

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON FEBRUARY 22, 2017 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ

CALL TO ORDER:

Mayor Marino called the meeting to order at 7:00 p.m.

SALUTE TO THE FLAG:

ROLL CALL:

Mayor Marino requested a roll call:

Present: Councilman Barr Councilman Law
Councilman Garrett Councilman Sena
Councilman Burd
Mayor Marino
Absent: Councilman Krasnomowitz

Also Present: Doreen Schott
Richard Clemack, Attorney

STATEMENT OF CERTIFICATION:

The Clerk Advised:

Adequate notice of this meeting has been provided to the public and the press January 6, 2016 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".

ORDINANCE – #02-2017 1ST 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 Law, seconded by Councilman Burd for attorney Clemack to read the Ordinance by title for first reading and publication.

Roll Call

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

AN 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 Law, seconded by Councilman Burd to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for March 6, 2017.

Roll Call:

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

EMS Application

Mayor and Council are in receipt of EMS application for Allyscn Handabaka, background check and medical paperwork received.

Motion by Councilman Law, seconded by Councilman Sena to approve the membership application. All members present in favor.

Application for Blue Light Permit – Anita Horn

Mayor Marino authorizes the application for blue light permit for Anita Horn.

Authorizing Surplus Sale

WHEREAS, the Borough of Hamburg has determined that certain personal property as described below is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Hamburg as follows: 2004 ford Pickup F350, VIN # 1FTSF31L74EB45028 will be declared surplus and is no longer needed for public purposes;

The clerk will advertise in the New Jersey Sunday Herald on February 26, 2017, March 5, 2017 with a bid date of Tuesday, March 13, 2017.

Motion by Councilman Garrett, seconded by Councilman Sena to authorize the resolution for public surplus sale for 2004 ford Pickup F 350. All members present in favor.

Budget Discussion

Mayor Marino advises that previous to this evening there were two budget meetings with himself, council liaison to finance Mark Sena, finance department and clerk. Mayor Marino advises that we went over the preliminary budget with a fine tooth comb, went over every line item, moved some items around so we were able to keep everything in the budget and still have money for capital improvement. On the water side of the budget we are still able to do repairs and stick with the 5 year plan and do the large project of the water tanks on Bank Street. Upon discussion the preliminary budget that is before the governing body members is what was discussed and is what we consider a very good budget taking needs into account; one is the generator for the court as requested by buildings and grounds and money for the court as requested by council liaison Law. This budget is also keeping within in the 2% Cap. There is presently no increase to the water budget for this year, however a concern is with number of foreclosures the town has it naturally brings the water revenue down so there is no guarantee that there may not be an increase next year to the water budget. This is happening all over the state not just an issue in Hamburg.

Motion by Councilman Barr, seconded by Councilman Law to open the meetings to our professionals, Bill Schroeder, Auditor, CFO Dawn Babcock, Treasurer Christine Licata. All members present in favor.

Mr. Schroeder advises that after receiving information from the town after the meetings they prepared the Preliminary Budget document that the council has before them. It is showing a tax

increase from 2016 in the amount of 0.044 for local tax. That being said on a home assessed at \$152,000.00 the local increase comes out to \$66.00 per year or \$5.50 per month. He advises that the bulk of the increase was for pension contribution which totaled 5%. Had we not had that the increase would have been around 2.84%. The fund balance went down \$20,000; the delinquent tax revenue went up \$44,000. which offsets each other.

The water utility is in great shape, the fund balance went up approximately \$220,000. Mayor advises that we are really trying to be proactive, line testing and smoke testing have been done, doing infiltration testing to be sure we are not paying extra to SCMUA and we are doing all this without having to go out to bond. We are averaging approximately \$100,000. a year in projects. The BPW is presently working on another 5 year plan where we will be doing the assessment of the water tanks which is a big job that has not been done in 20+years.

Mr. Schroeder advises that in the current fund for 2017 we have \$100,000 budgeted for Bond Anticipation Notes , in 2018 there will be \$77,000 budget then there will be nothing left on that and also in 2017 / 2018 we will have the last two payments of \$50,000 each for the special emergency revaluation so by 2019 we will be able to free up some money. Mayor Marino also advises that in this water budget there is money for a new vehicle for the water department as well as money in the budget for some road repairs. The town is waiting to hear if they received the Municipal Aid Grant which will be for road resurfacing. He advises that the goal is to keep the budget self-contained where there is money in the budget for these upcoming needs and by having it there the need to raise taxes is kept to a minimal. Mayor Marino also advises that Hamburg is always looking for ways to save taxpayer money and is involved in many shared service agreements. They are constantly continuing conversations with Hardyston to see what additional shared services they may be able to explore.

Mayor advises that we will not be voting this evening, we will introduce at the March 6th meeting. Councilman Barr thanks the council and professionals for the work put into this budget, it is a good, lean, smart budget for the taxpayers of Hamburg.

Motion by Councilman Garrett, second by Councilman Law to close to the professional. All members present in favor.

Resolution:

Attorney Clemack reads the following resolution.

WHEREAS, there is the need for special legal counsel pertaining to certain matters relative to the police department and;

WHEREAS, the Local Public Contract Law authorized the appointment of an attorney that being a Professional Service without public bidding and;

WHEREAS, the Borough of Hamburg has decided upon a firm that represents them in the aforementioned matter.

NOT THEREFORE BE IT RESOLVED, that the firm of Laddy, Clark and Ryan situated in Sparta, New Jersey is hereby appointed as special counsel for the aforementioned reasons subject to the following:

1. Execution of the contract satisfactory to attorney review
2. Subject to certification of funds from Chief Financial Officer
3. Copy of notice of award be published in the official newspaper of the municipality.

Motion by Councilman Barr, seconded by Councilman Law to approve the aforementioned Resolution as presented.

Roll Call

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

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.

Councilman Barr addresses the room with regards to the recent articles that have been in the paper. He advises that the issue is the FOP, they do not like the structure of the police department with a civilian director and in every situation/ case they have brought forward the director has been exonerated. He advises the room Director Yahm has the unanimous support of the mayor and council, they are sure he has done nothing wrong, they have decided to retain this attorney to protect the borough against actions from outside forces trying to decide how our police department should be run. He continues; that the police department now is the finest in history of the borough. With the decision to go with a civilian director the town has seen a great cost savings and more affordable police department which is something that no other police department has been able to do affords the residents a more affordable police department, allows for more training, more boots on the ground. We will continue to support them 110%.

PUBLIC PORTION:

Motion by Councilman Garrett, seconded by Councilman Law to open the meeting to the public for any questions or comments they may have with regard to the good and welfare of the borough. All members present in favor.

William Cunningham- Hamburg NJ – Mr. Cunningham addresses the council and expresses his support. He states that he is annoyed by the time being spent worrying about the police director who has more experience than all the officers combined. He states that there are many other towns who operate without a police department, the cost is much less for those towns. He like having a police department but feels what is going on is not right.

Laurie Zacarowski – Hamburg Village – Ms. Zacarowski expresses her thanks to the council as a resident of Hamburg for 14 years. She has known police director Yahm for 25 years, is a personal friend and speaks to his character and lends her support. Feels there are “moles” in the police

department who have to work and protect the town and citizens; not the union and that the problem they have is that there is no "chief" position. She lends her support in doing anything she can.

Chris Fitzpatrick – Hamburg NJ – Mr. Fitzpatrick was a member of the Marine Corps; 1964 part of that oath was to honor and support the constitution. He considers the police department to be a quasi-military organization who is subservient and should honor and respect the wishes of the governing body. As such, if they cannot honor the wishes of the mayor and council or look elsewhere; then the council should replace them.

Ginny Jones – Wallkill Avenue, Hamburg – She discussed the statement that we now had more boots on the ground but stated that she does not see how that can be when there is no chief position. Councilman Barr advises that the town was able to hire another officer by not having a chief position. He advises that when there was a chief it was an administrative position who stayed in the office, in 5 years the last chief responded to 5 calls. By bringing in a civilian director we were able to hire another patrol officer which put someone else on a shift, working a 12 hour shift covering the town. That is what is meant by "more boots on the ground". Ms. Jones advises that the civilian position is not able to respond to calls of emergency in nature. Councilman Barr advises that we have the coverage due to the additional positions that have been filled. He further states that presently as the department stands there are more officers to respond and manpower wise it is the highest combined experience the department has ever had. Ms. Jones questions whether the town could make a chief respond to calls and council advises that it is an autonomous position and the town cannot tell a police chief to go out on patrol.

Mayor Marino explains that there is always coverage in an emergency situation, that towns work with each other and if anything happened there is always the understanding that towns assist each other. Mayor and Councilman Barr clarify that they have no issue with having a chief. 5 years ago they were put in a position where no one was qualified to fill the position of the one vacated by the chief and which is still the case today. People have been promoted but they have not met by ordinance the qualifications of chief. To put a chief position back, by law the town would have to elevate within. That would open up another position as there would be the need to hire another officer. Question about receiving more grants; council advises that we do get grants such as DWI, cameras for each vehicle and that sometimes the grants go to other towns, each town does not get one every year. Councilman Sena advises that one grant for cameras for vests which Hamburg received was sent back as the officers did not want to wear them.

Melissa (unclear) Hamburg – Addresses the council with her concern regarding the limitations the position holds. She is involved with law enforcement and there are things which are very important that as a director that person would not be privileged to. The Chiefs Association meets and discusses new laws, information, training that is available. She states that if a town is not represented there by the leader of the department then they are not getting valuable information. Councilman Barr advises that Director Yahm cannot attend but the town is represented. She advises that her concern is that if there is a lack of respect for the position then there is a lack in leadership. Councilman Barr states that he is a 28 year veteran of law enforcement, that he would still have all the knowledge he gained over that time and should the town add an additional \$150,000 to the budget. Ms. (unclear) States that she is not against the person, she just feels the position has limitations that the people should know what the limitations are and if the present situation is not functioning properly then money should be put there to make the department run

correctly. Mayor advises that as stated previously presently there is no one to fill the position and if any changes were to be made to the department in the future the people would decide which avenue they want the town to proceed with. He advises that the council has the whole town to think about, senior citizens, etc. when making any decisions.

Jamie McCurry – Hamburg – addresses the council and advises that he agrees that we have the best force in years but is concerned that they will not stay if there is no advancement. Councilman Garrett advises that within the past year there have been two promotion, a sergeant position with an increase of \$20,000 and a detective position. Mayor states that the towns concern is keeping the cost down, that is what the council looks at. They discuss that out of 27 towns only 10 still have departments. It is harder and harder to maintain departments, they have to take into account the whole picture, not just a part of it. Council advises that the savings brought on by the hiring of a police director also afforded the department one of the largest pay increases in the county in their last contract


Ginny Jones – Hamburg – advises that the sidewalk on Main Street to the post office are in horrible shape with the pavers all lifting up, thereby causing a hazard. Council advises they will have it looked into by the road department.

ADJOURNMENT

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

Date Approved: 3/6/17

Date Released: 3/6/17



Doreen Schott, RMC
Municipal Clerk