

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HAMBURG HELD ON MAY 4, 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 Sena	Mayor Marino
Absent:	Councilman Burd	
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".

**April 6, 2015 Regular Meeting Minutes**

Motion by Councilman Garrett, seconded by Councilman Law to approve the April 6, 2015 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

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

**April 6, 2015 Executive Meeting Minutes**

Motion by Councilman Law, seconded by Councilman Barr to approve the April 6, 2015 Executive Meeting Minutes of the Mayor and Council.

Roll Call:

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

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilman Law, 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 Garrett, seconded by Councilman Law to close to the public. All in favor.

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

Roll Call:

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

**ADOPTION OF BUDGET:**

**The Mayor and Council will hold a public hearing on the 2014 Municipal Budget. Same was published in the NJ/Sunday Herald as required by law.**

Motion by Councilman Garrett, seconded by Councilman Law to open the meeting to Auditor Bill Schroeder and CFO Amy Maronpot. All in favor.

Mr. Schroeder stated that this year Hamburg was able to perform a self-review. Taxes were raised 2%, which based on the average home value of \$150,000.00 in Hamburg, it would come out to \$2.17 a month for the homeowner.

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

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

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adopt the budget as presented. Councilman Sena stated that 25% of the tax increase of the homeowner's tax bill is municipal; the rest is from other places.

Roll Call:

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

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

**RESOLUTIONS:**

**#2015-17 (2014 Tonnage Grant Application)**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept the resolution as presented. Councilman Law thanked Marguerite Nemeth and the town for doing such a good job with submitting the reports.

Roll Call:

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

**#2015-18 Continuation of Sussex County Open Trust Fund (addressed under CR Law)**

**ATTORNEY HOUR:**

**Grey Elephant – Minor Subdivision / Lot Line Adjustment**

Attorney Clemack spoke of Grey Elephant and the issue of a parcel of their property encroaching on Borough property. They obtained a minor site plan lot line adjustment approval from the Land Use Board and Attorney Clemack is recommending the Council accept this proposal.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to accept the Resolution as offered by Attorney Clemack:

**RESOLUTION #2015-19  
GREY ELEPHANT EASEMENT  
Block 11, Lots 27, 33, 34 and 36**

WHEREAS, Grey Elephant, LLC obtained minor site plan lot line adjustment approval from the Land Use Board; and

WHEREAS, the said Board recommended the grant of a certain easement to Grey Elephant, LLC from the Borough of Hamburg, more particularly described in Schedule A attached hereto; and

WHEREAS, the Mayor and Council of the Borough of Hamburg concurs with the Land Use Board that grant of the easement is in the public interest;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hamburg as follows:

Roll Call:

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

**Correspondence from Jefferson Township Administrator regarding OPRA –Hopkins Civil Matter**  
Attorney Clemack stated that this is correspondence stating that it is a personal matter against the assessor and not the township.

**Pointe at Winding Brook Condominium Association – Request for Dedication of Association Roads**  
Attorney Clemack and Mayor Marino both stated that this is a private association. The town does do ingress and egress plowing. This regulation would set a precedence. Attorney Clemack will respond. They are able to apply for Title 39 for Police access as the other condo associations.

**Memo from Land Use Board and correspondence from Planner regarding COAH**  
Attorney Clemack said that the Borough had never established a trust fund account. The Borough’s affordable housing strategy, instead of requiring trust fund contributions, involved encouraging projects that meet COAH requirements. There is a July 8<sup>th</sup> deadline. Attorney for Land Use Glenn Kienz will file on behalf of the Borough.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the memo from the Land Use Board regarding the trust fund account.

Roll Call:

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

**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. **Shawn Hopkins vs Borough of Hamburg**
- 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.

**Attorney advises no need for Executive Session.**

**ENGINEERING:**

**MAYOR'S AGENDA:**

**Mayor Marino gives update on Mayor Conference**

Mayor Marino said that the conference encouraged staying within the 2% cap, also with contracts.

Mayor Marino discussed membership on EMS, stating that there are two members that still do not have their physicals. He said that if their physicals are not done by the next Council meeting in June, then he believes their applications should be rescinded. Council is in agreement. The EMS commissioner will be in charge of handling the situation.

ECivics Grant – Mayor Marino stated that the department needs to do the work and meet with the committee regarding grants for their equipment. Councilman Law said the Fire Dept. has started on the grant.

There will be a Police Committee meeting with Councilman Barr and Director Yahm.

Mayor Marino was informed by Councilman Sena that he will be giving an update on the playground.

Mayor Marino raised some questions about a Board of Health matter but this will be discussed under Committee Reports with Councilman Sena.

**COMMITTEE REPORTS**

**COUNCILMAN BARR**

**1. 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 April 2015

The April 2015 monthly report for the Police Department showed 489 calls of service, including 1 arrest, 10 motor vehicle accidents, and 74 motor vehicle summonses issued (ETickets – 74, hard copies – 0).

Director Yahm informed the Council that the DARE program will no longer be in existence and unfortunately none of the officers are trained with the upcoming program. He will follow up with the information on the new program and training.

With regards to the radios for the cars, they have already been received and Director Yahm has just received the check for \$11,000.00 plus.

Councilman Garrett asked Director Yahm what was the shelf life of Narcan and he replied 2 years. He also stated that he had a fully stocked supply. The drug itself cost \$40.00 and \$10.00 for the misc. items.

Councilman Sena asked how the bear activity has been, with the reply of not too bad, with all officers being trained in it. All complaints are to go through the Police Dept., and only to notify the State if and only if it is a problem bear.

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

**2. HISTORIC COMMISSION / HISTORIC SOCIETY**

**3. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

**COUNCILMAN KRASNOMOWITZ:**

**1. OFFICE ADMINISTRATION**

**2. CONSTRUCTION DEPARTMENT**

Construction Report for the month of March 2015

The report showed there were 17 permits issued, 0 certificates of occupancy, and 15 certificates of approvals with a total of \$3409.00 collected in fees for the month of March.

**3. LAND USE BOARD**

At the April meeting, the Land Use Board approved the Lube and Oil at the Mobil Station pending the approval of the turning lane from the State DOT.

There will not be a meeting in May.

**4. INSURANCE**

**COUNCILMAN BURD**

*No report due to absence*

- 1. **SOLID WASTE**
- 2. **SANITATION AND RECYCLING**
- 3. **GRANTS**
- 4. **BOARD OF EDUCATION**

**COUNCILMAN LAW**

**1. COURT**

Councilman Law said the credit card machine will be installed in the court building tomorrow, May 5<sup>th</sup> and training will also be held.

**2. FIRE COMMISSIONER AND OEM**

**EMS monthly report for April:**

EMS calls total 54: 15 trauma; 20 medical; 2 MVA; 6 mental health; 5 fire; 1 stand-by; 5 community service; Mutual Aid – into Hardyston – 20; into Franklin – 3; into Vernon – 1. Total calls for the year- 640.

Councilman Law informed the Council that at the Fire Dept. monthly meeting, the EMS captain stated the EMS Dept. will not carry Narcan. When Councilman Garrett was asked by the Mayor how he felt about that statement as an EMT, Councilman Garrett replied that he thought EMS should be trained in it, that if they could save a life by using it, then they should know how to use it. He added that the Police are normally the first on the scene, but believes EMS should be trained also.

Motion by Councilman Barr, seconded by Councilman Law to open the meeting to Director Yahm. Director Yahm stated that no matter who from the Borough is trained with the Narcan, they would be working under the Borough's liability, and would be held harmless. There would be no liability on the individual person.

Councilman Barr stated that every ambulance should have it. He also asked if the captain had the authority to speak for all members.

Mayor Marino said there was no real argument to not do it.

Councilmembers Law and Garrett will handle this discussion at the Fire Department meeting.

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

**Application for Raffle #558 – Wallkill Rotary Club at Hamburg Pavilion August 29, 2015.**

Councilman Law presented an application for a raffle license for the Wallkill Rotary Club to be held at the Hamburg Fireman's Pavilion on August 29, 2015. Paperwork is in order.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the application as presented. All in favor.

**3. OPEN SPACE**

**Resolution # 2015 – 18 0- Continuation of the Open Space Trust Fund**

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the resolution as offered. Councilman Law added that this is needed to show the Board of Chosen Freeholders that we support the preservation of Sussex County Farmland, Recreation and Open Space. All in favor.

**4. NEWSLETTER**

**COUNCILMAN GARRETT**

**1. BUILDING AND GROUNDS**

Councilman Garrett relayed to the Council that when paving was done around town, they were going to have them to pave out front of the firehouse. Mayor Marino requested that John Ruschke attend next month to discuss.

**2. WATER QUALITY**

**3. BOARD OF PUBLIC WORKS**

When the road on Rt. 94 had to be dug up and repaired after the water main break on Rt. 94, further repairs to the highway had to be done as the road had settled. This repair costs about \$5000.00 and Hamburg will need to maintain the road for 5 years.

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

The Tax Collector’s report for March 2015 totaled \$248,278.57.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the resolution to redeem third party tax sale certificate #13-008 in the amount of \$40,934.25.

Roll Call:

Ayes: Barr, Garrett, Krasnomowitz, Law, Sena

Nays: None

Abstain: None

Absent: Burd

**2. ROAD DEPARTMENT**

Road Dept. Foreman Mike Schneider has tried several times to get a date for the street sweeping from Hardyston but he has not heard back from them to date.

**3. BOARD OF HEALTH**

Councilman Sena said that the food inspections are now on the internet so one is able to look a restaurant a see their inspection on line.

**4. RECREATION**

Recreation was busy finishing up with the clinics; all that is left is tennis. Councilman Sena thanked Chris Fitzpatrick for all the hard work that he put into making the clinics the success they were. Rec will be sponsoring a trip to the Sussex County Miners Baseball game at Skylands on July 18<sup>th</sup> with tickets for \$8.00 and fireworks also that night. Functions coming up are Summer Rec, Miss Hamburg Contests, Hamburg Day, and possibly a bowling night.

Councilman Sena discussed the playground at the recreation fields, saying he has been in contact with the committee and should be meeting this week and hopefully next month will have a good report.

**PUBLIC PORTION**

Motion by Councilman Garrett, 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.

Paula Marino – Recreation Commission - Ms. Marino stated that the SC Board of Health came out with a new packet and regulations that could affect Hamburg Day and the vendors that apply. Mike Schneider added that you would have to have a ServeSafe License to handle the food products. Paula Marino would talk to Rec members about the application fees to offset this fee.

Jackie Espinosa – JCP&L – spoke of the proposed project of transmission lines from Montville to East Hanover and a substation in Montville to enhance customer reliability and meet the growing demand for electricity. She will keep us updated on the project.

Councilman Garrett also mentioned to Ms. Espinosa that her help may be needed with power lines at the park.

Sheila Frayko – Board of Ed liaison – mentioned that their budget passed also, with the raise of \$27.00 per \$100,000.00 assessed home value. Also, graduation for the school will be held on June 24<sup>th</sup> at 7 PM.

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

Councilman Law asked about the trees overhanging in the Penny Rock section, specifically on Holly Drive. Motion by Councilman Garrett, seconded by Councilman Sena to open the meeting to Mike Schneider. All in favor.

Road Department Foreman Mike Schneider said that the mirrors and lights on the Hardyston trucks are hit by the trees. The trees were planted too close to the roads. Councilman Krasnomowitz would like to see some trimming done in the area.

Motion by Councilman Garrett, seconded by Councilman Sena to close to Mike Schneider. All in favor.

Councilman Garrett questioned that we are just now paying the 2014 Road Sweeping invoice, and was answered that it was only now submitted.

Councilman Law added that there was an OEM meeting with the County and the Mitigation report was handed in. Doreen Schott, Amy Maronpot, Keith Sukennikoff and himself attended.

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

1. Notice of action of foreclosure Block 25, Lot 19 (4/7/2015)
2. From Sussex County notice of National Public Health Week 2015 (4/7/2015)
3. Notice of action of foreclosure Block 32, Lot 1 (4/10/2015)
4. Notice of action of foreclosure Block 18 Oak Point Drive (4/10/2015)
5. Copy of Open Space Minutes February 2015 (4/10/2015)
6. DEP News Release –Swimming Island Beach State Park (4/14/2015)
7. Township of Hampton Resolution Opposing Delaware Water Gap National Recreation Area “Vision 2030) (5/24/2015)
8. Correspondence NJ Bankers (4/24/2015)
9. Resolution Green Township – opposing to proposed amendment to SC Solid Waste Management Plan (4/24/2015)
10. Sussex County Planning Board Minutes March 2, 2015 (4/24/2015)
11. 2015-2016 Tax Levies for Regional School Districts (4/24/2015)
12. Notice of action of foreclosure Block 21, Lot 38.08 (4/28/2015)
13. From the County Board of Taxation resolution establishing percentage of 100% as the ration of

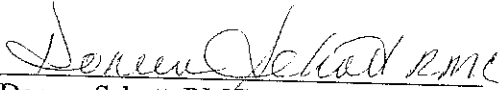
- assessed value. (4/28/2015)
- 14. Frankford resolution opposing the Delaware Water Gap Vision 2030. (4/28/2015)
- 15. From NJBA correspondence regarding NJ Supreme Court decision on Mount Laurel Matters (4/28/2015)
- 16. NJLM Legislative Bulletin (4/28/015)
- 17. NJ Transit Public Hearing Notice (4/28/2015)
- 18. Correspondence from DARE (5/1/2015)
- 19. Correspondence from Cavalier Engineering to SCMUA (5/1/2015)

**ADJOURNMENT**

Motion by Councilman Barr, seconded by Councilman Law to adjourn the meeting at 8:40 PM. All in favor.

Date Approved: 6-1-15

Date Released: 6-1-15



Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett