

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON SEPTEMBER 4, 2013 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 flag salute.

**ROLL CALL:**

Mayor Marino requested a roll call:

	Councilman Barr	Councilwoman Oehler
	Councilman Krasnomowitz	Councilman Garrett
	Councilman Law	Mayor Marino
Absent:	Councilman Sena	
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, 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".

**August 5, 2013 Regular Meeting Minutes**

Motion by Councilman Garrett, seconded by Councilwoman Oehler to approve the August 5, 2013 Regular Meeting Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Barr, 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 Garrett, seconded by Councilwoman Oehler to close to the public. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Russ to approve and pay the bill list as presented.

Roll Call:

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

**ORDINANCES:**

**Ordinance # 11-2013 – 2<sup>nd</sup> Reading**

**ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY**

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

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY.**

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to open the meeting to the public for

any questions or comments they may have with regards to this ordinance prior to adoption of same. All in favor. This ordinance was introduced on first reading at the August 5, 2013 meeting and published as required by law.

**PUBLIC HEARING**

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

**Roll Call:**

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

**RESOLUTIONS:**

None

**ATTORNEY HOUR:**

**1. From Tax Assessor: 59 Oak Street, Hamburg and 1 Crystal Springs Road, Hardyston – Assessment of Property**

Attorney Clemack discussed the letter received from the tax assessor regarding the above property. He suggested that the two assessors from Hardyston and Hamburg meet and work out an arrangement regarding the property in question. Councilman Krasnomowitz asked if the property was serviced with our sewers and who provided more services to them. As Attorney Clemack was unsure of those answers, he will obtain more information and speak to our tax assessor.

**EXECUTIVE SESSION RESOLUTION:**

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.

**No Executive Session**

**ENGINEERING:**

**1. From State DOT information on Maintenance Roadway Repair Contract North**

Mr. John Ruschke stated that Hamburg is not included in this project; that we are just receiving notification of the project. The notice for paving of Route 23 should be coming soon, as it is scheduled to start in the Spring 2014. Council asked if they will be doing repair work now and Mr. Ruschke said he contacted the DOT but they cancelled for now. There is a meeting in the upcoming week in which making the road safe for the winter will be discussed; hopefully the funding will not be pulled.

Mayor Marino asked if the contractor is responsible for the paving and Mr. Ruschke stated that he would not be after six (6) months. He would do patch work up to six months then paving, but we will not be ready at six months. We may want to do a change order or just let him out of said contract. The contractor is coming in next week to take care of the landscaping issues. Council brings up the corner of Edsall and Orchard Street and the poor shape that it is in, and Mr. Ruschke agreed that it needed to be taken care of.

**2. Gingerbread Castle Road Paving**

The funds for the paving are available and we are just waiting to hear from Tilcon. Since the paving in Hamburg is such a small project, the town must wait until Tilcon is in the area paving and then they will schedule Hamburg in also.

**3. DOT Grants**

Mr. Ruschke stated the DOT grants are due again for the road resurfacing, and the roads to be included in the project will include Prospect, Fern, Glenside, Woodland, and King Cole.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the grant application for the Municipal Aid 2014 in the amount of \$138,800.00. All in favor.

**4. Well #3**

John Ruschke mentioned that the parts for Well #3 are still being manufactured but should be in within the next two weeks and once we have them, it should go quickly from there. The entire project will be done well before winter.

**MAYOR'S AGENDA:**

**1. Hamburg Recreation Fields**

Council received a request to use the recreation fields for a K-9 training seminar. Council discussed this and the main reason they would refuse the request is that it goes against the ordinance of no dogs present in the park. The Fire Dept. pavilion would be able to hold a function like this and she will be given the contact information. Councilmen Krasnomowitz and Barr both agree first that it goes against the ordinance and second that it is a private organization and the town does not contract out the fields for said events.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler that this request goes against the ordinance of no dogs allowed within the park so the request is denied. All in favor.

Kathy Garrett will contact the organization.

**2. Petition to Extend Licensed Premise – SJR, LLC- 9/29/13 10:00 AM and 2:00 AM for Pig Roast, to be held in parking lot area**

Mayor Marino presented the Petition to Extend Licensed Premise for SJR, LLC to hold a Pig Roast in the parking lot area on 9/29/13 from 10:00 AM until 2:00 AM. Director Yahm has to sign the petition also.

Motion by Councilman Barr, seconded by Councilman Law to approve said petition to extend licensed premise. All in favor.

**3. Resignation of Crossing Guard**

Council is in receipt of the resignation of crossing guard Sharon Russell.

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept the resignation of Sharon Russell due to personal reasons with regrets. All in favor.

**4. Hamburg Day**

Mayor Marino expressed his thanks to all involved in making Hamburg Day the success it was. He said that he was very proud of the park and also of the flagpole and monument that stands at the entrance. The cost of that day was \$4200.00 that came out of the recreation budget with rec receiving \$500.00 from the vendors that participated.

**5. EMS Building**

Mayor Marino discussed the EMS building on Wallkill Ave. Mr. Ruschke and Mr. Schneider and Councilman Barr inspected the building, with Mr. Ruschke saying that the exterior walls were sound, the block was good, no asbestos, and the furnace and floor tiles also in good shape. Councilman Barr would like to document all of this with an inspector before going any further so the Council will know everything up front, and Mr. Ruschke suggested the Construction Office being asked for their help. Councilman

Krasnomowitz asked what will this building be used for and was answered that it would be for recreation storage, road dept. vehicles and storage, and file storage.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to open to Mr. Schneider. All in favor.

Mr. Schneider said that it had a new electrical box, new lights, but that it needed a bathroom and sheetrock. He also said the Road Dept. would put it to good use, with the storage of equipment and keeping a vehicle plugged in in the winter months.

Councilman Krasnomowitz will contact Hardyston Construction Dept. to discuss setting up an inspection time with them.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to close to Mike Schneider. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to further pursue the old EMS building with the contacting of the Hardyston Building Dept. and setting up an inspection time of the building with them.

Roll Call:

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

**COMMITTEE REPORTS**

**COUNCILMAN SENA**

*Given by Mayor Marino*

**1. FINANCE / TAX DEPARTMENT**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept the Resolution to redeem third party tax sale certificate #13-001 in the amount of \$232,874.20.

Roll Call:

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

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept the Resolution for tax overpayment, Block 29, Lot 11 in the amount of \$1663.43. All in favor.

**3. BOARD of HEALTH**

The next meeting will be held October 8<sup>th</sup>.

**COUNCILMAN GARRETT**

**1. BOARD OF EDUCATION**

Councilman Garrett stated there were four resignations one week before the start of school, including the Vice Principal, but that all positions were filled before school started.

**3. BOARD OF PUBLIC WORKS**

The town is in the process of doing water turn-offs for non-payment of water bills. The Board also discussed installing a flush hydrant on Orchard Street and opened the meeting to Gerald Kastner.

Motion by Councilman Garrett, seconded by Councilman Barr to open the meeting to Water Superintendent Gerald Kastner. All in favor.

Mr. Kastner explained that a flush hydrant is necessary on Orchard Street as there is sediment in the line as this location is a dead zone – at the end of the water line and debris collects in the pipes causing sediment to clog homeowners’ pressure reducing valves on their lines. The installation of the flush hydrant will keep this

section of the pipe clear and insure the residents' clean water. The Road Dept. will do the work. It will cost approximately \$1500.00 in labor, \$700.00 in parts, with \$200.00 for the leak detection company. He feels this will be a wise expenditure and a positive statement to the residents that we are proactive with our town. It will be flushed approximately once a month to keep the system clear.

Motion by Councilman Garrett, seconded by Councilwoman Oehler to close to Mr. Kastner. All in favor.

**COUNCILWOMAN OEHLER:**

**2. RECREATION**

Hamburg Day was August 25<sup>th</sup> and went so well. There was so much to do, with the vendors, the Police, EMS, Fire Dept., rides, and everything was free. People commented to Councilwoman Oehler how well everything was run and they fact that everything was free. Councilwoman Oehler thanked the Recreation Dept. for all their hard work.

**COUNCILMAN LAW:**

Councilman Law also thanked the Recreation Dept. for Hamburg Day and all that was there. He also thanked Marguerite Nemeth and Megan Sena for handling the recycling table and all the recycling material they handed out.

**2. COURT**

Councilman Law said that the judge vacated the guilty plea regarding the ordinance on parked cars for one case and sent it to Vernon, so unfortunately we have not heard the last of it yet.

The court security plan was updated with the judge approving it so it has now been sent on to the AOC.

**3. RECYCLING AND SANITATION**

Councilman Law informed the Council that Marguerite Nemeth was awarded a scholarship to complete the Certified Recycling course at Rutgers University, also stating how excited she was to do this for Hamburg. The CFO has a spread sheet started to keep track of expenses and at times, Ms. Nemeth has back to back classes in which she may have to stay overnight. Council had no problem with the expense associated with it, is in full support and encourage her with this endeavor.

**COUNCILMAN KRASNOMOWITZ:**

**2. CONSTRUCTION DEPARTMENT**

Construction Report June

Councilmember Krasnomowitz advised that there were 12 permits issued, 3 certificates of occupancy, and 17 certificates of approvals with a total of \$8380.00 collected in fees for the month of June.

Construction Report July

Councilmember Krasnomowitz advised that there were 17 permits issued, 3 certificates of occupancy, and 11 certificates of approvals with a total of \$2965.00 collected in fees for the month of July.

Councilman Krasnomowitz said the 7-11 Store is having some environmental issues and is also waiting for DOT approval for road opening permits.

**3. LAND USE BOARD**

The meeting is cancelled.

**COUNCILMAN BARR:**

**2. POLICE COMMISSIONER**

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

**Monthly Report for August**

The August 2013 monthly report for the Police Department showed 606 calls of service, including 17 arrests, 17 motor vehicle accidents, and 72 motor vehicle summonses issued.

Director Yahm said the new officers will be starting their second phase and soon will be on their own. Officer Nichols is attending the DRE program and the Director knows that other officers are interested in attending also. This program is very intense and informative and he is looking forward to having a DRE trained officer. Detective Gunderman is handling the Jr. Police program and this will be done approximately 3 times a month. Director Yahm spoke with Mr. Jinks at the Hamburg School and the DARE program should be starting in January. The radio issue has been corrected. Director Yahm also stated that they will be going with the phone system.

Councilwoman Oehler brought up to the Director the possibility of adjusting the time of the crossing guards as she noticed children trying to cross the highway after the guards had already left but school had not yet started. He will check into the situation and report back at the October meeting.

Director Yahm also stated that there was one substitute guard with another one coming on. All crossing guards passed their physical and vision tests.

Councilman Garrett mentioned that Hamburg took part of the program “He who hosts loses the most” and Mr. Yahm went on to say that is a terrific program, that Police Chiefs share information and everything is working out fine.

Director Yahm ended his report by stating that all officers were content.

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

**Application for Hire – Matron Position – Lauren Michener**

Council is in receipt of a letter of interest for the Court Matron position from Lauren Michener. Director Yahm stated that her background check was returned favorable and he would recommend that she be hired. Her training would take place here.

Motion by Councilman Barr, seconded by Councilman Law to hire Jennifer Giordano as the Court Matron. All in favor.

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

Councilman Barr said the dedication marker was in at the recreation fields. He thanked the Road Dept. for their help and the Girl Scouts for planting the flowers.

Mayor Marino added a bill to the bill list for Appraisal Systems in the amount of \$16,200.00 for payment #3. Motion by Councilman Garrett, seconded by Councilwoman Oehler to approve said addition. All in favor.

Councilman Barr added a bill to the bill list for Wayne Yahm for Brownwell’s Rifle Repair in the amount of \$62.84.

Motion by Councilman Barr, seconded by Councilman Law to approve said addition. All in favor.

**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.

Sheila Frayko – Board of Education Liaison – commented on how much fun Hamburg Day was and truly enjoyed the day.

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

Councilman Krasnomowitz brought up the property maintenance on foreclosed properties, and that in speaking with our Property Maintenance Officer, he would like to set up a notification program and also

possibly set up a notification program. Attorney Clemack stated that within our ordinance there is a notice of abatement and also we are covered by a resolution so that we can proceed as we are with the foreclosed properties.

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

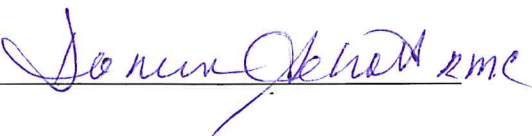
1. From the NJ League of Municipalities; 16<sup>th</sup> Annual Elected Officials Hall of Fame.(7/2/13)
2. Correspondence from OCWEN Loan Servicing LLC that complaint was filed on Block 30 Lot 32. (7/21/2013)
3. Correspondence from New Jersey Society of Municipal Engineers. (7/21/2013)
4. Correspondence from Wells Fargo Bank complaint filed on Block 17, Lot 3.
5. From Pluese, Becker & Saltzman, LLC, notice of pending foreclosure Block 17, Lot 18 (C1913)
6. Public Notice from DEP – Proposed Federal Fiscal Year 2014 Priority System document. (7/19/2013)
7. From Hardyston Township, Littell Community Center 2<sup>nd</sup> Quarter Report (7/9/2013)
8. From National Casualty Company notice they are in receipt of claim # 01490185 (7/9/2013)
10. NJ League of Municipalities – NJ Supreme Court issues decision on COAH abolition case. (7/12/2013)
11. From State of NJ notification of applications to be accepted for the NJDOT Y2014 State Aid Programs. (7/16/2013).
12. Correspondence from NJ Bankers regarding foreclosures in towns. (7/16/2013)
13. Correspondence from Wells Fargo Bank complaint filed Block 17, Lot 18 (C1910)
14. Correspondence from Stern & Eisenberg complaint in foreclosure Block 17, Lot 18
15. Correspondence from Walder, Hayden & Brogan to Attorney Clemack regarding work as special counsel services relating to insurance matters. (7/17/2013).
16. Sussex County Tax Rates (7/23/2013)
17. Correspondence from Powers Kirn regarding foreclosure action 20 Card Street (7/25/2013).
18. From County of Sussex, 2013 Educational Stipend for Tax Assessor Applications (7/26/2013).
19. Copy of Accurate Forming LLC final NJ Pollutant Discharge Elimination Systems Permit. (7/26/2013)
20. Copy of Sussex County Solid Waste Advisory Council Meeting Minutes June 2013 (7/1/2013)
21. Copy of Sussex County Policy Advisory Committee (PAC) Meeting Minutes July 2013 (7/1/2013)

**ADJOURNMENT**

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to adjourn the meeting at 8:43 PM. All in favor.

Date Approved: 10/7/13

Date Released: 10/7/13



Submitted by Kathy Garrett