

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HAMBURG HELD ON AUGUST 3, 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".

**July 6, 2015 Regular Meeting Minutes**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to approve the July 6, 2015 Regular Meeting Minutes of the Mayor and Council.

Roll Call:

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

**July 6, 2015 Executive Meeting Minutes**

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

Roll Call:

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

**APPROVAL OF BILLS:**

Councilman Law deleted a bill to Safety Ladder Corp in the amount of \$176.94, holding payment until the second bill arrives; Councilman Sena added a bill to the State of NJ in the amount of \$200.00 for vital reports.

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to delete and add these bills. All in favor.

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 Garrett 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. All in favor.

**RESOLUTIONS:**

**2015- 31 Support establishing an US Department of Veterans Affairs Community based Outpatient Clinic in Sussex County**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to accept Resolution #2015- 31 Support establishing an US Department of Veterans Affairs Community based Outpatient Clinic in Sussex County. All in favor.

**2015 – 32 Chapter 159 EMS Freeholder Grant 2015**

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2015 – 32 Chapter 159 EMS Freeholder Grant 2015 in the amount of \$2800.00, said amount to be placed in the EMS line item. All in favor.

**2015 – 33 Chapter 159 EMS Donation 2015 – 33**

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2015 – 33- Chapter 159 EMS Donation in the amount of \$115.00.

Mayor Marino stated that this donation specifically was requested that it be used for equipment. All in favor.

**ORDINANCES:**

**Ordinance #04-2015 – 2nd<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 Krasnomowitz, seconded by Councilman Burd for Attorney Clemack to read the Ordinance by title for second 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 Krasnomowitz, 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. All in favor. This ordinance was introduced on first reading at the July 6, 2015 meeting and published as provided by law.

**PUBLIC HEARING**

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

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

Roll Call:

Ayes: Barr, Burd, Krasnomowitz, Law

Nays: None

Abstain: Garrett, Sena

Absent: None

**ORDINANCE #05-2015- 2nd 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 Barr, seconded by Councilman Garrett for Attorney Clemack to read the Ordinance

by title for second 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 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. All in favor. This ordinance was introduced on first reading at the July 6, 2015 meeting and published as provided by law.

**PUBLIC HEARING**

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

Councilman Barr inquired if this also included Jennings Road and the Mayor replied that it did.

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

Roll Call:

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

**ORDINANCE (DRAFT and Discussion)**

**AN ORDINANCE ESTABLISHING CHAPTER 152-FIREARMS – OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE DISCHARGE OF FIREARMS.**

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

Director Yahm discussed the need for this ordinance as there was a recent target practice incident within the Borough, and as the homes in the Borough are too close to each other, this becomes a safety concern. He also stated that he, Attorney Clemack, and Sergeant Gunderman reviewed the ordinance and believes it covers everything in its entirety.

Councilman Garrett questioned why a “bullet or missile smaller than 3/8’ of an inch in diameter” – why the limit was set- and does this now include bb guns. Mr. Yahm would like to not get too restrictive as then people tend to go overboard. Also questioned was “bow and arrow, asking if this included cross bow”- and after discussion decide to include as this is becoming a popular choice.

Councilman Burd questioned that it was ok to have bb guns but not sling shots and was answered yes; sling shots can do a lot of damage with a marble, etc. in it.

Motion by Councilman Garrett, seconded by Councilman Law for Attorney Clemack to read the Ordinance by title for first reading and publication, with two corrections – one typo and add crossbow. All in favor.

**AN ORDINANCE ESTABLISHING CHAPTER 152-FIREARMS – OF THE CODE OF THE BOROUGH OF HAMBURG TO PROHIBIT THE DISCHARGE OF FIREARMS.**

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 September 9, 2015.

Roll Call:

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

**ATTORNEY HOUR:**

**ENGINEERING:**

**MAYOR'S AGENDA:**

**1. GOV Bid – Authorization to have US GOV Bid hold auction for various municipal and fire department equipment**

Mayor Marino stated that in October we may have more things to add, as the Fire Chief has some hoses, a generator, and maybe more items. Council will give the Borough Clerk authorization to proceed.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to authorize Borough Clerk Doreen Schott to proceed and post all items on GOV Bid for the Borough. All in favor.

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

Mayor Marino discusses with Mr. Schneider the idea that getting rid of the trucks when a new one is acquired. Mayor Marino was under the impression that the old water truck was unable to be repaired so a replacement truck was purchased. Mr. Schneider said he did find parts for it out of the junkyard and it works for now and will be used for snowplowing also. After discussion, Mayor Marino said this was acceptable for now but should the vehicle start costing money then Mr. Schneider will have to get rid of it. Truck #3 has a cracked frame and after a short discussion, will also be added to the auction.

Motion by Councilman Sena, seconded by Councilman Law to close to Mr. Schneider. All in favor.

**Garage Sales**

Council discusses when to hold the town wide garage sales and as they are usually held the last weekend of September, decided to keep it that way.

Motion by Councilman Law, seconded by Councilman Burd to hold the town wide garage sales on September 26<sup>th</sup> and September 27<sup>th</sup>. All in favor.

**COMMITTEE REPORTS**

**COUNCILMAN BARR**

**1. POLICE COMMISSIONER**

**Monthly Report for July 2015**

The July 2015 monthly report for the Police Department showed 534 calls of service, including 14 arrests, 9 motor vehicle accidents, and 52 motor vehicle summonses issued (ETickets – 52, hard copies – 0).

**Resignation Special Police Officer Class II – George Wortche**

Motion by Councilman Barr, seconded by Councilman Garrett to accept the resignation of special Police Officer Class II Mr. George Wortche. All in favor.

Councilman Barr stated that Mr. Wortche accepted a full time position and there was a conflict of schedules.

Director Yahm stated that the officers are out and about town, looking out for hazardous driving, seatbelt violations, etc., but, when it was brought to his attention of the FD fund drive coming up, said they will not interfere with the fund drive collection. He had a meeting with the school and Officers Tangora and Barza who will be instructing the Too Good for Drugs program. This program will start in January for 10 weeks for the 5<sup>th</sup> and 7<sup>th</sup> grades. Two more officers will be ready to go for training in September. Also in September, Sergeant Gunderman will attend a seminar on school shootings with Superintendent Jinks and the changes that are taking place. Director Yahm also informed the Council that Hamburg is on the emergency call system for Lafayette.

Councilman Garrett mentioned the overtime being down and again, due to scheduling, vacations, training, will depend on how it looks monthly.

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

**2. HISTORIC COMMISSION / HISTORIC SOCIETY**

**Notice of resignation as chairman from Hamburg Historic Commission**

Councilman Barr said that Mr. Tom Watts is stepping down from his position as chairman of the Historic Commission, but is remaining as a board member.

**3. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

**COUNCILMAN KRASNOMOWITZ:**

**1. OFFICE ADMINISTRATION**

**Office Business Systems (OBS) annual contract for FTR Recording System.**

Councilman Krasnomowitz presented the renewal contract for Office Business Systems (OBS) for the FTR Recording System for the municipal building.

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to approve the renewal contract for Office Business Systems (OBS) for the FTR Recording System for the municipal building in the amount of \$804.76 for the contract period of 9/9/2015-9/9/2016.

All in favor.

**2. CONSTRUCTION DEPARTMENT**

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

The report showed there were 14 permits issued, 0 certificates of occupancy, and 13 certificates of approvals with a total of \$8307.00 collected in fees for the month of June.

**3. LAND USE BOARD**

**4. INSURANCE**

**COUNCILMAN BURD**

**1. SOLID WASTE**

**2. SANITATION AND RECYCLING**

**3. GRANTS**

Abcode Proposal- Camera's

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

Councilman Burd said that there seemed to be a lot of differences between the proposals. Director Yahm discusses the submitted report, stating that not all proposals are the same, but the companies are local and they will all meet with us. High definition cameras are discussed and the internet is required at the park location. Council members all agree that we can start out with a small amount of cameras and then add to the system to fit our needs.

Councilman Garrett said that we need to tell these companies what we want; what our needs would be.

Councilman Barr asked about if the neighboring towns have this and if it was looked into and Director Yahm replied that he hadn't. Councilman Krasnomowitz wondered why we really were doing this when we have a million dollar police budget – to patrol, etc., then receiving a reply that it would be a starting point of an investigation for dumping issues, etc.; bringing an added level of security to the area. The system is separate from the school. Attorney Clemack reminded members to consider the bid threshold of \$17,500.00 and cameras – films and tapes- are subject to OPRA . Council members agree the park could be an issue, with the walking path, the pavilion, and now with the playground going in. Mayor Marino said the buildings could be done with fewer cameras but the focus should be the park. At the moment the park is staying open 24 / 7 and the gates should be closed. At one time, it was closed, but now it is always open. Director Yahm will be in touch with the vendors for more information.

Motion by Councilman Burd, seconded by Councilman Law to close to Director Yahm. All in favor.

Since there are so many variables to consider, Mayor Marino would like a 3 person committee to continue discussing this before meeting with the companies and then meet with them to tell them our needs.

Councilman Burd would chair, Councilman Garrett as Buildings and Grounds, and Councilman Sena.

Mayor Marino discusses the park gates being opened and closed. The sign states the park is open from sunrise to sunset. The Road Dept. will open the gates at sunrise and Director Yahm said the Police Dept. will lock the gates at sunset. On the weekend the Police Dept. will open and close.

#### **4. BOARD OF EDUCATION**

Councilman Burd said the school updated the fire alarm system was updated at a cost of \$228,235.00, is being worked on now so it will be completed by the beginning of school. It will be able to pinpoint exactly where the alarm was pulled and fire is located.

#### **COUNCILMAN LAW**

##### **1. COURT**

##### **2. FIRE COMMISSIONER AND OEM**

##### **Monthly Reports**

##### **Fire Calls for July:**

1 fire; 1 MVA; 1 alarms; 1 stand-by; 3 smell gas/smoke; 1 public service; 1 cancelled en-route. Mutual Aid – into Hardyston – 3; into Franklin - 1. Total calls for the year – 75. Total man hours for the year: 617.

##### **EMS monthly report for July:**

EMS calls: 7 fire; 4 MVA; 1 alarm; 24 medical; 10 trauma; 3 mental health; 0 stand-by; 3 community service; 0 cancelled en- route. Mutual Aid – into Hardyston – 27; into Franklin – 2. Total calls for the year- 367. Total man hours for the year: 1124.

Councilman Law discusses a letter for Hardyston First Aid – a liquidation of equipment- and the amount of money that we could save by acquiring it. The equipment was donated to the Hamburg Fire Dept. as a 501C as Hardyston was comfortable making the donation this way. There was a vehicle, a 2004 Ford Explorer, that we did acquire, was looked at by a mechanic and determined that it will cost \$1525.04 to put it on the road. Councilman Law questions whether to keep or to salvage the vehicle. He also mentioned the Fire Chiefs' vehicle needs a good deal of work, about \$5000.00. The Hardyston vehicle is in better shape than the fire chiefs'. This could buy some time until a decision is made as to what to do on a more permanent basis. More will be discussed.

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

Mayor Marino said there is \$24,000.00 in a shared service line item for EMS, from the County and from Hardyston. Mayor Marino said that he had discussed with her using budget money of \$10,500.00 to get new gear for members. Ms. Oehler replied that she has started to get new boots for members and hopefully by the end of the year will be done. Mayor Marino said the last time new gear was acquired was right before 9/11. He also mentioned that grants are available: Firehouse Subs was a one-page grant and that if help was needed to complete this grant that she needed to ask for it as it would help pay for the radios that are needed. Mayor Marino mentioned that a FEMA grant is also available.

Two line items with money are available: from Hardyston - \$24,000.00 and EMS grant money - \$11,000.00. Motion by Councilman Law, seconded by Councilman Garrett to close to Joyce Oehler. All in favor.

#### **3. OPEN SPACE**

#### **4. NEWSLETTER**

#### **COUNCILMAN GARRETT**

##### **1. BUILDING AND GROUNDS**

##### **Notice to Order to Comply – NJ Dept. of Labor and Workforce.**

Councilman Garrett discussed this notice received from the NJ Dept. of Labor and Workforce regarding violations that came about during a recent inspection. He spoke to Road Dept. Foreman Mike Schneider who informed him that he has made the necessary repairs so as to take care of the violations and also

notified the proper office that it has been fulfilled.

**2. WATER QUALITY**

**3. BOARD OF PUBLIC WORKS**

**Request for Board of Public Works to authorize the granting of addition EDU's to Heritage Village – Kaytes Realty, LLC upon review of engineer.**

Councilman Garrett presented a recommendation from BPW regarding Heritage Village and granting additional EDUs should it be necessary for their project to convert office space to residential apartments. A resolution was prepared by John Ruschke recommending the necessary EDUs contingent upon further review so that the applicant could proceed to the Land Use Board.

Motion by Councilman Garrett, seconded by Councilman Barr to approve said recommendation from the BPW regarding Heritage Village.

Councilman Krasnomowitz asked for clarification if the Council was granting additional EDUs and the reply was if it were necessary but they probably had enough.

All in favor.

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

**Tax Collector Report for June 2015**

The tax collector's report showed a total of \$201,065.90 being collected for June 2015.

Motion by Councilman Sena, seconded by Councilman Garrett to redeem third party tax sale certificate #14-057 in the amount of \$9077.38. All in favor.

Motion by Councilman Sena, seconded by Councilman Burd to accept the resolution to cancel 2014 taxes on 20 Heritage Lane, Block 17 Lot 18 (C0510). All in favor.

**2. ROAD DEPARTMENT**

The Road Dept. is busy filling cracks and working on cutting grass. Councilman Sena said that another full time person is needed in the department as there is more work going on around town with the park, etc. Mr. Schneider would like to increase a part time worker 10 hours to full time and then hire a part time worker. Mayor Marino stated that Mr. Schneider has a name in mind and the need is there. It was mentioned at budget time, and now that the year is halfway done, the timing would be right. Benefits would have to be included for the full time person. After discussion, a name will be submitted for the September meeting.

**3. BOARD OF HEALTH**

Board of Health met on July 10<sup>th</sup>. The pizza place in Governor Haines was approved and condo pools have been inspected. The next meeting will be October 13<sup>th</sup>.

**4. RECREATION**

Hamburg Day is August 23<sup>rd</sup> and volunteers are needed for 2 hour shifts for some of the carnival games; some councilmembers volunteer. Summer recreation had 32 campers and was held for a total cost of less than \$300.00. Public attended the meeting and said her kids loved attending summer rec. The Miner's baseball game went well with about 115 people attending, the Mayor throwing out the 1<sup>st</sup> pitch, fireworks and a little rain. Rec is looking at bowling in September and an Ice Jam at Skylands in January.

**Playground**

Councilman Sena stated the company is running late on the delivery date, even though the PO was issued on July 2<sup>nd</sup>. So far he has an August 10<sup>th</sup> ship date but does not have an installation date. Council discusses a delivery date of after the 23<sup>rd</sup> – Hamburg Day – since there are concerns of the equipment sitting in the parking area or somewhere else. Councilman Sena will contact the company and handle it.

**PUBLIC PORTION:**

Motion by Councilman Law, 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.

Mike Schneider – Road Dept. Foreman – discusses the clock, saying the company has been here three times to repair the clock, twice for the motor, and then for the controller. At the moment we are waiting for another part. Mr. Schneider said the parts in the clock are under one year old.

On another note, Mr. Schneider also stated the gutters on both the rec field pavilion and the Wallkill Ave building have been finished.

Council discusses the full time position with Mr. Schneider, saying that he an employee in mind who has been here part time for the past three years. When asked, Attorney Clemack stated that the ordinance does not require the posting of the job. Mr. Schneider has a folder of applications in his office he would choose from for the part time position. Council advised Mr. Schneider to bring a name to the September Council meeting.

Councilman Garrett asked why the town was paying unemployment to a road dept. person since May 2015. The Borough did challenge it and the State gave it to the person. It is almost finished.

Sandra Cunningham – School Board representative – stated that Hamburg School will on September 3<sup>rd</sup>, the 5<sup>th</sup> and 7<sup>th</sup> graders are ready for the Too Good For Drugs program, and she will be running for re-election again.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to close to the public. 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. **Police Personnel Matter – Rice notice given**
2. **Wild Turkey Golf Club LLC v Hamburg Borough**
3. **Bellowed Golf Club, USA, Inc., v Hamburg Borough**
4. **Proposed EMS contractual matter with Hardyston Township**

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

Motion by Councilman Barr, seconded by Councilman Law to enter into Executive Session at 9:00 pm. All in favor.

Discussion on Police Personnel Matter – Rice notice given; Wild Turkey Golf Club LLC v Hamburg Borough; Ballyowen Golf Club, USA, Inc., v Hamburg Borough; Proposed EMS contractual matter with Hardyston Township.

Attorney Clemack offered the following resolution:

Regarding the Police issue which was noticed for Executive Session this evening:

Be it resolved that the Mayor and Council hereby resolve the disposition of the disciplinary matter as



recommended by the Police Director in Executive Session.

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

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

1. From State of New Jersey Underground storage tank removal 26 Wallkill Avenue (7/8/2015)
2. Correspondence – Pre – K – Our Way (7/8/2015)
3. Notice filing for foreclosure 154 Falcon Ridge Way (7/15/2015)
4. NJLM – 2015 Invitation – Innovation in Governance Award (7/15/2015)
5. From Jersey City Invitation for new community center Sacred Heart Church, Jersey City (7/21/2015)
6. NJ Transit FY 2015 request for federal assistance. (7/21/2015)
7. Copy of Sussex County Planning Board Minutes (7/24/2015)
8. From JCPL Annual service fund compliance filing. (7/24/2015)
9. Sussex County Agricultural Development Minutes (7/29/2015)
10. State of NJ Safe Drinking Water report (7/29/2015)
11. Notice of action for foreclosure 100 Heritage Lane (7/29/2015)
12. Notice of vacated property registration for 52 Heritage Lane (7/31/2015)
13. SCMUA quarterly report – Hamburg Regional Pumping Station (7/31/2015)

**ADJOURNMENT**

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

Date Approved: 9-9-2015

Date Released: 9-9-2015



Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett