



**2015-35 – Resolution to authorize an approval of tax exemption pursuant to N.J.S.A. 54:4-3.30 et seq. for Block 31, Lot 39**

Motion by Councilman Barr, seconded by Councilman Law to accept Resolution #2015-35 to authorize an approval of tax exemption pursuant to N.J.S.A. 54:4-3.30 et seq. for Block 31, Lot 39. All in favor.

**2015-36 – Resolution to authorize an approval of tax exemption pursuant to N.J.S.A. 54:4-3.30 et seq. for Block 24 Lot 1 C0503**

Motion by Councilman Barr, seconded by Councilman Law to accept Resolution #2015-36 to authorize an approval of tax exemption pursuant to N.J.S.A. 54:4-3.30 et seq. for Block 24 Lot 1 C0503. All in favor.

**2015-37 – Emergency Resolution for Litigation for the Affordable Housing Coalition**

Motion by Councilman Barr, seconded by Councilman Law to approve #2015-37 – Emergency Resolution for Litigation for the Affordable Housing Coalition. All in favor.

**ORDINANCES:**

**ORDINANCE #6-2015 2<sup>nd</sup> Reading**

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

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

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

Council discusses concrete nail guns and a gun range in consideration to the ordinance and the technical discharge of a gun; OSHA rules also.

Motion by Councilman Barr, seconded by Councilman Burd to open the meeting to Director Yahm with regards to the ordinance only. All in favor.

Director Yahm relayed there are some open DEP spaces by the Walkkill River and on Lime Kiln Road that are in question. This ordinance is not intended to restrict bow and arrow and gun on those properties, or on any land within Hamburg that are currently approved and used for hunting. This ordinance has no restriction on “normal” hunting. The restrictions, Director Yahm stated, are 450’ for gun, and 100’ for bow. A gun range would fall under Zoning.

Council members discuss amending the ordinance:

Attorney Clemack offered the following amendments to the ordinance: powder charged construction equipment used to connect materials to metals or concrete; and persons lawfully using firearms on property owned by the State of New Jersey.

Motion by Councilman Law, seconded by Councilman Burd to amend Ordinance #06-2015 as offered.

Roll Call:

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

**\*\*Councilman Sena arrived at 8:43 pm\*\***

Motion by Councilman Barr, 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 August 3, 2015 meeting and published as provided by law

**PUBLIC HEARING**

Dan Roberts – Fish and Wildlife – thanked the Council for amending the ordinance. He also informed the Council that residents are able to allow bow and arrow hunting on residential property if they have 150 feet of adjoining properties with written permission of the homeowners. It would not be exclusive to the parcels that

were highlighted on the map and discussed. Director Yahm said there were no complaints about illegal hunting; the complaints were about the discharging of weapons.

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

Councilman Barr said that he will table taking action on this but he is not comfortable about discharging in this town.

Councilman Law also agreed to table taking action on this ordinance until more research can be done and amend.

Councilman Burd said he was fine with the bow and arrow but against the discharge of firearms.

After further discussion, motion by Councilman Barr, seconded by Councilman Law to adopt the ordinance as amended.

Roll Call:

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

**ORDINANCE #07-2015 1<sup>ST</sup> Reading**

**AN ORDINANCE AMENDING ARTICLE XXIX OF ZONING HISTORIC PRESERVATION-CHAPTER 215-170-COMMISSION RULES AND ORGANIZATION OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG TO ELIMINATE THE REQUIREMENT OF THE HISTORIC PRESERVATION COMMISSION MEETING AT LEAST ONCE PER MONTH.**

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

**AN ORDINANCE AMENDING ARTICLE XXIX OF ZONING HISTORIC PRESERVATION-CHAPTER 215-170-COMMISSION RULES AND ORGANIZATION OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG TO ELIMINATE THE REQUIREMENT OF THE HISTORIC PRESERVATION COMMISSION MEETING AT LEAST ONCE PER MONTH.**

Motion by Councilman Barr, seconded by Councilman Law to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for October 5, 2015.

Mayor Marino stated that this change will allow the board to set a schedule but can cancel meetings should the need arise.

Roll Call:

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

**ATTORNEY HOUR:**

**1. Hamburg Affordable Housing and Municipal Shared Defense Agreement**

Mayor Marino stated that this is a mandate, a law firm was retained, Ken Nelson is involved, all parties involved are contributing \$2000.00 and this cost we are able to pay back in the budget.

Motion by Councilman Barr, seconded by Councilman Law for Mayor Marino to sign the Hamburg Affordable Housing and Municipal Shared Defense Agreement.

Roll Call:

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

**EXECUTIVE SESSION RESOLUTION: No Executive Session**

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.

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.

**ENGINEERING:**

**MAYOR'S AGENDA:**

**Hamburg Day**

Mayor Marino stated that Hamburg Day was a huge success and thanked all employees that were involved.

**1. Letter of Resignation – Marguerite Nemeth**

Mayor Marino presented a letter of resignation from Marguerite Nemeth from all work positions, except recycling coordinator.

Motion by Councilman Burd, seconded by Councilman Barr to accept the resignation with regrets. All in favor.

**2. Office Agreement - Land Use Board, Recycling, Accounts Payable positions**

Mayor Marino updates the Council about the office changes due to the resignation of Ms. Nemeth. He said that Councilman Krasnomowitz, Borough Clerk Doreen Schott and himself met with Wendy Brick regarding the Land Use Board and Historic Commission Board. Wendy Brick will take over as Land Use Board Secretary and Historic Commission Secretary at a salary of \$7500.00 annually for both boards. There will be no employee benefits included.

Marguerite Nemeth will continue as Recycling Coordinator, submit the Annual Recycling Tonnage Report and sign off on this report as the Certified Recycling Professional. She will be paid a salary of \$1750.00 for Recycling Coordinator and \$250.00 for Certified Recycling Professional. There will be no employee benefits included.

Megan Sena will fill in the finance office and complete the tasks of Accounts Payable Clerk, adding a fourth day, and paid a salary of \$12.51 per hour.

Mayor Marino stated that with this arrangement of duties, the Borough will be saving approximately \$12,750.00 a year, but at the same time, not compromising any functions within the office.

Motion by Councilman Barr, seconded by Councilman Burd to hire Marguerite Nemeth as Recycling Coordinator at a salary of \$1750.00 and a salary of \$250.00 for the certification of "Certified Recycling Professional. All in favor.

Motion by Councilman Barr, seconded by Councilman Burd to hire Wendy Brick as Land Use Board Secretary and Historic Commission Secretary at a salary of \$7500.00 annually with specific hours in Borough Hall to meet with persons as needed and to use the borough equipment to fulfill her duties as the board secretary. This position will be effective immediately. All in favor.

Motion by Councilman Barr, seconded by Councilman Burd to hire Megan Sena to fill in the finance office

and complete the tasks of Accounts Payable Clerk, adding a fourth day, and to be paid a salary of \$12.51 per hour.

Roll Call:

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

**3. Proposed Shared Agreement for Tax Assessor between the Borough of Hamburg and Lafayette Township**

Council is in receipt of the proposed 3 year Shared Agreement for the Tax Assessor between the Borough of Hamburg and Lafayette Township, which includes a 2% increase.

Motion by Councilman Barr, seconded by Councilman Law to accept said agreement.

Roll Call:

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

**4. Proclamation – Recognizing September as Childhood Cancer Awareness Month**

Mayor Marino stated the Council was in receipt of a proclamation recognizing Nicholas Dasilva for surviving childhood cancer and so are raising awareness in September to show support and promote recognition of those young lives affected by cancer.

Motion by Councilman Law, seconded by Councilman Burd to accept the Proclamation recognizing September as Childhood Cancer Awareness Month. All in favor.

**Mayor Marino stated the discussion on cameras, injury leave and police officer will be tabled until there is a full council.**

**COMMITTEE REPORTS**

**COUNCILMAN BARR**

**1. POLICE COMMISSIONER**

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

**Monthly Report for August 2015**

The August 2015 monthly report for the Police Department showed 467 calls of service, including 7 arrests, 2 motor vehicle accidents, and 58 motor vehicle summonses issued (ETickets – 58, hard copies – 0).

Director Yahm informed the Council that Sergeant Gunderman will be back to full duty on September 11<sup>th</sup>. Acting Sergeant Jason Tangorra will return to his regular status of patrolman on that date. Director Yahm is requesting that the Council pay his as acting sergeant through September 10.

Mr. Yahm also said that for the month of October, the officers will be wearing pink shirts as part of their uniforms in support of breast cancer month, as some have survivors and have requested to do so.

Motion by Councilman Barr, seconded by Councilman Law to support the department for the month of October with the officers wearing pink as part of their uniforms in support of breast cancer. All in favor.

Councilman Burd inquired about receiving an E-ticket, although saying it had the wrong make of the car on the ticket, asking how this would happen on an E-ticket. Director Yahm replied saying, to send him the info on the ticket, but also that it goes according to Motor Vehicle information or our officer error. He will look into it.

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

Motion by Councilman Barr, seconded by Councilman Burd to compensate Jason Tangorra as Acting Sergeant through September 10.

Roll Call:

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

- 2. HISTORIC COMMISSION / HISTORIC SOCIETY
- 3. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

**COUNCILMAN KRASNOMOWITZ**

Report given by Mayor Marino

- 1. OFFICE ADMINISTRATION
- 2. CONSTRUCTION DEPARTMENT

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

The report showed there were 13 permits issued, 0 certificates of occupancy, and 12 certificates of approvals with a total of \$2534.00 collected in fees for the month of July.

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

The report showed there were 24 permits issued, 0 certificates of occupancy, and 18 certificates of approvals with a total of \$4721.00 collected in fees for the month of August.

**3. LAND USE BOARD**

Motion by Councilman Barr, seconded by Councilman Law to accept the resignation of Wendy Brick, as stepping down from her seat on the Land Use Board to take the secretary position, with regrets. All in favor.

**4. INSURANCE**

**COUNCILMAN BURD**

- 1. SOLID WASTE
- 2. SANITATION AND RECYCLING
- 3. GRANTS

Camera System

Councilman Burd stated briefly that the cameras are over the bid threshold so we will have to go out to bid on them. The current amount is 24, which includes 3 for the court. There will be more discussion on this at the next Council meeting.

**4. BOARD OF EDUCATION**

Councilman Burd said that Walkkill Valley High School has appointed David Carr as Superintendent.

**COUNCILMAN LAW**

- 1. COURT
- 2. FIRE COMMISSIONER AND OEM

**Monthly Reports**

**Fire Calls for August:**

1 fire; 2 MVA; 1 alarms; 0 smoke condition; 0 smell gas/smoke; 0 traffic cont; 2 assist EMS; 0 stand-by; 1 medi-vac; 0 public service; 0 cancelled en-route. Mutual Aid – into Hardyston – 3; into McAfee - 1. Total calls for the year – 82. Total man hours for the year: 648.

**EMS monthly report for August:**

EMS calls: 3 fire; 4 MVA; 0 alarm; 22 medical; 10 trauma; 3 mental health; 1 stand-by; 1 community service;

1 cancelled en- route. Mutual Aid – into Hardyston – 26. Total calls for the year- 412. Total man hours for the year: 1284.

Councilman Law said that Gerald Youkon, acting president of the fire department submitted a list of the inventory that was received from the Hardyston First Aid Squad by way of a donation which in turn is donated to the Borough for their use.

Motion by Councilman Law, seconded by Councilman Barr to accept the turning of equipment from the Fire Department to the Borough as listed in the inventory list. All in favor.

- 3. OPEN SPACE
- 4. NEWSLETTER

**COUNCILMAN GARRETT**

Report given by Mayor Marino

**1. BUILDING AND GROUNDS**

Mayor Marino stated there has been a complaint of high grass at 12 Linwood Ave. Property maintenance will be notified. A house in Penny Rock was also discussed, with a Hardyston address, and property maintenance will also be notified.

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

The meeting for September has been cancelled.

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

**Tax Collector Report for July 2015**

The tax collector's report showed a total of \$97, 949.01 as collected for July 2015.

Motion by Councilman Sena, seconded by Councilman Law to redeem third party tax sale certificate #15-007 in the amount of \$3716.25; to redeem third party tax sale certificate #13-004 in the amount of \$12,246.50. All in favor.

**2. ROAD DEPARTMENT**

Motion by Councilman Sena, seconded by Councilman Law to open the meeting to Road Dept. Foreman Mike Schneider. All in favor.

Mr. Schneider, referring to the hiring of a full time person in the Road Dept., said that he is shorthanded, will be retiring within the next 4-5 years and would like to break in someone now to take over his job. He would like to hire Alec Yanish in that full time position and then hire another part time person to replace him.

Mayor Marino asked Mr. Schneider about the old truck and he replied that he is still using it. A truck did have a recall on the ty- rods. Councilman Sena thanked Mike and his men for all the work they did with mulching the playground and the amount of work that it took to do so.

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

Councilman Sena said that he also talked to Alec Yanish and that he was impressed by him and his work skills, that he has a family and he will be sticking around for quite a while. He does not want to see him leave for other employment:

Mayor Marino said that this hiring would be effective October 1, 2015.

Motion by Councilman Sena, seconded by Councilman Barr to hire Alec Yanish from part time to full time status in the Road Dept. effective 10/1/2015.

Roll Call:

Ayes: Barr, Burd, Law, Sena

Nays: None  
 Abstain: None  
 Absent: Garrett, Krasnomowitz

Councilman Law mentioned that EMS Rig #2 had an accident and was presently being repaired.

**3. BOARD OF HEALTH**

The next meeting will be October 13<sup>th</sup>. The rabies clinic will be held on December 10<sup>th</sup>.

**4. RECREATION**

**PUBLIC PORTION:**

Motion by Councilman Law, seconded by Councilman Sena 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.

Jerry Kastner – Water Superintendent – gave a brief update since Councilman Garrett was not in attendance. He said the generator at Well #2 was delivered, up and running, and everyone was trained on it and it is all secured. The flow meter at Well #2 also was replaced, costing \$1600.00, along with a ventilation fan for \$2000.00. Water sampling was performed on 20 homes within the Borough and results for lead and copper tests were in compliance. The DEP made a surprise inspection and spent some time with Mr. Kastner; results will be following. Even though we are in semi drought conditions, no restrictions have been placed on water usage yet. Mr. Kastner did notice a peak in the pumps and a high usage between 11 pm – 3 am and it seems to coordinate on the nights when there is paving taking place on Rt. 94. Mr. Schneider has noticed the water trucks going through town also and called the State. He will continue to investigate.

Sheila Frayko – Hamburg School Board Liaison – stated the first day of school went well. This year the crossing guards are on the alert system also. The LEADS programs is all set to start.

Wayne Yahm – stated that on September 3<sup>rd</sup> and 7<sup>th</sup>, there were NARCAN saves, and thanked the officers and EMS that responded. There were also 80 foreclosures in the borough, adding this is one of the many things the officers notice as they make their way around town.

Mike Schneider – Foreman – Road Dept.- said there was a problem with the electric as it was the wrong controller with the fire house kitchen vent control fan and it burned out the controller twice. Dan Hayenhjelm was called in to repair.

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

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

1. From Rite Aid change of officers notification (8/4/2015)
2. Notice of action to foreclose Block 11.01 Lot 1 C0028 (8/5/2014)
3. Notice of compliance with SED Goal – Orchard Street Drainage- J. Garcia Contracting (8/5/2015)
4. Notice of compliance with SWD Goal – Orchard Street Drainage – PM Const. (8/5/2015)
5. Notice of compliance with SED Goal – Heritage Lakes Pump Station – Liberty Construction (8/5/2015)
6. From NJLM annual audit statement (8/7/2015)
7. Notice of application – 2016 grants from State of NJ (8/7/2015)
8. Correspondence from Project Self Sufficiency
9. Notice of action to foreclose Block 30, Lot 27 (8/12/2015)
10. Notice that Declaratory Judgement will be heard. (8/13/2015)



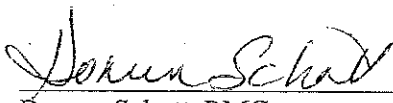
11. Correspondence regarding support for access to driver's license to undocumented NJ residents (8/18/2015)
12. Correspondence from Kraft and Capsize joining law offices of Waters, McPherson, McNeill (8/18/2015)
13. From Elizabeth Town Gas notice of public hearing. (8/18/2015)
14. Notice of public hearing Elizabeth Town Gas (8/18/15)
15. Notice of public hearing Elizabeth Town Gas (8/18/2015)
16. Correspondence from Wm Boyle NJ consumer finance bureau regarding mortgage issue. (8/18/2015)
17. XXX
18. JCPL – Basic generation service period notification
19. Notice of compliance from State of NJ – Borough of Hamburg Department Public Works (8/25/2015)
20. Correspondence from Wm Boyle to Loan Mgmt. regarding mortgage issue (8/25/2015)
21. From NJLM – Fred G. Stickel Memorial Award (8/28/2015)
22. Sussex County Water Quality Management Minutes May 2015 (8/28/2015)
23. From Assurant Field Asset Services notice of action to foreclose 154 FR Way N (9/1/2015)

**ADJOURNMENT**

Motion by Councilman Barr, seconded by Councilman Burd to adjourn the meeting at 8:58 pm. All in favor.

Date Approved: 10/5/2015

Date Released: 10/5/2015

  
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Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett