

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON NOVEMBER 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.

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".

October 7, 2013 Regular Meeting Minutes

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

Roll Call:

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

October 7, 2013 Executive Session Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to approve the October 7, 2013 Executive Meeting Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

Motion by Councilman Garrett, seconded by Councilwoman Oehler to delete a bill in the amount of \$49.32 for a BPW meeting stipend payment. 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 Councilwoman Oehler to

close to the public. All in favor.

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

Roll Call:

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

ORDINANCES:

RESOLUTIONS:

Resolution #2013 -29 Certificate of Sale for unpaid municipal liens

Attorney Clemack informed the Council that the property in question has been incorrectly assessed; that the ownership has been improperly designated. The tax assessor has merged the lot and straightened out the 20 year confusion. The assessor stated that it would be unfair to hold the current owner liable for the back taxes, so the lien on the property is being released.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution #2013-29 Certificate of Sale for unpaid municipal liens.

Roll Call:

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

Resolution # 2013-30 Chapter 159 – DDEF Grant – DWI

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution # 2013-30 Chapter 159 – DDEF Grant – DWI. All in favor.

Resolution # 2013-31 Transfer Resolution

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to accept Resolution # 2013-31 Transfer Resolution. All in favor.

Resolution #2013-32 Grant balance cancellation NJ Trust Fund Authority Act 2006

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept Resolution #2013-32 Grant balance cancellation NJ Trust Fund Authority Act 2006. All in favor.

Resolution #2013-33 Grant balance & receivable cancellation Highlands Plan Conformance

Motion by Councilman Barr, seconded by Councilman Garrett to accept Resolution #2013-33 Grant balance & receivable cancellation Highlands Plan Conformance. All in favor.

Councilman Krasnomowitz asked if there was money to continue on with the Master Plan and was answered yes.

ATTORNEY HOUR:

1. Grievance

Attorney Clemack briefly discusses the past unfair practice charge and advises that the complaint was withdrawn, the town was reimbursed for legal fees and this matter is totally done.

ENGINEERING:

1. Well #3

Borough Engineer John Ruschke stated the Well #3 continues with no problems. He has discussed with Water Superintendent Jerry Kastner installing electrical updates and they are currently working on them.

2. Rt. 23

Mr. Ruschke said that the repairs that the DOT has requested have been made -- this is in the area of the water main repair by Winding Brook Road. In the spring 2014 the road will be milled, repaired and then paved.

3. Gingerbread Castle Road

When asked why the paving stopped before the bridge on Gingerbread Castle Road, Mr. Ruschke replied that there were not any funds to go any further. Mr. Ruschke said that he spoke to Mike Schneider about repairing the damages caused by the gas main work and also the water main work. He also mentioned doing some crack sealing on the road if were not too cold.

4. Generator at Well #2

This is a project that will be part of the 5 Year Plan for 2014. Mr. Ruschke said the purchase can be made under the State Contract and then installed under a general contractor. Mr. Kastner will get some quotes for the project.

5. Grants

Mr. Ruschke stated that he is always looking for grants for projects going on in town. He just sent the information on a FEMA grant for Firemen to the Borough Clerk.

MAYOR'S AGENDA

1. Personnel Policies and Practices – review of amended policy

Mayor Marino said that a few changes needed to be made: with some of the contract items for the Road Dept. - page 21, part time would be the same as full time; page 3, #4, The Borough Council shall – will be change to “may”; page 10, the wording beginning with “In the event.. and ending with personal history file”. will be looked into by Attorney Clemack and possibly changed.

Councilman Sena asked if going forward we are now requiring a letter regarding retirement. Borough Clerk Doreen Schott and Attorney Clemack will work on that.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to accept the Personnel Policies and Practices with changes.

Roll Call:

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

2. Borough Sign

Mayor Marino said that the sign is going forward but since this is going out to bid, it probably will not be coming in this year. Bid specs are being prepared.

3. Fire Dept. Back Door

Mayor Marino brought up concerns about the Fire Dept. back door and the possibility of it being broken into. Stating that there was a 50 / 50 chance of it happening, the situation needed to be corrected. Mayor Marino mentioned a wireless surveillance system that would be monitored by the police. It would be similar

to the same system that has been in the school for the past nine years and has been successful. Cameras are linked and monitored to the police station. Prices are being obtained.

COMMITTEE REPORT

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for September 2013 showed a total of \$166,422.77 being collected.

2. ROAD DEPARTMENT

Leaf pick-up will be done thru November.

Councilman Sena informed the Council that the Norseman shelter was up at the pavilion except for the doors. The Borough has 100 tons of salt on hand, which is enough to last thru December. There are two mason trucks, the old F50, the rescue truck and the new F350 in the Road Dept. to date. Councilman Sena discussed the purchase of the 2014 mason dump truck with a stainless steel bed for approximately \$60,000.00. He said that this will take about 3 months to get in, and that if ordered now, we would get this years' pricing. The money will come from the Road Dept., Water Dept., and sale of assets. If it is ordered now, it would come in by the end of January and we would be able to use it this winter. Council is in agreement.

Motion by Councilman Sena, seconded by Councilman Barr to order the 2014 mason dump truck with a stainless steel bed not to exceed \$60,000.00 upon certification of funds by the CFO.

Roll Call:

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

3. BOARD OF HEALTH

The meeting was cancelled again due to the lack of a quorum. Councilman Sena said that there are two members that are out and they are trying to meet to appoint a new member.

The Rabies Clinic will be held December 12th from 4 – 7 PM at the Firehouse. The census was done in August and there were 118 unlicensed dogs and 70 unlicensed cats within the Borough, all of which received letters to license.

Councilman Sena mentioned an article in the paper in which the Animal Control Officer rescued over 60 dogs in Newton and these animals will now be going up for adoption.

COUNCILMAN GARRETT

1. BOARD OF EDUCATION

Sergeant Nichols will be doing the DARE program. The school is re-doing the 1935 gym floor, which was being looked at by an architect. The audit report for the school has been accepted.

2. WATER QUALITY

Meeting cancelled.

3. BOARD OF PUBLIC WORKS

The November meeting is being moved to November 6th to give the Road Dept. enough time to do water turn-offs for non-payment of water bills. According to our ordinances, the town is not able to turn-off water from November 15-March 15, and some residents' water bills by then will be three quarters behind in payment.

The VersaProbe Warranty for the meter reading wand was approved by the Board.

COUNCILWOMAN OEHLER:

1. NEWSLETTER COMMITTEE

Councilwoman Oehler asked that if any Council member had any information for the newsletter, to please get it in as the newsletter will be going out with the water / sewer bills in the beginning of December.

2. RECREATION

The "Trunk or Treat" went extremely well: there were approximately 80 kids and 40 – 45 cars. The kids went "trunk or treating" from car to car, then marched in a parade around the parking lot, when at the end of the parade, prizes were given out. Then kids were given a pumpkin and all had donuts and juice. Everyone enjoyed themselves and the event was very successful.

Breakfast with Santa will be held on December 14th from 9 – 11 AM. This free event will have a visit from Santa, along with pancakes and sausage.

COUNCILMAN LAW:

1. BUILDING AND GROUNDS

Councilman Law said that work on the Wallkill Ave building has started. The roof is off and the Road Dept. will be taking care of any tree limbs that are in the way. The siding will be next and then the doors. Farmstead will look into the placement of trees at the pavilion as there are power lines there to deal with at planting time. Also at the pavilion, the upgrading of power service for the Road Dept. was mentioned with more discussion following.

2. COURT

Councilman Law informed the Council that three resumes were received for the prosecutors' position. He will be following through and meeting with the committee.

3. RECYCLING AND SANITATION

The Environmental Club at the Hamburg School, along with scouts and parents, 27 kids in total, met and picked up 2 tons of garbage throughout various parts of town. They were rewarded Friday with a pizza party.

COUNCILMAN KRASNOMOWITZ:

1. OFFICE ADMINISTRATION

2. CONSTRUCTION DEPARTMENT

Monthly report September 2013

Councilmember Krasnomowitz advised that there were 12 permits issued, 0 certificates of occupancy, and 11 certificates of approvals with a total of \$907.00 collected in fees for the month of September.

3. LAND USE BOARD

Councilman Krasnomowitz said that the meeting will be held on Tuesday, November 12th due to the Veteran's Day Holiday on Monday.

4. INSURANCE

The Loss Control Training Summary Survey must be done for next year. The Ethics course was also mentioned and Councilman Krasnomowitz will look into it for scheduling for the 2014 year.

COUNCILMAN BARR:

1. FIRE COMMISSIONER / OEM

Gabriel Barrientos – Application for EMS. Background check completed.

Motion by Councilman Barr, seconded by Councilman Law to accept the application for EMS for Gabriel

Barrientos. The background check was completed. All in favor.

John Lucas – Application for EMS. Background check completed.

Motion by Councilman Barr, seconded by Councilman Garrett to accept the application for EMS for John Lucas. The background check was completed. All in favor.

Kylene Henderson- Application for EMS. Background check completed.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept the application for EMS for Kylene Henderson. The background check was completed. All in favor.

2. POLICE COMMISSIONER

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

Monthly Report October 2013

The October 2013 monthly report for the Police Department showed 815 calls of service, including 6 arrests, 15 motor vehicle accidents, and 62 motor vehicle summonses issued.

Director Yahm said that the officers are doing well. The two older new officers are ready to come off probation and the two new officers are doing extremely well. Detective Gunderman completed the TAC training which will be beneficial to the town. Sergeant Nichol has one more test to complete for DRE but has exceeded all the other tests that he has taken and Director Yahm congratulated him for his accomplishment. He also reiterated that there were other officers interested in this program but only one per year is allowed to attend per department. Jr. Police took a trip to the 911 Memorial and it was an awesome trip for the group and well received.

Councilman Law asked about the matron for the court and Mr. Yahm said that he believed she may have been hired elsewhere. Also, Councilman Law said the panic alarm system has not yet been tested so Director Yahm will make sure that is taken care of.

Mayor Marino asked about the crossing guard times and extending them to 45 minutes to allow the extra time for the late stragglers to cross. Director Yahm said that although he met with the crossing guards and they and him did not see the need for it, it would be a Council decision. After discussion, Council would like to see the time extended for safety sake. Mr. Yahm said that he would like then, to have the discretion to stagger the times of the posts as the kids cross at different times in the different sections of town. Council is in agreement.

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

Motion by Councilman Barr, seconded by Councilwoman Oehler to extend the crossing guard times to 45 minutes in the morning and the post times will be set by the Director. All in favor.

3. HISTORIC COMMISSION / HISTORIC SOCIETY

Councilman Barr said the Historic Society taking steps towards deciding on what the next marker will be.

PUBLIC PORTION:

Motion by Councilman Barr, 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.

Mike Schneider-Road Dept. Foreman- stated that the minimum bid for the new truck is \$60,000.00 with the State Contract for the chassis alone is at \$37,000.00. Mayor Marino told Mr. Schneider that the Council authorized him to proceed and he would have to let the Council know the details. He has to have the chassis locked in by December 1st.

There was a water main break on Mulberry and a water service break on Linwood which have been taken

care of. On Gingerbread Castle Road, the cracks in the road will be filled in with hot tar. The line stripping for that road will cost between \$1600.- 1700.00 and Mr. Schneider has authorized them to do the project. The sidewalk by the school with the handicap matting will be done this week.

Jackie Espinosa - JCP&L contact- informed the Council that there is now a phone app for smart phones in which one is able to get up to the minute information about power outages, etc. in the area. This app can also be used on the computer. Ms. Espinosa also said that she would be our representative for contact when needed.

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. **Bott v Hamburg**
- 2.
- 2.
- 3.

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.

Motion by Councilman Barr, seconded by Councilman Law to enter into Executive Session at 8:42 PM. All in favor.

Discussion on Bott v Hamburg.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to return to the regular meeting. All in favor.

Mayor Marino also noted that Councilman Garrett attended the recent Ethics class that was held in Franklin and the fee for the class was covered by their insurance fund.

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

1. Notice of action to foreclose, Bl. 24 Lot 1 (3303) (10/8/2013)
2. NJLMN notice (10/8/2013)
3. Notice of claim filing American Manufacturers Insurance , In Liquidation (10/8/2013)
4. SCMUA Proposed rate schedule for FY 2014(10/8/2013)
5. Notice of action to foreclose (10/18/2013)
6. 2013 Certification of Table of Equalized Valuations (10/18/2013)
7. From Sussex County resolution establishing county roads as through streets. (10/18/2013)
8. Notice of Public Hearing Elizabethtown Gas regarding upgrades (10/18/2013)
9. Resolution from Montague Township opposing optional municipal consolidation process. (10/18/2013)

10. Resolution from Montague Township opposing diverting of motor vehicle fines to state safe route to school funds. (10/18/2013)
11. Copy of 2013 Biennial Certification Monitoring Report Form for Accurate Forming LLC (10/22/2013)
12. From Hardyston Township Littell Community Center 3rd Quarter report (10/22/2013)
13. From Borough of Franklin letter to Insurance company regarding Ethics Training Class (10/22/2013)
14. New Jersey Municipalities now available on digital form (10/25/2013)
15. From Wells Fargo complaint of foreclosure Block 17 Lot 18 (10/25/2013)
16. From Wells Fargo complaint of foreclosure Block 18, Lot 17 (10/25/2013)
17. Correspondence from American "Freeze Dry Operations regarding , document recovery services

ADJOURNMENT

Motion by Councilwoman Oehler, seconded by Councilman Law to adjourn the meeting at 8:55 PM. All in favor.

Date Approved: 12/2/13

Date Released: 12/2/13

Doreen Schott
Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett