

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON JUNE 2, 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 flag salute.

ROLL CALL:

Mayor Marino requested a roll call:

Councilman Barr	Councilman Law
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".

May 5, 2014, 2014 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the May 5, 2014 Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

May 5, 2014 Executive Meeting Minutes

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the May 5, 2014 Executive Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

APPROVAL OF BILLS:

Motion by Councilman Garrett, seconded by Councilman Sena to add a bill for Kuiken Brothers in the amount of \$52.51. All in favor.

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

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

Roll Call:

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

Nays: None
 Abstain: None
 Absent: None

PRESENTATION

Mayor Marino made a presentation of the 2014 Junior Citizen Award to Miss Jessica Haig, who is involved in activities in the Hamburg School, the Girl Scouts, cheerleading, Jr. Police, fundraisers, and helps her mom at home. She was presented with a certificate from the Council and a gift certificate from the Recreation Commission.

EMEX – Mr. Mike Stoller will give a presentation on EMEX Power.

Motion by Councilman Garrett, seconded by Councilman Law to open the meeting to Mr. Mike Stoller of EMEX. All in favor.

Mr. Mike Stoller discusses with the Council the DCA approved energy savings that he is offering the town the opportunity in which to be involved. There are currently 130 municipalities that have taken advantage of this energy procurement. Mr. Stoller has reviewed two years of our information and believes the auction can save us money on our bills. It is a live auction that takes place while we are watching on the internet and EMEX is on the phone with us. JCP&L owns the lines but the winning bidder would be servicing the energy. EMEX receives a commission from the winning bidder. Councilman Garrett asked what would happen if the power went out. Mr. Stoller answered that JCP&L would repair the lines as they own the lines; we just get our energy from another company. EMEX would contact us before the contract runs out so that we could either return to JCP&L or do another bid. Attorney Clemack would like to review the contract. Mr. Stoller stated that there is no contract with EMEX. This is done by resolution. There is an auction tomorrow, June 3rd at 11 AM, and the town could pass a “trigger resolution” to move ahead with the auction, having the clerk, CFO, or whomever to sign the papers. Council discusses this, and seeing how the Mayor would not be in town before the papers need to be sign, discuss having the clerk sign.

Motion by Councilman Barr, seconded by Councilman Sena to accept the resolution as offered by EMEX for the energy savings for the town via live auction for electric. All in favor.

Motion by Councilman Garrett, seconded by Councilman Burd for the Borough Clerk Doreen Schott to sign the contract from the live auction based on the recommendations of EMEX. All in favor.

Mr. Stoller and Council discuss the natural gas energy part of the auction and decide since the situation with the coal, etc. is so volatile; they will also go with the energy auction also.

Motion by Councilman Burd, seconded by Councilman Sena to accept the resolution as offered by EMEX for the savings for the town via live auction for gas. All in favor.

Motion by Councilman Barr, seconded by Councilman Law to close to Mr. Stoller. All in favor.

ORDINANCES

Ordinance # 02-2014 – 2nd Reading

AN ORDINANCE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF DARK FIBER-OPTIC CABLE AND OTHER TELECOMMUNICATIONS RELATED FACILITIES BY CROSS RIVER FIBER, INC. OVER THE PUBLIC RIGHTS-OF-WAY.

Motion by Councilman Burd, seconded by Councilman Law for Attorney Clemack to read the Ordinance by title for second reading and public hearing. All in favor.

AN ORDINANCE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE INSTALLATION OF DARK FIBER-OPTIC CABLE AND OTHER TELECOMMUNICATIONS RELATED FACILITIES BY CROSS RIVER FIBER, INC. OVER THE PUBLIC RIGHTS-OF-WAY.

Motion by Councilman Garrett, 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 May 5, 2014 meeting and published as provided by law.

PUBLIC HEARING

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

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

Roll Call:

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

Motion by Councilman Burd, seconded by Councilman Garrett for the Mayor and Borough Clerk to sign and execute the documents when received. All in favor.

RESOLUTIONS:

1. Resolution #2014-16 condemning the actions of terrorist group Boko Haram
Mayor Marino presented Resolution #2014-16 in support condemning recent actions of the terrorist group Boko Haram.

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to accept Resolution #2014-16. All in favor.

LIQUOR LICENSE RENEWALS 2014 – 2015

The following applications and non- issue report from the Police Department have been received along with the appropriate State and Local Fees.

Attorney Clemack stated that Tax Clearance has been received and the Police Department has received no written objections.

Marketplace Liquors License # 1909-33-005-006

Restaurant Kaya LLC Liquor License #1909-33-003—010

Hamburg Krishna LLC Liquor License # 1909-44-002-006

SJR Co., LLC Liquor License # 199-33-004-005

Motion by Councilman Sena, seconded by Councilman Burd to authorize the 2014-2015 Liquor License Renewals for the above.

Roll Call:

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

ATTORNEY HOUR:

1. E-Ticket with GTBM

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

Director Yahm discusses the slide for E-tickets. This is a device in which the officer will slide the driver's license and it reads all the information (barcode) on the license. It will add an extra \$2.25 per ticket, bringing the cost to \$8.63 – without it, the cost is \$6.06. After 800 tickets are written, the cost goes down to \$8.11. Councilman Barr asked how much does the town receive from tickets. Mr. Yahm stated that the court realizes around \$56,000.00 a year. Councilman Barr also asked if it will simplify the court work and Mr. Yahm answered yes, along with the Police Officer's time and data entry time, including the court. Councilman Sena discussed the tickets that get thrown out or pleaded down. We would still have to pay for them, Director Yahm said yes, but the officers would like this; this is what a lot of the other departments are also going with.

ECivics

Director Yahm said he applied for and received a grant for new AED's but may still be able to get them through Newton Hospital at a lesser cost.

The new patrol car is at the dealership and will go to Geddis for the sign painting afterwards. Officer McNulty should be back by the end of June. Narcon will be discussed in Executive Session as advised by the Prosecutor's Office.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to close to Mr. Yahm. All in favor.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to approve a 3 year contract with GTBM for the E-Ticket. The Mayor and Borough Clerk are authorized to execute said contract. All in favor.

ENGINEERING:

MAYOR'S AGENDA

1. Proclamation emphasizing the needed awareness of Fibrodyplasia Ossifican Progressiva Known as (F.O.P.).

Motion by Councilman Garrett, seconded by Councilman Law to endorse the proclamation emphasizing the needed awareness of Fibrodyplasia Ossifican Progressiva. All in favor.

2. Letters of resignation from the Hamburg Historic Preservation Board and Land Use Board from Councilmember Russell Law.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept with regrets the resignation of Russell Law from the Hamburg Historic Preservation Board. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to accept with regrets the resignation of Russell Law from the Land Use Board. All in favor.

3. Notice from NJDOT that 2014 Municipal Aid Grant submitted has been denied. Mayor Marino said that unfortunately the grant that was submitted was denied but maybe next year.

4. SJR LLC – Request to extend the licensed premise for a Pig Roast, Saturday, July 19, 2014
A request to extend the licensed premise was submitted by SJR LLC for a pig roast for Saturday, July 19th from 10 AM until 2 AM. Director Yahm has already approved and signed.
Motion by Councilman Law, seconded by Councilman Barr to approve said request. All in favor.

**COMMITTEE REPORT
COUNCILMAN BARR**

1. FIRE DEPARTMENT / OEM

Fire and EMS Monthly Report

Fire Total Calls 8: 1 fire; 2 mva; 1 alarm; 1 assist EMS; 1 driver EMS; 1 smoke; 1 cancelled. 68.73 man hours for the month.

EMS calls are: 3 trauma; 13 medical; 5 MVA; 2 mental health; 3 fire; 0 alarm; 2 CPR; 1 stand-by; 10 mutual aid to Hardyston; 1 mutual aid to Franklin. Man hours total 95.

2. POLICE COMMISSIONER

Monthly report for May

The May 2014 monthly report for the Police Department showed 578 calls of service, including 14 arrests, 15 motor vehicle accidents, and 78 motor vehicle summonses issued.

COUNCILMAN KRASNOMOWITZ:

1. OFFICE ADMINISTRATION

2. CONSTRUCTION DEPARTMENT

Construction Activity Report April 2014

Councilmember Krasnomowitz advised that there were 11 permits issued, 2 certificates of occupancy, and 18 certificates of approvals with a total of \$2343.00 collected in fees for the month of April.

Councilman Krasnomowitz compared the construction report from the previous month and stated that it was encouraging as the numbers did grow.

3. LAND USE BOARD

The meeting will be cancelled due to no activity.

4. INSURANCE

Statewide Insurance Fund, Resolution to Join (Renew) the Fund.

Statewide Insurance Fund, Indemnity and Trust Agreement.

Councilman Krasnomowitz stated that the above were 3-year contracts.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to accept the contracts as offered. All in favor.

COUNCILMAN BURD

4. BOARD OF EDUCATION

Councilman Burd informed the Council that graduation will be held on June 19th. He also said that it now costs over \$21,000.00 to educate a child in Hamburg School. There is an enrollment of 276 students, which keeps going down over the past few years, and that's what makes it so expensive. All bids were rejected for the gym floor as remediation of the asbestos was not included in the bid, so it will be going out for re-bid.

COUNCILMAN LAW

1. RECREATION

The Miss Hamburg, Little Mr. / Miss Hamburg Contests will be held on Sunday, June 8th at the School gym at 1 PM. Hamburg Day will be August 24th beginning at 12 noon.

2. COURT

Councilman Law said the AOC will be inspecting the Court at the end of the month and the Judge will be out for a few weeks due to surgery.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

Farmside Landscape & Design Proposal for Perennial Plantings front of Municipal Building.

Councilman Garrett presented a proposal from Farmside for a planting in front of the municipal building with perennials in the amount of \$860.00 for materials and labor.

Motion by Councilman Garrett, seconded by Councilman Law to accept the proposal from Farmside Landscape & Design for Perennial Plantings for the front of the Municipal Building in the amount of \$860.00. All in favor.

Councilman Garrett said the work on the meeting room ceiling will begin on June 4th, with the old ceiling being taken down. On the 9th the new sheetrock will be put in, but either new fluorescents or the same lights will be put back in as high hats were over \$8000.00 to have installed.

The trees to block the Limekiln Road residents from the Pavilion Area were discussed. Councilman Garrett will contact Ken Nelson about the trees and the planting of them, how many are needed, etc. Councilman Barr mentioned that "Max is Back", (garden place), has the 6' arborvitaes trees for \$40.00 each.

3. BOARD OF PUBLIC WORKS

BPW improvements are going on this year and while they are doing improvements, they are watching the spending also.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for April 2014 showed a total of \$541,396.16 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to accept Resolution to redeem third party tax sale certificate #13-003 in the amount of \$2813.79; and Resolution to redeem third party tax sale certificate #13-006 in the amount of \$2252.02. All in favor.

2. ROAD DEPARTMENT

Councilman Sena relayed the red mason dump truck was received on May 29th and everything was in order with the truck. The Road Dept. Foreman is working with Geddis Sign for the signage on the truck. The brake parts on the old OEM truck are difficult to find and obtain. The Road Dept. now consists of 3 full time and 3 part time personnel. The foreman would like to hire 1 part-time person for summer to cut the grass at the park.

Councilman Sena said that Jennings Road was in bad shape and after discussion, will contact John Ruschke and finance about the funds to pave the road for the summer. Councilman Garrett

mentioned paving it when the State is in the area doing their summer project. John Ruschke will be consulted.

3. BOARD OF HEALTH

The next meeting will be in July. Councilman Sena said The Red Cross and the Board of Health will have a booth at Hamburg Day.

PUBLIC PORTION:

Motion by Councilman Barr, seconded by Councilman Barr 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.

Joyce Oehler – EMS Captain – asked of the Council permission to take one ambulance on Goochie's Garlic Run on Wednesday, June 18th, stating that there will be another ambulance in town. Council did not see an issue with it.

Joyce Oehler – 39 Hamilton Street Resident - stated that, in speaking with some of the cops, they are on by themselves and are running ragged, and she feels that it is a safety issue; asked if any new officers will be hired. Director Yahm stated that the manpower has stayed the same and their attitude is fine. He will discuss the issue with Mrs. Oehler privately.

Mike Schneider – Road Dept. Foreman – when asked by Mayor Marino, Mr. Schneider said that he checks the fire hydrants every six months.

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

Motion by Councilman Barr, seconded by Councilman Law to permit EMS to take one ambulance out of town on the Goochie's Garlic Run on June 18th, as long as there is another ambulance in service for the town. 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. **Potential Litigation Souther v. Borough of Hamburg**
2. **Narcon**

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

Motion by Councilman Barr, seconded by Councilman Law to enter into Executive Session at 9:12 PM. All in favor.

Discussion regarding Potential Litigation Souther v. Borough and Narcon.

Motion by Councilman Barr, seconded by Councilman Garrett to return to the Regular Meeting. All in favor.

Motion by Councilman Barr, seconded by Councilman Sena t decline issuing Roy Souther a retired policeman ID card. All in favor.

Councilman Sena discussed the memo from Road Dept. Foreman Mike Schneider regarding the dumping of waste oil in the dumpsters. Hardyston Recycling will not pick-up the containers. The use of padlocks was discussed and the town also will look into obtaining grants for the installation of cameras.

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

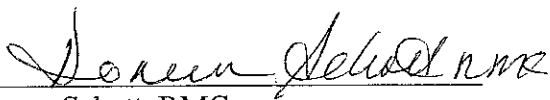
1. Letter of resignation from boards from Councilmember Law.
2. From State of NJ – No further action letter Block 18, Lot 7 Underground Storage Tank
3. Resolution from Vernon Township supporting water tax to fund loss for property owners in the Highlands Region (5/15/2014)
4. NJLM Notice – Thirteenth Annual Innovation in Governance Awards (5/15/2014).
5. Sussex County 10th Annual Awards Luncheon. (5/15/2014)

ADJOURNMENT

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

Date Approved: 7-17-14

Date Released: 7-7-14



 Doreen Schott, RMC
 Municipal Clerk

Submitted by Kathy Garrett