

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON MARCH 2, 2015 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	Councilman Law
Councilman Krasnomowitz	Councilman Garrett
Councilman Burd	Mayor Marino

Absent: Councilman Sena

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 9, 2015 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".

**February 4, 2015, (Rescheduled) Regular Meeting Minutes**

Motion by Councilman Garrett, seconded by Councilman Law to approve the February 4, 2015 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Krasnomowitz abstained.

**February 4, 2014 (Rescheduled) Executive Meeting Minutes**

Motion by Councilman Law, seconded by Councilman Garrett to approve the February 4, 2015 Executive Meeting Minutes of the Mayor and Council.

Roll Call:

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

**APPROVAL OF BILLS:**

Motion by Councilman Garrett, seconded by Councilman Law to add to the bill list a bill in the amount of \$392.28 for JCP&L for the electric for the Fireman's Pavilion, stating that this also covered the use of electric for truck plug-ins and lights for BPW. All in favor.

Councilman Barr asked if we also needed lights for the shed and was answered yes. Councilman Garrett said that in the spring we needed to run permanent lighting.

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

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

Roll Call:

Ayes: Barr, Burd, Garrett, Krasnomowitz, Law

Nays: None  
Abstain: None  
Absent: Sena

**ORDINANCES:**

**Ordinance # 01-2015 – 2<sup>nd</sup> Reading**

**AN ORDINANCE AMENDING CHAPTER 209-WATER – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY INCREASING SERVICE CHARGES FOR DELINQUENT WATER BILLS**

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

**AN ORDINANCE AMENDING CHAPTER 209-WATER – OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY INCREASING SERVICE CHARGES FOR DELINQUENT WATER BILLS**

Motion by Councilman Barr, seconded by Councilman Garrett 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 January 5, 2015 then scheduled for second reading on February 2, 2015 which meeting was cancelled due to inclement weather and was rescheduled for final passage on March 2, 2015.

**PUBLIC HEARING**

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

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

**Roll Call:**

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

**Ordinance #02-2015 – 2<sup>nd</sup> Reading**

**CALENDAR YEAR 2015 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40a:4-45.14)**

Motion by Councilman Garrett, seconded by Councilman Law for Attorney Clemack to read the ordinance by title for second reading and publication. All in favor.

**CALENDAR YEAR 2015 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.40a:4-45.14)**

Motion by Councilman Barr, seconded by Councilman Garrett 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 rescheduled February 4, 2015 meeting and published as provided by law.

**PUBLIC HEARING**

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

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

**Roll Call:**

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

**Ordinance #03-2015 – 1<sup>st</sup> Reading**

**AN ORDINANCE ESTABLISHING CHAPTER 156 ENTITLED "MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES DURING FORECLOSURE" OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO PROVIDE FOR THE MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES DURING FORECLOSURE PURSUANT TO THE AUTHORITY OF P.L. 2014, CHAPTER 35.**

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

AN ORDINANCE ESTABLISHING CHAPTER 156 ENTITLED" MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES DURING FORECLOSURE" OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO PROVIDE FOR THE MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES DURING FORECLOSURE PURSUANT TO THE AUTHORITY OF P.L. 2014, CHAPTER 35.

Mayor Marino stated that this will include out of state owners also, so that property owners will have to be responsible for property maintenance, no matter what.

Motion by Councilman Law, seconded by Councilman Garrett to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for April 6, 2015.

Councilman Law asked if we will stick with these fines once in place. Councilman Barr replied that we will stick with them and also bill the property owner. Attorney Clemack added that if left unpaid, that it could go to lien on the property.

Roll Call:

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

\*\*\*Councilman Sena arrived at 7:42 PM.

**RESOLUTIONS**

**# 2015-05 – No Passing Zone – Route 23**

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

Councilman Law said that there is already a double yellow line along the entire highway, meaning no passing, and this would reaffirm the fact that vehicles cannot pass on the right.

All in favor.

**#2015-06 – Appointment of Police Director**

Mayor Marino announced that Police Director Wayne Yahm is up for reappointment. He stated that Mr. Yahm has done a great job as Director of the Police Department, and the department is running well, with the moral good and now up to eight officers. Mayor Marino is recommending that Mr. Yahm be reappointed for the upcoming year.

Motion by Councilman Barr, seconded by Councilman Law to reappoint Wayne Yahm as Police Director for the 2015 year.

Roll Call:

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

**#2015-07 – Emergency Temporary Appropriation**

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

Mayor Marino added that Council is working on the budget, and are looking to adopt it by the May meeting.

**ATTORNEY HOUR:**

None

**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.
- 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.

**No Executive Session**

**ENGINEERING:**

None

**MAYOR'S AGENDA:**

**Resident Letter**

Mayor Marino stated that he received a letter from a resident on Mulberry Street, expressing thanks to the Road Dept. for a good job of snow plowing this winter and for quick action when he had a problem with a broken water pipe.

Mayor Marino also received a letter of thanks from 3<sup>rd</sup> place winners of the holiday decorating contest, Helene and Ed Jarecki.

Mayor Marino commented on the water main break on Rt. 94 by Mt. View Street, saying the all departments involved were very quick to respond to the break and worked hard and diligently to repair it. It was costly and time-consuming due to where it was located and how deep the pipes were that were broken, but now that it is repaired, it is better as now shut-off valves are in place where there were none, and it was repaired to the benefit of the town. Again, Mayor Marino thanked all entities that were involved.

Mayor Marino also mentioned that the Highlands Council attended the Board of Public Works meeting on February 11<sup>th</sup> and gave a brief presentation regarding planning and open space and how it will affect our water allocation, which there will not be a penalization on our part for having the allocation in reserve. Our Water Superintendent and Engineer are keeping a close eye on it.

Mayor Marino also said that at the March 16<sup>th</sup> Council Meeting, the budget will be worked on and all department heads are welcome. It will be adjusted on April 6<sup>th</sup> if needed and hopefully adopted at the May 4<sup>th</sup> meeting.

**COMMITTEE REPORTS**

**COUNCILMAN BARR**

**1. POLICE COMMISSIONER**

Monthly Report for February 2015

The February 2015 monthly report for the Police Department showed 465 calls of service, including 4 arrests, 17 motor vehicle accidents, and 79 motor vehicle summonses issued (ETickets – 76, hard copies – 3).

**2. HISTORIC COMMISSION / HISTORIC SOCIETY**

Councilman Barr said the Commission had their re-organization meeting with Tom Watts remaining as Chairman and Randy Cunningham as Vice-Chair. Over the next few years the commission will be doing a historic survey of 50 plus year old homes that may qualify as historic homes.

**3. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

**COUNCILMAN KRASNOMOWITZ:**

**1. OFFICE ADMINISTRATION**

**2. CONSTRUCTION DEPARTMENT**

Construction Report for the month of January 2015

The report showed there were 7 permits issued, 1 certificates of occupancy, and 7 certificates of approvals with a total of \$2001.00 collected in fees for the month of January.

**3. LAND USE BOARD**

Councilman Krasnomowitz relayed that the Land Use Board had their re-organization meeting with Bob Adams staying as Chairman and Tom Watts remaining as Vice-Chair. He also informed the Council and public that meetings are now held at 7 PM and no longer at 7:30 PM.

**4. INSURANCE**

**COUNCILMAN BURD**

**1. SOLID WASTE**

**2. SANITATION AND RECYCLING**

**3. GRANTS**

Grant information from Statewide Ins.

**4. BOARD OF EDUCATION**

The school received the grant for their lighting upgrade and is being worked on. The PARC testing is coming up and the school needs 95% participation and so far there has not been any feedback from parents. The State can pull funding should participation be a certain percentage.

**COUNCILMAN LAW**

**1. COURT**

**2. FIRE COMMISSIONER AND OEM**

The Fire Dept. submitted an application to hold their Charitable Solicitation on Routes 94 and 23, May 15, 16 & 17<sup>th</sup> and August 14, 15 & 16, 2015 Hours: May 15 and August 14<sup>th</sup> – 1600 – 2000 May 16,17<sup>th</sup>, August 15, 16<sup>th</sup> 0800-1700.

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

**2014 Year End Report – Fire Official – Fire Prevention Bureau**

Councilman Law received the 2014 Year End Report from Mr. Bill Walsh, our Fire Official, and stated that

everything looked very good.

**Fire and EMS Monthly Report - February**

Fire calls: 12 total; 94 hours: 5 MVA; 2 alarm; 2 smell gas/ smoke; 3 assist EMS.

EMS calls total 54: 8 trauma; 25 medical; 4 MVA; 2 mental health; 5 fire; 1 alarm; 3 stand-by; 1 community service; 5 cancelled en-route; Mutual Aid – into Hardyston – 25; into Franklin – 1.

**Water main break**

Councilman Law also reiterated that OEM did a terrific job on the water main break on Rt. 94. There was excellent communication with all departments – our Road Dept., DOT, the County, Police, Fire, etc. and all avenues worked well and quickly to resolve the situation. He would like a letter sent to Mark Vogel of the Sherriff's Dept. thanking them. He also said the sign in front of the municipal building was invaluable with the information that it provided to the residents. Also, the Police Dept. was keeping everyone updated with information.

- 3. OPEN SPACE
- 4. NEWSLETTER

**COUNCILMAN GARRETT**

**1. BUILDING AND GROUNDS**

Council is in receipt of the Reiner Heating & Air Conditioning Contract for 2015 - \$1,400.00.

Motion by Councilman Garrett, seconded by Councilman Law to accept the contract in the amount of \$1400.00 for service from 3/1/2015 – 3/1/2016. All in favor.

**2. WATER QUALITY**

Mayor Marino gave the brief recap of presentation presented to the BPW- Water Conservation & Management in the Highlands as Councilman Garrett missed the presentation due to an EMS call.

**3. BOARD OF PUBLIC WORKS**

The Board was notified by Road Dept. Foreman Mike Schneider that it would be difficult to read meters due to all the snow so this quarter, water / sewer bills will be estimated. Shut-offs for non-payment of water / sewer bills will also be scheduled after March 15<sup>th</sup> as per the ordinance.

Councilman Garrett said that PM Construction did a terrific job on the water main break and had to be called in as there was 12 inches of concrete under the asphalt and the pipe was 20 inches under the roadway. The Borough does not have equipment to handle that depth. The water quality for residents was never in jeopardy and was tested throughout the incident. The cost for the break -\$27,759.00 came out of the water department fund.

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

The Tax Collector's Report for January 2015 showed a total of \$370,318.96 being collected. Motion by Councilman Sena, seconded by Councilman Garrett to redeem third party tax sale certificates in the amounts specified: #14-064 -\$2397.78 (4 Village Drive); the following belonging to Silver Fox-#12-012 - \$147,589.96; #12-013 -\$13,282.33; #12-015 -\$17,350.75; #12-016 -\$22,579.30; #12-017 -\$20,526.69; #12-012 -\$21,439.05; #12-023 -\$12,568.30; #12-024 - \$19,993.31; #12-026 -\$18,593.63; #12-027 -\$18,901.25; #12-028 -\$19,451.08; #12-030 - \$20,486.52.

Roll Call:

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

Absent: None

**2. ROAD DEPARTMENT**

Councilman Sena said that salt was on hold from the State. Mike Schneider just received 1-2 truckloads – 25-50 tons of salt- of which he will have enough for the next two storms. Councilman Sena also said that all personnel are working and all equipment is working properly.

**3. BOARD OF HEALTH**

**Animal Licensing Update – Summons to be issued**

There are 130 animal licenses outstanding (dog and cat) and summons will be issued shortly with an April 14<sup>th</sup> Court date. The Borough will be scheduling a December 10<sup>th</sup> free rabies clinic.

**4. RECREATION**

A Recreation meeting was held on February 17<sup>th</sup>. Members decided to hold the Miss Hamburg contests on June 14<sup>th</sup> pending availability of the Hamburg School that day and also submitted a blanket order for \$950.00 for the contests, working off money that is already in their budget. They were inquiring about the procedure of Senior Citizen of the Year, with Mayor Marino saying that anyone can recommend a person with Council deciding the final outcome. Councilman Sena mentioned that the Summer Rec program may be cancelled this year but the board will be deciding more on that. He also said the clinics were very successful and that Chris Fitzpatrick does an amazing job with them.

**PUBLIC PORTION:**

Motion by Councilman Garrett, 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.

Water Superintendent Jerry Kastner – informed the Council that he replaced the pipes with duct pipe under the culvert so that it more flexible. He also put in an isolation valve to turn off the water should something like this happen again. Hamburg lost approximately 250,000 gallons of water throughout the event. He stressed that this was a good reason why BPW decided not to sell water. We would have been over our daily allocation with the State. Mr. Kastner also said that everyone did a terrific job but Mr. Schneider gave 110% on the job.

Jackie Espinosa - JCP&L- informed the Council that on May 3<sup>rd</sup> from 12 noon – 4 PM at SCCC, Sussex County Day will be held and invited the town to have a booth there. Councilman Law thanked her on behalf of OEM for doing such a great job with the trees.

Bill Oehler – Fire Chief –said that his assistant was updating him about the water break while he was at work, and he said that it seemed as if it went smoothly for as bad as it was. If there were to be a fire, they had a plan in action. There were several people working on all avenues to have everything covered.

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

Councilman Sena brought up a safety issue of clearing sidewalks of snow and there are residents that are not doing it, which need to be reported. Councilman Sena was concerned about kids walking on the highway to get to school and the sidewalks not being shoveled. This is a property maintenance issue and will be forwarded to the proper department.

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

1. Notice of action to foreclose 39 Winding Brook Road Unit #39 (2/10/15)
2. Mayors Advisory (2/10/15)

3. Notice of action to foreclose Block 24 Lot 1 (c1004) (2/10/15)
4. Mayors Advisory – 23<sup>rd</sup> Annual Mayors Legislative Day Recap ( 2/10/15)
5. Notice of action to foreclose Block 21, Lot 56 (2/10/15)
6. Notice from NJ Courts of pending annual Judiciary’s visit to our court (2/10/15)
7. Correspondence from North Jersey Industrial Safety Committee Dinner (2/10/15)
8. From Vernon copy of Ordinance to amend Land Development Ordinance (2/10/15)
9. From Vernon resolution requesting the restoration of funding to state parks (
10. From Kivitz Mckeever Lee, PC notice of contact for property Block 25, Lot 19 (c0706) (2/17/15)
11. Notice of action to foreclose Block 17, Lot 18 (c1425) (2/17/15)
12. Notice of action to foreclose Block 17, Lot 18 (c1807) (2/17/15)
13. Notice of action to foreclose Block 30, Lot 10.08 (2/17/15)
14. From Bank of America notice of contact for property 17 Meadow Lakes Drive (2/17/15)
15. Sussex County Open Space Minutes for June 2014 (2/17/15)
16. Resolution from Andover Township regarding Newton Sparta Road in Andover Township Corridor (2/24/15)
17. Notice of Multi Permit Application for JCP & L (2/24/2015)
18. From County of Sussex, resolution restoration of funding to state parks (2/24/2015)
19. Tax Court of NJ, Civil Action Taxpayer Complaint Plaza 23, LLC (2/24/15)
20. From Catholic Charities of Paterson – March – Meals on Wheels (2/24/2015)
21. Sussex County Solid Waste Advisory Minutes for September 2014 (2/24/15)

**ADJOURNMENT**

Motion by Councilman Barr, seconded by Councilman Law to adjourn the meeting at 8:37 PM. All in favor.

Date Approved: 2-6-15

Date Released: 2-6-15

  
Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett