

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON DECEMBER 1, 2014 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.

**MOMENT OF SILENCE**

Mayor Marino called for a Moment of Silence for Senator Robert Littell, who just recently passed away.

**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

**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".

**November 3, 2014, Regular Meeting Minutes**

Motion by Councilman Law, seconded by Councilman Barr to approve the November 3, 2014 Regular Meeting Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

Councilman Sena added the following bills to the Bill List: Dog Licenses in the amount of \$6.60 to the State of NJ; Animal License Forms in the amount of \$243.00 to MGL Forms.

Motion by Councilman Sena, seconded by Councilman Garrett to add these to the bill list. All in favor.

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

Motion by Councilman Garrett, seconded by Councilman Law to approve and pay the bills with additions.

Roll Call:

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

**ORDINANCES**

None

**RESOLUTIONS:**

**#2014 – 35 – Municipal Court – Outstanding Check Balances**

Motion by Councilman Law, seconded by Councilman Garrett to accept Resolution #2014-35 – Municipal Court – Outstanding Check Balances. All in favor.

**#2014 – 36 – Transfer Resolution**

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution #2014 – 36 – Transfer Resolution, from Engineering OE in the amount of \$6500.00 to Legal OE - \$3500.00 and Police OE - \$3000.00. All in favor.

**#2014 – 37 – Municipal Facilities Improvements Account**

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2014 – 37 – Municipal Facilities Improvements Account to cancel said balance to surplus in the amount of \$4920.00.

All in favor.

**ATTORNEY HOUR**

**1. Verizon Lease Proposal Update**

Attorney Clemack informed the Council that he spoke to a representative of TK Designs on behalf of the Verizon Lease proposal; needing information regarding the poles, the bid and specs. Attorney Clemack is requesting an on- site meeting with them and Borough officials to point out necessary information and he has heard nothing back to date.

**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. Confidential legal advice re: Advanced Housing letter dated 11/20/14**

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

All in favor.

**ENGINEERING**

**1. Well No. 2 Bid Results-November 13, 2014 Bid date**

Mayor Marino gave the bid results for the emergency backup generator for well #2, stating that High Point Electric, Inc. was the low bidder at \$87,690.00. He also said that John Ruschke has recommended the company. The money will come out of the water / sewer improvement fund and is less than what the project was expected to cost.

Motion by Councilman Garrett, seconded by Councilman Barr to approve and accept the bid from High Point Electric, Inc. at \$87,690.00 for the emergency backup generator for well #2.

**DISCUSSION**

Councilman Law asked if there was any paperwork for back-up as this bid is almost 20% lower than the other two bids.

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

Mr. Kastner stated that he noticed the difference also between the bids but High Point is a competitive

bidder and he is confident of their work and very reputable.

Roll Call:

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

Attorney Clemack stated that Councilman Burd abstained as his company does business with High Point.

## **2. Water Superintendent Contract**

Mayor Marino discussed with Mr. Kastner the yearly contracts that he and Mr. Schneider have with BPW, stating that since the contracts are presented at the BPW meeting in January, they are not included with the salary increases for Borough employees, and this causes a bit of confusion. Mr. Kastner stated that his is a base pay, split into different departments, with only the water subject to the raise, but the sewer portion of the pay has been frozen for ten years, along with Mr. Schneider's contract for sewer assistant. He knows Mr. Schneider is a bit disappointed with it and Mr. Schneider feels that he should have that raise also.

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

## **MAYOR'S AGENDA**

### **1. League of Municipalities**

Mayor Marino attended the League but was only there for one day. He stated there was a great deal of talk regarding the fact that municipalities were still not receiving any relief money from superstorm Sandy. He also said he was busy working on Council appointments for January.

Mayor Marino relayed that he met Senator Littell years ago and the senator was a man of action, asking him what he could do for him. Mayor Marino replied that he needed \$100,000.00 for an ambulance as we had just lost a grant for roads and also a seat on the SCMUA board, and our Police Dept. building had mold in it. He said that two weeks later, we had received \$100,000.00 for an ambulance and a building. Senator Littell was truly a man of word and action.

## **COMMITTEE REPORT**

### **COUNCILMAN BARR**

#### **1. FIRE DEPARTMENT / OEM**

Fire and EMS Monthly Report - November

Fire Total Calls: 16; 135 hours

EMS calls total 49: 13 trauma; 14 medical; 4 MVA; 4 mental health; 7 fire; 3 community service; 2 CO alarm; 1 fire alarm; 1 lift assist. Mutual Aid – into Hardyston – 26; into Vernon - 1

#### **2015-2018 Shared Service for Fire Prevention Services**

Council is in receipt of the 2015-2018 Shared Service for Fire Prevention Services. Motion by Councilman Barr, seconded by Councilman Law to accept the agreement as received. All in favor.

#### **Notification that OEM Operational Plan will be due in March 2015**

Councilman Barr stated that OEM coordinator Keith Sukennikoff was notified that an updated plan will be due in March.

## **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 November 2014**

The November 2014 monthly report for the Police Department showed 591 calls of service, including 7 arrests, 12 motor vehicle accidents, and 112 motor vehicle summonses issued (ETickets – 97, hard copies –

15).

Director Yahm stated that ETickets are being used and also hard copies when technology is not working properly. The new computer for the car is in and will be up and running soon. The officers just got a stolen car off the roads so they are hitting the streets.

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

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

**COUNCILMAN KRASNOMOWITZ**

**1. OFFICE ADMINISTRATION**

IT Proposal

Councilman Krasnomowitz informed the Council that Mr. Mitchell was unable to attend tonight due to a previous engagement. He also stated that Mr. Mitchell has not worked for a municipality before. At the present time, it is not as hectic in Borough Hall as it was at the beginning months of the year.

**2. CONSTRUCTION DEPARTMENT**

Construction Activity Report for October

Councilmember Krasnomowitz advised that there were 16 permits issued, 1 certificates of occupancy, and 14 certificates of approvals with a total of \$1664.00 collected in fees for the month of October.

**2015-2018 Shared Service for Construction Services**

Council is in receipt of the 2015-2018 Shared Service for Construction Services contract with Hardyston Township with terms and payments.

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to accept the contract as offered.

Roll Call:

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

**3. LAND USE BOARD**

A meeting is scheduled for Monday, December 8<sup>th</sup> at 7:30 PM.

**4. INSURANCE**

**COUNCILMAN BURD**

**1. SOLID WASTE**

**2. SANITATION AND RECYCLING**

**3. GRANTS**

**4. BOARD OF EDUCATION**

Councilman Burd stated that the school received a Clean Energy contract, and after all is said and done with the installations of items, they will be saving approximately \$20,000.00. He also informed the Council that two teachers, Ms. Barbara Green and Ms. Kim Ivanov, will be retiring at the end of the year.

**COUNCILMAN LAW**

**1. RECREATION**

Councilman Law announced that the tree lighting will take place at 6:30 PM on December 5<sup>th</sup> ; Breakfast

with Santa will be held on December 13<sup>th</sup> from 9 AM – 11 AM at the Firehouse; the Fire Dept. Santa Run on December 20<sup>th</sup> ; and the Holiday Decorating Contest will take place from December 17<sup>th</sup> -24<sup>th</sup>. He also recognized Chris Fitzpatrick for all the clinics that he holds at the Hamburg School and the tremendous amount of work that goes into organizing and putting them on.

**2. COURT**

Councilman Law stated that everything in the Court was good.

**3. OPEN SPACE**

Councilman Law and Borough Clerk Doreen Schott filled out the Liaison section of the Open Space Report for the year and will be working with Mr. Schneider in the next few days to complete the report and then submit it for the grant

**4. NEWSLETTER**

**COUNCILMAN GARRETT**

**1. BUILDING AND GROUNDS**

**2. WATER QUALITY**

**3. BOARD OF PUBLIC WORKS**

Councilman Garrett discussed the memo from the BPW regarding an ordinance change referencing the service fee once the water / sewer bill is due for disconnection. As it stands now, a resident is charged \$50.00 for disconnection; the BPW would like to change that to \$100.00 after the first quarter offense. Should the bill remain outstanding after a second quarter, a \$200.00 service fee would be imposed. There would be a \$200.00 max on the fee. Mayor Marino also stated that it was a waste of time for personnel to go out and begin to turn off the water, only to have the resident run out and try to pay them. Most of the residents are repeat offenders that are able to pay but chose not to pay. Councilmembers have no objection. Attorney Clemack will prepare the wording and an ordinance change for January.

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

**Employee Raises**

**Salary**

Councilman Sena discussed the 2015 salary raises for the employees, stating that previously the Council has used the Road Dept. contracts and Police percentages as guidelines. Road Dept. no longer has a contract. Motion by Councilman Sena, seconded by Councilman Law to give the Borough employees a 3% raise. Councilman Law asked if this would be within the cap for the new year, if we did have a cap and Mayor Marino said it would be a “gray area”, due to the interest arbitration in the Police Dept. but for the time being, there is no legislation, so the 3% is fine.

Council discussed this to include Water Superintendent Gerald Kastner and Road Dept. Foreman Mike Schneider contacts with BPW. Councilman Krasnomowitz asked why this would affect their contract. Mayor Marino answered that they usually bring their contracts in to BPW in January so they are not part of the negotiations. He stressed that this does not mean that every year they will receive the raise but that since they have not had one in ten years, that perhaps this was the year to do so.

Motion by Councilman Sena, seconded by Councilman Law to amend to include the contracts of Water Superintendent Mr. Kastner and Assistant Water Superintendent Mr. Schneider.

**Roll Call:**

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

Absent: None

**Taxes**

Motion by Councilman Sena, seconded by Councilman Garrett to accept the Resolution for refund for Block 31, Lot 8 (C1205) in the amount of \$2507.05; Resolution for refund for Block 25, Lot 1 in the amount of \$2363.85. All in favor.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the following resolutions: Resolution to redeem third party tax sale certificate #14-067 in the amount \$2320.71; Resolution to redeem third party tax sale certificate #14-075 in the amount \$1857.31; Resolution to redeem third party tax sale certificates for Lorterdan Hamburg Dev. LLC Certificate #'s 14-004 through 14-046 (see sheet). All in favor.

**2. ROAD DEPARTMENT**

Snow plowing – Councilman Sena is not aware of any issues or any complaints. All trucks are working and the Borough has plenty of salt. Leaf pick-up is over for the year.

**3. BOARD OF HEALTH**

**2015 Shared Service - Wantage Township – Animal Control**

Councilman Sena brought up the Shared Services Agreement from Wantage Township for the Animal Control Officer and Municipal Dog Pound Facility which reflects an increase of just under 2%. The new contract for 2015 is at \$11,295.00.

Motion by Councilman Sena, seconded by Councilman Law to accept the 2015 Shared Services with Wantage Township for Animal Control and Municipal Dog Pound Facility at \$11,295.00.

Roll Call:

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

**4. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

**PUBLIC PORTION:**

Motion by Councilman Garrett, seconded by Councilman Law to open the meeting to the public. All in favor.

Jackie Espinosa- JCP&L – thanked OEM coordinator Keith Sukennikoff for inviting them to the traffic safety training seminar that was held in the firehouse. She said it was very valuable and showed great partnership in within the two entities.

Joyce Oehler – EMS Captain – said that there were 144 calls into Hardyston and they were working on the reimbursement numbers and would have them shortly.

Sheila Frayko – Board of Education Liaison- said the gym floor was done and the school kids were on it. With regards to the parking issue, Mr. Jinks asked that Mayor Marino call him to discuss it personally.

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

Mayor Marino wished everyone a Happy Holiday Season and Happy New Year.

**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. Confidential legal advice re: Advanced Housing letter dated 11/20/14**

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

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to enter into Executive Session at 8:12 PM. All in favor.

Discussion concerning Confidential legal advice re: Advanced Housing letter dated 11/20/14.

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

Attorney Clemack offered Resolution #2014-38:

RESOLVED, having requested a tax reduction in form of a PILOT, of payment in lieu of taxes as set forth in a certain letter dated November 20, 2014 from Michael B. Kates to Richard J. Clemack, and;

RESOLVED, the Mayor and Council having considered the request.

NOW, THEREFORE, BE IT RESOLVED to deny the request of Advanced Housing of any reduction in taxes.

**DISCUSSION**

Councilman Law asked if we defend ourselves and lose, if we could put our fees against their taxes.

Attorney Clemack responded that he would check into the legalities of that situation.

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

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

1. NJLM Notice of proposed membership dues (10/7/14)
2. Resolution from Hampton Township regarding maintenance of municipal roads (10/7/14)
3. Notice of foreclosure Block 29, Lot 20 (10/7/14)
4. From Dept. of Treasury – 2014 Director’s table of equalized valuations (10/7/14)
5. SCMUA Proposed 2015 rates (10/8/14)
6. Action to foreclose Block 17, Lot 18 (c2016) (10/14/14)
7. Statewide Insurance Fund Policy Notice – no action required. (10/7/14)
8. Copy of Sussex County Agriculture Development Board Minutes (10/17/14)
9. 2014 Abstract of Ratable (10/17/14)
10. From the State of NJ – January is Radon Month (10/24/14)
11. From State of NJ – 2015 Local Gov’t Grants – Historic Preservation Office (10/24/14)
12. Sussex County Planning Board Minutes for September 2014 (10/24/14)
13. Sussex County Planning Board Minutes for July 2014 (10/24/14)
14. From State of NJ - No further action Block 17, Lot 7 removal of oil tank

15. Local Finance Notice 2014-18 (10/24/14)
16. From DCA – Recommended fire station precautions during elections (10/24/14)
17. Notice of Sheriff's sale on 57 FR Way (10/24/14)

**ADJOURNMENT**

Motion by Councilman Law, seconded by Councilman Barr to adjourn the meeting at 8:20 PM. All in favor.

Date Accepted 1-5-15

Date Released 1-5-15



Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett