Marino stated that this will go into a separate fund for EMS equipment.

Motion by Councilman Garrett, seconded by Councilman Law to accept the resolution and receipt of funds in the amount of \$2800.00 for the from the County of Sussex. All in favor.

2. POLICE COMMISSIONER

Monthly Report April 2013

*Under Public Portion***PUBLIC PORTION:**

Motion by Councilman Law, 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.

Director Yahm – read the Police Report for the month of April 2013

The April 2013 monthly report for the Police Department showed 549 calls of service, including 5 arrests, 10 motor vehicle accidents, and 74 motor vehicle summonses issued.

Director Yahm stated that over 70 pounds of prescription drugs were turned in at the last pick-up date for the program, with county wide at 465 pounds.

The Director stated that hopefully the DARE program issues will be worked out next month so he will be able to report on it.

The director is working on acquiring another server for the department as he wants to get The Law Soft program installed in the vehicles so the officers can work from their cars when they get to a scene.

Motion by Councilman Garrett, 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)

1. Notice of Tax Appeal Block 22, Lot 1 (4/4/2013)
2. Notice of Tax Appeal Block 26, Lot 4 (4/4/2013)
3. State of New Jersey Notice of discharge 1020 Hamburg Tpke. (4/4/2013)
4. NJLM Legislative Bulletin March 2013 (4/4/2013)
5. From Hamburg School Certificate and Report of School Taxes for FY 2013 – 14 (4/11/2013)
6. Monthly Report from Hardyston – Littell Community Center (4/11/2013)
7. Mayor's Advisory – Urging support for sharing the burden of property assessment appeal refunds. Sample Resolution available. (4/11/2013)
8. NJDEP – News release regarding recreational fishing and boating. (4/11/2013)
9. From Rutgers – Brochure on emergency crises. (4/18/2013)
10. From Hardyston Township – Ordinance addressing Sign Controls in the Township of Hardyston. (4/25/2013)
11. NJ Landscape Contractors Association information regarding Contractor's Registration Act (5/2/2013)
12. From New Jersey Courts: Procedures to follow to hire court administrators, deputies. (5/2/2013)
13. From Law Office, notice of complaint in foreclosure Block 9 Lot 30 (5/2/2013)
14. From Law Office notice of complaint in foreclosure block 13, Lot 13 (5/2/2013)

ADJOURNMENT

Motion by _____ in order to adjourn the meeting _____

Date Approved: 6/3/13

Date Released: _____

Doreen Schott RMC

Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett