

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JULY 6, 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         | 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 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".

**June 1, 2015 Regular Meeting Minutes**

Motion by Councilman Garrett, seconded by Councilman Law to approve the June 1, 2015 Regular Meeting Minutes of the Mayor and Council. All in favor.

**June 15, 2015 Meeting Minutes**

Motion by Councilman Garrett, seconded by Councilman Burd to approve the June 15, 2015 Executive Meeting Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

Councilman Garrett presented two bills for addition: \$6500.00 for Well #3 and \$5950.00 for the Booster Station, both payable to Hayenhjelm Electric.

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

Motion by Councilman Law, seconded by Councilman Krasnomowitz to open to the public with regards to the bill list only. All in favor.

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

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

Roll Call:

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

Nays: None

Abstain: None

Absent: None

**RESOLUTIONS:**

**2015- 28 – Authorizing Award of Contract for Collection of Court Fees (discussion under Law)**

Councilman Law discusses the resolution with the Council, stating that this will allow the town the

opportunity to collect money. Councilman Barr asked how long this money has been outstanding and the reply was anywhere from 10-20 years. The collection company is AOC approved, charges 22% but this goes directly to the person. There is no charge to the Borough if no recovery of the fee is made. Attorney Clemack asked if County and State fines are included in this and the answer was yes. A list will be generated also. Some of the money will never be collected as the people may be deceased or never found. After further discussion,

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution #2015- 28 – Authorizing Award of Contract for Collection of Court Fees. All in favor.

**2015-29 – Chapter 159 DOT Grant**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept 2015-29 – Chapter 159 DOT Grant in the amount of \$120,000.00. All in favor.

**2015-30 – Chapter 159 EMS Donation**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept 2015-30 – Chapter 159 EMS Donation in the amount of \$500.00, which came from services from attending football games. All in favor.

**ORDINANCES:**

**Ordinance #04-2015 - 1<sup>st</sup> Reading**

**Ordinance fixing the salaries of certain officials, officers and employees of the Borough of Hamburg, County of Sussex, State of New Jersey**

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

Ordinance fixing the salaries of certain officials, officers and employees of the Borough of Hamburg, County of Sussex, State of New Jersey

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for August 3, 2015.

Roll Call:

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

**ORDINANCE #05-2015- 1<sup>ST</sup> Reading**

**Capital Ordinance providing for paving and improvements to Prospect Avenue, Fern Avenue, Glenside Avenue, Woodland Avenue, King Cole Road and various other roads as needed in the Borough by the Borough of Hamburg, in the County of Sussex, New Jersey, appropriating \$150,000 therefor from the Capital Improvement Fund of the Borough and \$120,000 from the DOT Grant for a total appropriation of \$270,000, to pay for the cost thereof.**

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz for Attorney Clemack to read the Ordinance by title for first reading and publication. All in favor. Capital Ordinance providing for paving and improvements to Prospect Avenue, Fern Avenue, Glenside Avenue, Woodland Avenue, King Cole Road and various other roads as needed in the Borough by the Borough of Hamburg, in the County of Sussex, New Jersey, appropriating \$150,000 therefor from the Capital Improvement Fund of the Borough and \$120,000 from the DOT Grant for a total appropriation of \$270,000, to pay for the cost thereof.

Motion by Councilman Burd, seconded by Councilman Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for August 3, 2015.

Borough engineer John Ruschke stated that 80% of funds are requested of the DOT, so that more funds are actually necessary for completion of the work on the above roads. Mr. Ruschke discusses doing pretreatment and preventative maintenance on the roads, wanting to do crack sealing, so that a lot of overlay work is not necessary. He is also recommending renting a crack sealing machine to do the work as opposed to purchasing one. For Jennings Road, Mr. Ruschke is recommending doing a total re-sealing, doing this in late August or September. Micro-paving, which covers the entire roadway surface, would be done after the crack sealing, and that covers all the small cracks in the roadway, thereby prolonging the life of the road. Catch basins have to be fixed for the micro-paving. Mr. Ruschke is also recommending setting aside a small amount of funds for unforeseen issues.

All in favor.

**ATTORNEY HOUR:**

**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. **Grey Elephant v. Hamburg Borough**
- 2. **Hopkins v Hamburg Borough**
- 3. **Historic Hamburg LLC v Hamburg Borough**

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 Law to accept the resolution as offered.

All in favor.

**ENGINEERING:**

**MAYOR'S AGENDA:**

Mayor Marino said he received a letter from Mr. O'Connor from the Penny Rock section, stating that the chicken issue there has not been taken care of and would like some action taken now. Mayor Marino spoke to Mr. O'Conner and was advised a summons was issued and a time factor is involved. He also mentioned the situation at AirGas. Councilman Krasnomowitz added that he spoke to the Zoning official and was advised that summons have been issued and a court date set.

**LIQUOR LICENSE RENEWAL 2015-2016**

The following Liquor Licenses have received tax clearance, have paid all fees and the police department has no issue with renewals:

**Restaurant Kaya LLC t/a Craving Thai LLC - #1909-33-003-010**

Motion by Councilman Garrett, seconded by Councilman Burd to renew the Liquor License for Restaurant Kaya LLC t/a Craving Thai LLC - #1909-33-003-010.

Roll Call:

Ayes: Barr, Burd, Garrett, Law, Sena

Nays: None

Abstain: Abstain

Absent: None

**SJR Co. LLC – t/a DOC's – #1909-33-004-005**

Motion by Councilman Garrett, seconded by Councilman Law to renew the Liquor License for SJR Co. LLC

- t/a DOC's - #1909-33-004-005.

Roll Call:

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

**Hamburg Krishna, LLC - Hamburg Liquors - #1909-44-002-006**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to renew the Liquor License for Hamburg Krishna, LLC - Hamburg Liquors - #1909-44-002-006. All in favor.

**Marketplace Liquors LLC - #1909-33-005-006**

Motion by Councilman Sena, seconded by Councilman Law to renew the Liquor License for Marketplace Liquors LLC - #1909-33-005-006. All in favor.

**COMMITTEE REPORTS**

**COUNCILMAN BARR**

**1. POLICE COMMISSIONER**

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

**Monthly Report for June 2015**

The June 2015 monthly report for the Police Department showed 408 calls of service, including 5 arrests, 15 motor vehicle accidents, and 28 motor vehicle summonses issued (ETickets - 28, hard copies - 0).

Director Yahm informed the Council the current Alco test machine that is used is out of date and a new machine will cost approximately \$10-20,000.00. Mr. Yahm went on to say that departments would share equipment because of the cost but now it is State mandated to have one in each department.

LEAD training - Program should be ready for 5<sup>th</sup> and 7<sup>th</sup> grades to begin in the fall. Officers Tangorra and Barza are going for the certification.

Municipal Camera's - Director Yahm said he is waiting for proposals from three groups but believes it will be around \$30,000.00. Councilman Garrett asked why the court was not included when it was in the original report. Mr. Yahm was not sure of where cameras could be located, etc. and will check into this further.

Director Yahm discussed reports from Court going to Officer Gunderman the morning after a court date and the way to handle so they officers can take care of outstanding matters.

**Law Soft Report - Police**

Councilman Barr informed the Council that this will be held for review until the August meeting. Director Yahm stated that he tried to get more than one proposal but was unsuccessful for this meeting. Attorney Clemack stated that for the record there are just not that many companies to solicit and an effort was made. Councilman Barr stated that since Law Soft already handled our Police Dept., they were asked to look at the municipal building.

**Firearms Discharge - Sample Ordinances**

Director Yahm discussed an incident that turned out to be target shooting in the backyard, but there is nothing in our ordinances regarding firearms discharge. He submitted three sample ordinances for Council to review. Councilman Garrett commented that there was nothing from Sussex County included. After a brief discussion, Attorney Clemack will prepare an ordinance for consideration.

Councilman Garrett asked the Director about the 86.5 hours of overtime for the officers. He replied that this included vacation, training, an officer is out, a wedding was involved, and coverage. Hopefully next month

things will settle down a bit Mr. Yahm added.

**2. HISTORIC COMMISSION / HISTORIC SOCIETY**

Councilman Barr said there were only two people left on the Historic Society – himself and Marian Woods.

**3. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

**COUNCILMAN KRASNOMOWITZ:**

**1. OFFICE ADMINISTRATION**

Law Soft Report – Administration

Councilman Krasnomowitz discusses the report received from Law Soft Inc. and the recommendations from the company as listed on page 2 of the report which total \$9030.00 for their services to get the Borough office computers running securely and also includes a server. Councilman Krasnomowitz described some of the issues the offices were having with the computers. He spoke to Finance and the money can come out of the Capital Improvement Fund. To clean up the Police Dept., the total cost would be \$3415.00.

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to utilize Law Soft Inc. for the computers at Borough Hall and the Police Dept. and authorize the amount of \$12,445.00.

All in favor.

**2. CONSTRUCTION DEPARTMENT**

**Construction Report for the month of May 2015**

The report showed there were 22 permits issued, 0 certificates of occupancy, and 19 certificates of approvals with a total of \$3762.00 collected in fees for the month of May.

**3. LAND USE BOARD**

**4. INSURANCE**

**COUNCILMAN BURD**

**1. SOLID WASTE**

**2. SANITATION AND RECYCLING**

**3. GRANTS**

Abcode Proposal- Camera's

Councilman Burd said that he will hold off on this until the Director comes back with his quotes on the cameras for discussion.

**4. BOARD OF EDUCATION**

Councilman Burd informed the Council that the son of Superintendent Roger Jinks was in a tractor accident and in the hospital and would like to send something to the family.

**COUNCILMAN LAW**

**1. COURT**

Councilman Law said that the collection use of the card machine is working and people that are coming to court are using it to pay their fines.

**2. FIRE COMMISSIONER AND OEM**

**Fire Calls for June:**

1 fire; 6 MVA; 4 alarms; 1 stand-by; Mutual Aid – 12. Total calls for the year - 65

**EMS monthly report for June:**

EMS calls: 4 fire; 7 MVA; 0 alarm; 20 medical; 6 trauma; 4 mental health; 1 stand-by; 0 community service; 0 cancelled en-route. Mutual Aid – into Hardyston – 22; into Franklin – 1; into Vernon - 2. Total

calls for the year- 314. Total man hours for the year: 949.

- 3. **OPEN SPACE**
- 4. **NEWSLETTER**

**COUNCILMAN GARRETT**

**1. BUILDING AND GROUNDS**

**Gutter Estimates for – three quotes Glenwood Seamless Gutters, U and Above Contractors, Ferraro Seamless Gutters LLC, Alpine Roofing**

Councilman Garrett presented three quotes for gutters for 18 Wallkill Avenue and Hamburg Recreation Pavilion. Quotes were as followed:

|                                    | 18 Wallkill Ave                 | Recreation Pavilion |
|------------------------------------|---------------------------------|---------------------|
| Glenwood Seamless Gutters          | \$850.                          | \$850.              |
| Up and Above Contractor            | \$1100.                         | \$600.              |
| Ferraro Seamless Gutters –option 2 | \$445.                          | \$840.              |
| Alpine Roofing Inc.                | \$4852. Combined quote for both |                     |

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to open to Mike Schneider. All in favor.

Councilman Garrett questioned Mr. Schneider about the quote from Ferraro - there is one quote for 5' gutters and one for 6" gutters, stating the other quotes are only 5" gutters. Mr. Schneider said he got the quotes and thought they were all matching quotes. Doreen Schott clarified stating that is why she put in option #2, which would match all quotes.

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

Motion by Councilman Garrett, seconded by Councilman Law to accept the quote from Ferraro Seamless Gutters –option #2 for a combined amount of \$1285.00 for gutters on 18 Wallkill Ave and the Recreation pavilion. All in favor.

Councilman Garrett mentioned that there were switches for the booster station and for well #3 that had to be replaced immediately. Jerry Kastner brought it to BPW's attention and instead of rebuilding them, which would have cost just under \$5000.00, to spend a few extra dollars and buy them new.

- 2. **WATER QUALITY**
- 3. **BOARD OF PUBLIC WORKS**

Generator Contract – Recommendation from Board of Public Works to contract with R & J Control Inc.

Motion

Already taken care of at the June 15<sup>th</sup> meeting

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

The Tax Collector's report for May 2015 totaled \$1,764,551.08 being collected.

Motion by Councilman Sena; seconded by Councilman Law to redeem third party tax sale certificate #14-049 in the amount of \$1484.88. All in favor.

**2. ROAD DEPARTMENT**

The catch basins are finished and the department is busy cutting grass.

**3. BOARD of HEALTH**

The pizza place in Gov. Haines Plaza is opened now.

**4. RECREATION**

Councilman Sena announced the following: summer rec is going on and have 27 kids attending; Hamburg Day is August 23<sup>rd</sup>; the Miners baseball game is July 18<sup>th</sup>; and Miss Hamburg is Krysten Bifano, Little Mr. is Gabriel Perrotto-Wald, and Little Miss is Samantha Amelung.

The playground at the rec fields is coming along. The purchase order was issued on July 2<sup>nd</sup> and Finance is completing the paperwork. There will be \$12,000.00 left in the bond. Mayor Marino thanked Councilmen Sena, Barr, Garrett and all that were involved to make the playground happen.

**PUBLIC PORTION:**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz 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.

Director Yahm – Keith Sukennikoff was able to acquire for the town a “Your Speed Is” flashing sign. It will be up and running soon.

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

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

Motion by Councilman Sena, seconded by Councilman Law to enter into Executive Session at 8:58 pm. All in favor.

Discussion regarding: Grey Elephant v. Hamburg Borough, Hopkins v Hamburg Borough, Historic Hamburg LLC v Hamburg Borough.

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

Attorney Clemack offered the following: The Borough hereby authorizes a settlement in the matter of Hopkins v Hamburg Borough in the amount of \$300.00 to the Borough and authorizes the Borough Attorney to sign the appropriate documents.

Motion by Councilman Law, seconded by Councilman Barr to accept said resolution. All in favor.

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

1. Notice of foreclosure 11 Amherst Court (6/10/20-15)

2. Notice of foreclosure 85 Mulberry Street (6/10/2015)
3. Notice of foreclosure 177 Falcon Ridge Way (6/10/2015)
4. Notice of foreclosure 40 Quarry Road (6/10/2015)
5. Notice of foreclosure 32 Oak Street (6/12/2015)
6. Sussex County Solid Waste Minutes (6/12/2015)
7. Sussex County Agriculture Board Minutes (6/12/2015)
8. LUB Resolution Subdivision Approval (6/12/2015)
9. Boy Scouts of America – 2015 Liberty Jamboree (6/12/2015)
10. Sussex County preliminary adoption of the Sussex County Wastewater Mgt. Plan
11. Notice of creditor information 17 Fairview Avenue (6/17/2015)
12. Sussex County authorizing public question on November 3<sup>rd</sup> ballot (6/17/2015)
13. Correspondence from American General Life Insurance (6/17/2015)
14. Resolution from Laurel Springs supporting Assembly Bill A-4235, Transparent Tax Act (6/24/2015)
15. Correspondence between homeowner and Wells Fargo Home Mortgage (6/24/2015)
16. Notice of foreclosure 20 Heritage Lane (6/24/2015)
17. Correspondence from Kraft and Capizzi (6/24/2015)
18. State of NJ Right To Know Survey requirements (6/26/2015)
19. Sussex County Planning Board Minutes (6/26/2015)
20. NJLM 18<sup>th</sup> Annual Elected Officials Hall of Fame (6/30/2015)
21. From Sussex County Resolution authorizing public question on ballot (6/30/2015)

**ADJOURNMENT**

Motion by Councilman Barr, seconded by Councilman Law to adjourn the meeting. All in favor.

Date Approved: 8/3/15

Date Released: 8/3/15

  
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Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett