

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF T
BOROUGH OF HAMBURG HELD ON JULY 17, 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. 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 10, 2017 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 5, 2017 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the June 5, 2017 Regular Meeting Minutes of the Mayor and Council.

Roll call vote showed all Council members present in favor.

June 5, 2017 Executive Session Minutes

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the June 5, 2017 Executive Session Meeting Minutes of the Mayor and Council.

Roll call vote showed all Council members present in favor.

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list, motion by Councilman Garrett, 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 Law, seconded by Councilman Garrett to approve and pay the bill list as presented. Roll call vote showed all Council members present in favor.

ORDINANCES:

None

RESOLUTIONS:

2017-33 Chapter 159 Clean Communities Grant

Motion by Councilman Law, seconded by Councilman Burd to accept Resolution 2017-33 Chapter 159 Clean Communities Grant in the amount of \$6,441.97. All in favor.

2017-34 Resolution to Support Sussex County Clear Program

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept Resolution 2017-34 Resolution to Support Sussex County Clear Program and the drug use and addiction problem. All in favor.

2017-35 Amending Open Public Records Law

Motion by Councilman Law, seconded by Councilman Sena to accept Resolution 2017-35 Amending Open Public Records Law. All in favor.

ATTORNEY HOUR:

1. Subordination Request – 56 Mulberry Street

The minutes show Councilman Burd stepping down from his place at the dais.

Council is in receipt of a Subordination of Mortgage in the amount not to exceed \$105,000.00 for 56 Mulberry Street. This is a Rehabilitation Loan which is due upon the sale of the premise. If the person is refinancing, the equity has to been there to cover the loan amount plus the subordination. Attorney Clemack stated that he has reviewed said documents with the Borough Clerk and all are in order.

Motion by Councilman Barr, seconded by Councilman Law to approve said Subordination. Roll Call vote showed all Council members present in favor.

Councilman Burd returns to his place at the dais.

2. Special Counsel Retainer – Laddey Clark & Ryan Mid-American Salt v Borough of Hamburg

The Borough, along with twenty other towns, is being sued by Mid-American Salt Co., LLC. Morris County Co-op entered into a contract with Mid-American Salt to provide a certain amount of tons of salt. The Borough, among many others, was never under an obligation to purchase from Mid-American Salt. Mid-American purchased a large quantity of salt and very few purchased it from them and they now have this excess amount of salt, so now they filed a lawsuit against Morris County Co-op and included the 20-30 towns. Laddey, Clark & Ryan are representing all in this lawsuit and Attorney Clemack recommended that they also represent us.

Motion by Councilman Barr, seconded by Councilman Sena to have Laddey, Clark & Ryan, LLC represent the Borough in the case of Mid-American Salt, LLC.

Roll Call vote showed all Council members present in favor.

MAYOR'S AGENDA:

1. Extension of Premise – SRJ LLC; Doc's – Pig Roast, August 26, 2017

Mayor Marino stated there are some concerns regarding the Extension of Premise for Doc's with regards to the Pig Roast. He said the owner is in the public should the Council have questions for him.

Motion by Councilman Garrett, seconded by Councilman Law to open to the owner of Doc's. All in favor. Councilman Garrett stated that the Council had the Police report with the recommendations regarding the Extension of Premise permit. He asked Mr. Houghtaling if he was willing to work with the Police on those recommendations. Mr. Houghtaling said he wanted to clarify that the Pig Roast was never an issue, that it was the Halloween function in which there were problems. This is an afternoon function where the music will end around 8 pm; 9 pm at the latest. There will not be any music outdoors at 10 pm as according to the noise ordinance. The permit is just additional protection to cover the grounds and he would work with the Police.

Motion by Councilman Garrett, seconded by Councilman Sena to close to Mr. Houghtaling. All in favor.

Motion by Councilman Garrett, seconded by Councilman Law to approve the Extension of Premise – SRJ LLC; DOC's for the Pig Roast on August 26, 2017 with the music to end as per the noise ordinance. All in favor.

2. Lawsuit

Mayor Marino stated that none of the actions of the Council had anything to do with the case; we will appeal and move on.

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 June 2017

The June 2017 monthly report for the Police Department showed 796 calls of service, including 4 arrests, 10 motor vehicle accidents, and 42 motor vehicle summonses issued (ETickets – 39, paper copies – 3).

Director Yahm stated that he is anticipating an upsweep in the overtime due to the bail reform of the court and the process.

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

Councilman Barr stated that Director Yahm has the entire support of this Council and he has done a great job. He continued to say that Mayor Marino has done a stellar job and has gotten dragged through the mud.

2. HISTORIC COMMISSION / HISTORIC SOCIETY

Councilman Barr stated the Presbyterian Church has been purchased and in talking with the new owner, he was very excited about it and will maintain the history of the town.

COUNCILMAN KRASNOMOWITZ:

1. OFFICE ADMINISTRATION

CFO Appointment – Christine Licata

Councilman Krasnomowitz recommended that Christine Licata be appointed from Acting CFO to the CFO position.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to accept said recommendation.

Roll Call vote showed all Council members present in favor.

2. CONSTRUCTION DEPARTMENT

Monthly report May 2017

The monthly report for May 2017 showed there were 20 permits issued, 0 certificates of occupancy, and 10 certificates of approvals with a total of \$2768.00 collected in fees for the month of May.

Monthly report June 2017

The monthly report for June 2017 showed there were 18 permits issued, 0 certificates of occupancy, and 15 certificates of approvals with a total of \$5887.00 collected in fees for the month of June.

3. LAND USE BOARD

A meeting was held on July 10th to pay bills, etc. There was no new business.

COUNCILMAN BURD

4. BOARD OF EDUCATION

Councilman Burd discussed the parking situation at the school.

Motion by Councilman Burd, seconded by Councilman Sena to open the meeting to Sheila Frayko, liaison to the Board of Education. All in favor.

Ms. Frayko said the parking at the school is scarce, especially when functions are being held there. They asked the Baptist church if their parking lot could be used and the church declined.

Councilman Barr stated there is a municipal parking lot at the beginning of Linwood that people are able to

use, adding that people sometimes do not care to walk that far, but it is available.

Councilman Krasnomowitz asked about School Street and it being paved with arrows painted as a one way street. He asked who owns that road and was answered that it was part Borough and part school. He had concerns about the resident who lives on the corner as his driveway is about half way down the road. Councilman Krasnomowitz was advised this was settled a few years ago.

Motion by Councilman Law, seconded by Councilman Garrett to close to Ms. Frayko. All in favor.

COUNCILMAN LAW

2. FIRE COMMISSIONER AND OEM

Certification for Rescue Squad Contribution

Councilman Law presented a Certification for a Rescue Squad Contribution from the County of Sussex in the amount of \$2,800.00.

Motion by Councilman Law, seconded by Councilman Garrett to approve the Rescue Squad Contribution in the amount of \$2,800.00 from the County of Sussex. All in favor.

EMS Calls for June

1 fire; 0 MVA; 2 alarm; 12 medical; 2 trauma; 1 mental health; 0 stand-by; 1 community service; 3 cancelled en- route. Mutual Aid – into Hardyston – 1, into Wantage - 1. Total calls for the year- 136. Total man hours for the year: 339.

Fire Report for June

2 fire; 0 MVA; 3 alarms; 0 smoke condition; 2 smell gas/smoke; 1 traffic cont; 0 assist EMS; 0 stand-by; 1 medi-vac; 0 public service; 0 cancelled en-route. Mutual Aid – into Hardyston – 1; into McAfee -2; into Wantage – 1. Total calls for the year – 63. Total man hours for the year: 376.

EMS Application – William Crowell – Background and physical have been submitted

Council is in receipt of an EMS application from William Crowell. Background and physical have been received. Councilman Law stated that Mr. Crowell will be an EMS driver and has expressed an interest in attending EMT classes.

Motion by Councilman Law, seconded by Councilman Garrett to approve the EMS application for William Crowell. All in favor.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

Councilman Garrett said, regarding the sidewalk by the Post Office, since the Post Office leases the property, the owners are responsible for repairing it. John Ruschke will contact the land owner for him to remedy.

Mike Schneider and the Road Dept. repaired the curb box on the corner of School Street and Linwood Ave. so the school now has water to take care of their garden.

3. BOARD OF PUBLIC WORKS

The next meeting will be held on August 9th at 7 pm.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for June 2017 showed a total of \$171,235.44 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the Resolution to refund for water / sewer overpayment in the amount of \$179.11- 40 Quarry Road. All in favor.

Motion by Councilman Sena, seconded by Councilman Law to accept the Resolution to redeem third party taxes in the amount of \$3524.72 – 124 Hillside Drive. All in favor.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the Resolution to authorize an approval to correct assess value – Grey Elephant. All in favor.

2. ROAD DEPARTMENT

Letter of Resignation – Robert Vangorden

Councilman Sena received a letter of resignation as of June 30, 2017 from Road Dept. worker Robert Vangorden due to full time employment.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the resignation of Mr. Vangorden with regrets. All in favor.

3. BOARD of HEALTH

Councilman Sena stated Board of Health met on July 11th but he was not in attendance. The rabies clinic will be held December 6th at the firehouse. A new store – Two Teaspoons- will be coming to Main Street.

4. RECREATION

Recreation will be meeting on Tuesday, July 18th. The Miners' baseball event was very successful as all tickets plus some were sold. "Evening in the Park" was held this past Saturday; the music was terrific and attended by approximately 70 people. Hamburg Day is the next scheduled event taking place on August 20th from 12 pm – 4 pm.

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.

Jill Pergola – Hamilton Street –voiced her disappointment with the Police Dept. behavior, saying it was a mockery, and after working with them for 8 years, found their behavior beyond acceptable. She went on to say the Director position is supposed to save us dollars but upon receiving her new tax bill, it is outrageous and did not. Ms. Pergola said she did not want a change from a Chief to a Director. Mayor Marino interjected saying these are separate issues; property taxes are always an issue. Issues are not being ignored; these are union issues, dirty pool and the dollars spent have been minimal. Mayor Marino added that Hamburg went from 3.5 to 6.4 on the poverty level (according to the census) due to the foreclosures in town. Ms. Pergola mentioned consolidation of Police with other towns and Mayor Marino stated there have been meetings with Hardyston. Councilman Barr said it has to be a good fit for both towns and every few years it is discussed. Ms. Pergola also said that not one Police Officer will acknowledge her in front of her house if they pass by. Director Yahm said he would address this as he has told his officers to hit every street twice during their shift and say hello. Upon a comment, Ms. Pergola stated that she will talk about town business here, on the record, and no place else. She thanked everyone for their time.

Jamie McCurry – Fire Chief – stated the truck committee has been working for over two years now on the purchase of a new engine and are ready to present it to the Council. He was advised to work through Councilman Law.

Virginia Jones – Wallkill Ave –Ms. Jones stated that School Street needed to stay as it is marked – the traffic flows well now. She also thanked the Council for the repair of the sidewalk by the Post Office as she has seen many people walk there and it was a very treacherous situation. Ms. Jones mentioned the sidewalk

by the school needing repair. Councilman Garrett stated that he was aware of it and that it would be completed before the start of school.

She also mentioned that there was a sinkhole on Wallkill Ave between her home and Betty Dolan's home that is getting quite large and has concerns about it. Ms. Jones said she is the treasurer for the church and, with regards to the parking for the school, the walkway from the school parking lot to the church parking lot is behind people's homes, becoming a privacy issue, an insurance problem, and not a practical solution. Once again, with the municipal lot at the corner of the road, it should not be necessary.

Motion by Councilman Garrett, seconded by Councilman Sena 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. Personal – Rice notice was issued
2. Farruggio v Hamburg; Attorney Client Privilege; confidential legal matter; litigation
3. Mid-American Salt Litigation v. Morris County Co-op and various counties

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

Motion by Councilman Garrett, seconded by Councilman Sena to enter into Executive Session at 7:50 pm. All in favor.

Discussion regarding Personal – Rice notice was issued; Farruggio v Hamburg; Attorney Client Privilege; confidential legal matter; litigation; Mid-American Salt Litigation v. Morris County Co-op and various counties.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to return to the Regular Session. All in favor.

Motion by Councilman Barr, seconded by Councilman Law to accept the actions taken in Executive Session regarding Personal –Rice Notice Issued: Jason Reardon will lose the lead man status, being demoted to laborer; be on probation for six (6) months; and with any offense the supervisor has the capacity to terminate immediately.

Roll call vote showed all Council members present in favor. Councilman Garrett absent.

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

1. From Sussex County Risk based inspection report – Hamburg Fire Pavilion (6/5/2017)
2. From Sussex County Risk based inspection report Hamburg Fire Dept. 6/5/2017)
3. Notice of assignment of mortgage 10 Oak Street (6/5/2017)
4. Certificate of registration 25 Wallkill Ave (6/5/2017)
5. Sussex County Solid Waste advisory Minutes April 2017 (6/8/2017)
6. Notice of pending foreclosure 14 Wishing Well Road (6/8/2017)

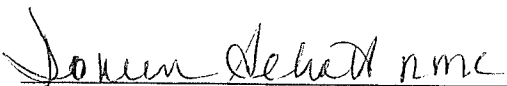
7. Sussex County Water Quality Management notice of cancellation (6/8/2017)
8. State of NJ DEP SDW Water Utilization Reports (6/8/2017)
9. Littell Monthly Report May 2017 (6/8/2017)
10. Littell Monthly Report April 2017 (6/8/2017)
11. May 2017 Legislative Bulletin (6/8/2017)
12. From Honorable Josh Gottheimer, Congress notification of federal funding opportunities (6/13/2017)
13. Notice of foreclosure 272 Falcon Ridge Way South (6/13/2017)
14. From Penny Mac notice of mortgage servicer for 272 Falcon Ridge Way South (6/13/2017)
15. Notice of pending foreclosure 6 Urban Street (6/13/2017)
16. From State DEP Physical Connection Permit information (6/15/2017)
17. Duplicate of # 16
18. 66th annual municipal public information contest
19. Notice of pending foreclosure 69 Vernon Avenue (6/20/2017)
20. Infinite Manufacturing Group – flyer of product line (6/22/2017)
21. From USDA letter regarding 533 Housing Preservation Grant Program (6/22/2017)
22. Flyer – NJ Society of Municipal Engineers (7/6/2017)
23. Notice of pending foreclosure 294 Falcon ridge Way South (7/6/2017)
24. Notice of pending foreclosure 17 Meadow Lakes Drive (7/6/2017)
25. Information from Konica Minolta Business Solutions (7/6/2017)
26. Notice of pending foreclosure 58 Portsmouth Court (7/7/2017)
27. Notice of pending foreclosure 18 Falcon Ridge Way (7/10/2017)
28. Request to enter default and certification T. Clark (7/10/2017)
29. Solid County Waste Advisory Council (7/10/2017)
30. Sussex County Water Quality Advisory Meeting Agenda July (7/14/2017)
31. From Jersey Power Central Light Notice of resident nonpayment (7/14/2017)
32. From State of NJ Highlands Water Protection – review master plan(7/14/2017)
33. Notice of pending foreclosure 42 Portsmouth Court (7/14/2017)

ADJOURNMENT

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to adjourn the meeting. All in favor.

Date Approved 8/7/17

Date Released 8/7/17


 Doreen Schott, RMC
 Municipal Clerk

Submitted by Kathy Garrett