

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON APRIL 7, 2014 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 salute to the flag.

ROLL CALL:

Mayor Marino requested a roll call:

Councilman Barr	
Councilman Krasnomowitz	Councilman Garrett
Councilman Burd	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 on January 6, 2014 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 3, 2014, 2014 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to approve the March 3, 2014 Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

March 3, 2014 Executive Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to approve the March 3, 2014 Executive Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

APPROVAL OF BILLS:

The following changes were made to the bill list: Hayenhjelm Electric -\$1600.00 on hold as no invoice has been submitted; Dennis Fitzgerald LLC -\$3140.00 masonry to pay; Moore Medical in the amount of \$1732.81 to pay; Jr. Police trip in the amount of \$288.00 to delete.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to accept the above changes. All in favor.

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

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

Roll Call:

Ayes:	Barr, Burd, Garrett, Krasnomowitz, Sena
Nays:	None
Abstain:	None

Absent: None

Letter of Resignation – Mr. Chris Kelly

Mayor Marino stated that a letter of resignation was received from Councilman Chris Kelly, due to personal reasons as he was moving out of the area.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept with regrets. All in favor.

Appointment of Council Member to fill seat

Mayor Marino said that vacancy must be filled by a republican and it would be for the remainder of the year. In November a Democratic or Independent could run on the ballot to fulfill the unexpired term. The Republican Committee submitted three (3) names to the Council: John Haig, Russell Law, and Wendy Brick. Ms. Brick is on the Land Use Board and has been an alternate for many years now. Mr. Law was on the Council for two (2) terms and a letter of intent was received from him acknowledging his interest in fulfilling the vacant seat of Chris Kelly. Mr. Haig is also on the Land Use Board.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to nominate Russell Law to fulfill the seat left vacant by Chris Kelly.

Mayor Marino asked if there were any other nominations and there were none.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to close the nominations. All in favor.

Roll Call:

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

Borough Clerk Doreen Schott gave the Oath of Allegiance to Russell Law who then took his place at the dais.

Mayor Marino stated that Councilman Russell Law will take over the Council duties that were given to Chris Kelly.

PRESENTATION

Presentation by Mr. Fred Brody from Cross River Fiber to propose the use of the public right of way in order to attach or install telecommunication fiber optic cable to existing utility poles and conduits.

Motion by Councilman Burd, seconded by Councilman Law to open the meeting to Mr. Fred Brody. All in favor.

Mr. Brody stated that Cross River Fiver would like to occupy the municipal right of way infrastructure for data communication purposes. What this entails is running a small fiber optic cable to already existing utility poles which will connect hospitals, networks, etc. It will also have an information advantage with broadband and will also develop communications with banks, colleges, etc.

Councilman Garrett asked if there will be piece work and Mr. Brody replied no, it will all be one line.

Councilman Krasnomowitz asked if this offer is a data center; is this something that would be made available to residents. Mr. Brody said this was a dark fiber, only to their clients, a BPU, and not a service to others.

Attorney Clemack stated that a Performance Bond will need to be submitted, notice given to Mayor and Council prior to start, along with a copy of the route submitted to the engineer and the company will have to coordinate with the Police and DPW.

Motion by Councilman Garrett, seconded by Councilman Law to allow Cross River Fiber the use of the public right of way within Hamburg for the purpose of attaching or installing telecommunication fiber optic cable to the existing utility poles and conduits.

Attorney Clemack also stated that he will prepare a formal resolution for the May Council meeting.

Roll Call:

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

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to close to Mr. Brody. All in favor.

2013 MUNICIPAL AUDIT

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open the meeting to Mr. William Schroeder and CFO Amy Maronpot. All in favor.

Synopsis of Audit has been published as provided by law – Certification to be signed by Governing Body

Mayor Marino asked about the issues on the Audit for recommendation of the Corrective Action Plan. Mr. Schroeder stated that there are three listed: Segregation of duties –limited office personnel – due to it being such a small office; fixed Asset accounting – a complete appraisal, which would cost a lot of money to do so; and within the Municipal Court records, there were a large number of tickets on the tickets assigned to an officer but not issued report, which had been issued over six months ago. Councilman Sena, with regards to the tickets, asked if the officers are not writing tickets or not using the tickets. Mr. Schroeder stated that the Court Administrator should review the tickets assigned to an officer but not issued report at a minimum twice a year and pursue collection of the older tickets on the report so that these tickets may be reissued or voided.

Motion by Councilman Sena, seconded by Councilman Garrett to adopt the Resolution of Certification of Annual Audit.

Roll Call:

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

INTRODUCTION OF BUDGET

Mr. William Schroeder and CFO Amy Maronpot will present the Mayor and Council with the 2014 Budget for discussion and Introduction.

Mr. Schroeder stated that this is a good budget: tax dollars were raised by 2%, which comes out to \$27.00 per year. The utility budget is using more money than what we are replenishing of our Fund Balance, and even with the SCMUA credit, Mr. Schroeder stated we are a bit short. After the police car, we have \$20,000.00 left of FEMA money. Councilman Krasnomowitz asked what we could leave out as we have “sharpened our pencils”. Ms. Maronpot answered that once you take it out, it is difficult to put back in. Mayor Marino would like to see money in the budget for building repairs and Ms. Maronpot stated we still have the building ordinance for that. Councilman Sena asked about the Littell Center and the dollar amount that is paid to them, asking if we could use FEMA money for that. Mayor Marino said we were using the FEMA money internally first.

Mr. Schroeder said that our revenues are not covering our expenditures and recommended raising the water and sewer rates one more year. Mayor Marino said he would not want to do so as we did raise the rates for three years straight and to have to do it to the residents again, he would rather try to find another way. Councilman Barr added that we could re-evaluate this for next year’s budget. Councilman Krasnomowitz mentioned that perhaps the town could hold off on a project to cut the costs. Mayor Marino replied that the generator at Well #2 needs to be done and the money has already been allocated. At the moment we have \$750,000.00 in the CIF balance. Councilman Burd asked about the generator and the 5 Year Plan. Mayor

Marino explained that BPW is actually one year ahead of schedule and in the 4th year already. Motion by Councilman Barr, seconded by Councilman Law to introduce the 2014 Budget by title as explained and presented by Mr. William Schroeder and Ms. Amy Maronpot.

Roll Call:

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

ORDINANCES

None

RESOLUTIONS:

Resolution # 2014 – 11 – 2013 Recycling Tonnage Grant

Motion by Councilman Barr, seconded by Councilman Law to approve Resolution # 2014 – 11 – 2013 Recycling Tonnage Grant. All in favor.

Resolution # 2014 – 12 NJDOT Retaining “No Passing Zone” Rt. 94 through Hamburg

Motion by Councilman Barr, seconded by Councilman Garrett to approve Resolution # 2014 – 12 NJDOT Retaining “No Passing Zone” Rt. 94 through Hamburg. All in favor.

Resolution # 2014 – 13 Emergency Temporary Appropriation

Motion by Councilman Barr, seconded by Councilman Burd to approve Resolution # 2014 – 13 Emergency Temporary Appropriation. All in favor.

ATTORNEY HOUR:

ENGINEERING:

MAYOR’S AGENDA:

1. Recreation Member Appointment

Mayor Marino presented a letter from Tara Scrittore, requesting to become an alternate member of the Recreation Commission. She is aware that she will need to have a background check.

Motion by Councilman Barr, seconded by Councilman Law to accept the Mayor’s appointment of Tara Scrittore to the Recreation Commission as an alternate member pending the results of the background check. All in favor.

2. Complaints re: snow removal

Mayor Marino informed the Council that the committee visited the streets in question about the problems regarding the snow removal, and although he was hoping that for the year now there will not be any more snow, if the complainants do call, then the Mayor is to be contacted.

3. Gingerbread Castle Road

Mayor Marino stated that he had received some correspondence from a resident in Bluffs Court about the poor shape of Gingerbread Castle Road and he would like it paved and patched. Mayor Marino said that the Council will not be spending money on it and the Borough will wait as the developer will put in the road and finish his part of it.

4. 72 Village Drive

Mr. Mike Krupa sent in a letter commending Doreen Schott and Mike Schneider and his crew for helping him when he needed emergency water shut-off at his home at Village Drive. He said they were more than

willing to help with his problem.

**COMMITTEE REPORT
COUNCILMAN BARR**

- 1. **FIRE DEPARTMENT / OEM**
- 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 for March 2014.

The February 2014 monthly report for the Police Department showed 559 calls of service, including 5 arrests, 7 motor vehicle accidents, and 26 motor vehicle summonses issued.

Director Yahm informed the Council that the drug prescription give back program will be held on Saturday, April 26th from 10 AM – 2 PM. Detective Gunderman will be receiving an award from the Knights of Columbus on May 23rd in Sparta at the Rev. Brown School for the detective work that he has be performing and his qualifications, and Mr. Yahm extends an invitation to all to attend.

E- Ticket

Director Yahm stated that the Borough could either purchase this program outright or pay the per ticket fee. The availability for this is already in the patrol cars and Director Yahm would like to install this in three vehicles. He would recommend the per ticket fee vs. paying outright. There would be less error, time, and confusion and the ticket would be sent right to the court computer. The fee is \$6.06 per ticket for the first 800 tickets per year then drops to \$4.41 after that. This fee would not be passed on to the violator. The books would be used as a back-up. The system program is approved by the AOC. He also stated that the Judge was ok with it, but had concerns about the court dates and times. Vernon, Sparta and Franklin already use e-tickets. Councilman Law would like to hold off until the court date / time issues are addressed. Mr. Yahm stated that it would take two months for the installation of the program and all this could be addressed within that time frame. This is a 5 Year contract.

Motion by Councilman Barr, seconded by Councilman Sena to move forward with the per ticket E-Ticket, looking into the concerns of the Court.

Roll Call:

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

Attorney Clemack will review the contract before any action is taken.

Sergeant

Councilman Barr discussed with Council that one Sergeant is out on disability and he would like to make Detective Gunderman Acting Sargent until he returns. He would be compensated until this sergeant returns and then will return to his detective position. Detective Gunderman is in agreement with this arrangement. Motion by Councilman Barr, seconded by Councilman Law to name Detective Gunderman Acting Sergeant for the duration of Sergeant McNulty's disability.

Director Yahm stated that he is in total agreement with this decision and it will be a benefit to the department to have two sergeants on hand. Since this is only temporary, there will not be a problem reversing the position or pay scale. Mr. Gunderman will also maintain his position as detective during this time.

Roll Call:

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

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

3. HISTORIC COMMISSION / HISTORIC SOCIETY

Councilman Barr said a presentation was given about German Immigration in Sussex County.

COUNCILMAN KRASNOMOWITZ:

1. OFFICE ADMINISTRATION

2. CONSTRUCTION DEPARTMENT

Construction Activity Report 02/01/2014 – 02/28/2014

Councilmember Krasnomowitz advised that there were 6 permits issued, 0 certificates of occupancy, and 0 certificates of approvals with a total of \$1602.00 collected in fees for the month of February.

Councilman Krasnomowitz compared the construction report from previous years for this month – in February 2014 the total cost was \$95,663.00 and for February 2014, costs totaled \$318,052.00, which he stated was very encouraging.

3. LAND USE BOARD

The meeting was cancelled due to no new activity.

COUNCILMAN BURD

1. BOARD OF EDUCATION

Councilman Burd said that Jennifer Davis filled the School Board vacancy. They passed the budget, staying within the cap and using \$514,000.00 of surplus to fund the school. The gym floor renovations are going to cost approximately \$300,000.00 due to the extra costs involved.

COUNCILMAN LAW

Councilman Law thanked the Council members and said he was glad to be back on the dais. He was looking forward to finishing up a few things that he was not able to complete before he left, especially with the Court.

1. RECREATION

The next meeting is April 15th at 7 PM.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

2014 Shared Service Agreement – Street Sweeping

Council is in receipt of the 2014 Sweet Sweeping agreement with Hardyston Township at a cost of \$114.00 per hour and as per contract agreements.

Motion by Councilman Garrett, seconded by Councilman Sena to approve said Inter-local agreement with Hardyston Township. All in favor.

Farmside Landscape- Quote for 2014 Turf Care for Recreation Fields

Council is in receipt of a quote from Farmside Landscape for the Turf Care for the Recreation Fields. The 2014 Aeration & Overseeding with Inoculant package for early spring, spring, early summer, summer, fall, and late fall comes to a total of \$2205.00.

Motion by Councilman Garrett, seconded by Councilman Barr to approve the agreement with Farmside Landscape for the Turf Care of the Recreation Fields on Gingerbread Castle Road. All in favor.

Electronic Message Sign

Councilman Garrett said the electric was put in and Butler Sign is scheduled to have the sign in by May 2nd.

Meeting room ceiling

Councilman Garrett said he had the three necessary bids, but only one included recessed lighting so the other two were going to rebid and he was still waiting for one other one to come back. He will have this for the May meeting.

3. BOARD OF PUBLIC WORKS

Kraft Power - Planned Service Proposal for Emergency Generating System Contract for 2014.
 Councilman Garrett said the BPW, along with Jerry Kastner, reviewed the generator contract for 2014 with Kraft Power and is recommending renewing the contract for the ten (10) generators within the Borough.
 Motion by Councilman Garrett, seconded by Councilman Barr to renew the contract with Kraft Power for the Planned Service Proposal for Emergency Generating System Contract for 2014 at a contract agreement of \$9750.00. All in favor.

The BPW also discussed the estimated bills that were done due to weather conditions and shut-offs for non-payment were going to be done in May. A service agreement for the Badger tremble wand and software was approved by the Board.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's report for February 2014 showed a total of \$1,848,783.25 being collected. Council has also been given the 2013 Annual Tax Collector's Report.

2. ROAD DEPARTMENT

Councilman Sena said that 163,000 tons of salt were received in March so the Road Dept. will be starting out with some salt for next winter. Leaf (Monday) and brush (Wednesday) pick-up has started. The new truck should be delivered this month.

Dave Snyder started part time in early March for the Road Dept. He passed his medical and background check.

We have not received approval yet for the Region Oil diesel fuel credit as we had to provide references. Mr. Schneider is looking into a mini excavator.

3. BOARD OF HEALTH

The next meeting is Tuesday, April 8th at 6:30 PM.

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 – said his department is picking up a lot of garbage on Bank Street as someone seems to be dumping up there illegally, along with the river clean up.

Jackie Espinosa- JCP&L- sent out a Critical Use List, a wide spread list asking for information to set up a database. Councilman Garrett thanked her for her emails she sends out and the updates.

Motion by Councilman Barr, seconded by Councilman Garrett 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. Police Personnel Procedures

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 Garrett to accept the resolution as offered. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to add E-Ticket to the Executive Session. All in favor.

Motion by Councilman Garrett, seconded by Councilman Barr to clarify that the second Police issue for the Executive Session – to discuss certain job performances and procedures initiated and evaluate them by the Police Director; a personal matter directed toward the Police Director's activities at the Police Station as Police Director. All in favor.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept the following as offered by Attorney Clemack: Be it resolved that a certain resolution establishing and determining that a certain Police Department must have an Officer in Charge is rescinded. The purpose of this resolution being that there will be no such title, job, entitled Officer in Charge. All in favor.

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

1. From Sussex County Capital Ordinance. (3/6/2014)
2. Bank notice Block 31, Lot 19 from Law Office of Frank Martone (3/6/2014)
3. From Sussex County Bond Ordinance 2014 capital improvements (3/11/2014)
4. Resolution from Hardyston urging Governor Christie and NJ Legislature to extend the 2% Cap on interest arbitration awards. (3/11/2014).
5. From Wells Fargo notice of foreclosure Block 24, Lot 1 (3/11/2014)
6. Correspondence from United Way of Northern New Jersey (3/18/2014).
7. From Franklin Borough Resolution urging legislature to implement Water Usage Tax. (3/18/2014)
8. Township of Union Resolution supporting water tax to fund the loss of land equity for property owners in the Highlands Region. (3/18/2014)
9. Resolution from Franklin Borough to extend 2% CAP on the interest arbitration award. (3/20/2014)
10. From State of NJ DOT – Safe Routes To School Program (3/18/2014)
11. From State of NJ DOT – Transportation Alternatives Program (3/20/2014)
12. From State of NJ DOT notice of preventative maintenance resurfacing project from Route 23 CR695 to Belcher Lane (3/20/2014)
13. Mercer County Community College – Seminar Improving your community's Health by thinking outside the box. (4/1/2014)
14. From Ginnie's House – April – Child abuse and prevention month. (4/1/2014)
15. From County of Sussex – creating a steering committee for Sussex County Strategic Growth Plan.
16. From County of Sussex – Refunding bond ordinance to achieve debt service savings. (4/1/2014)
17. Legislative Bulletin – March 2014

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilman Law in order to adjourn the meeting at 9:30 PM. All in favor.

Date Approved: 5/5/2014

Date Released: 5/5/2014

Doreen Schott RMC

Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett