

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON JANUARY 3, 2018 AT THE MUNICIPAL
BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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 Chris Fitzpatrick	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, 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".

December 4, 2017 Regular Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the December 4, 2017 Regular Meeting Minutes of the Mayor and Council.

Roll call:

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

December 4, 2017 Executive Session Meeting Minutes

Motion by Councilman Law, seconded by Councilman Garrett to approve the December 4, 2017 Executive Session Meeting Minutes of the Mayor and Council.

Roll call:

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

APPROVAL OF BILLS:

Councilman Garrett added to the bill list a bill for JCP&L in the amount of \$3431.31 for O&E.

Motion by Councilman Garrett, seconded by Councilman Law to add this bill to the bill list. All Council members present in favor.

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 Law, seconded by Councilman Garrett to close to the public. All Council members present in favor.

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

Roll call showed all Council members present in favor.

ORDINANCES:

ORDINANCE #01-2018 First Reading

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

ORDINANCE #01-2018 First Reading

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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 February 5, 2018. All Council members present in favor.

RESOLUTIONS:

#2018-11 – Budget Transfer.

Motion by Councilman Law, seconded by Councilman Garrett to accept Resolution #2018-11 – Budget Transfer. All Council members present in favor.

#2018-12 – Resolution to cancel outstanding checks.

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2018-12 – to cancel outstanding checks in the amount of \$510.30. All Council members present in favor.

#2018-13 – 2018 Cash Management Plan.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to accept Resolution #2018-13 – 2018 Cash Management Plan. All Council members present in favor.

#2018-14 – Authority to sign for expenses.

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2018-14 – Authority to sign for expenses. All Council members present in favor.

#2018-15 – Authority to invest.

Motion by Councilman Law, seconded by Councilman Garrett to accept Resolution #2018-15 – Authority to invest. All Council members present in favor.

#2018-16 – LEPC (Local Emergency Management Committee).

Motion by Councilman Law, seconded by Councilman Garrett to accept Resolution #2018-16 – LEPC, with members as listed. All Council members present in favor.

#2018-17 – Affidavit of Equal Employment Opportunity

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2018-17 – Affidavit of Equal Employment Opportunity Commission. All Council members present in favor.

ATTORNEY HOUR:

1.

MAYOR’S AGENDA:

Local Emergency Planned Committee (LEPC) membership appointments (Resolution done under Resolutions)

PROFESSIONAL SERVICE AGREEMENTS 2018- Copy of individual contracts with clerk.

Mayor Marino presented the following Professional Service Agreements for 2018:

- Richard Clemack Contract (Attorney Services)
- Nelson Consulting Group Contract (Planning Services)
- Mott MacDonald Contract (Engineering Services)
- Nisivoccia & Company Contract (Auditing Services)
- John L Kraft of Waters, McPherson, McNeill Contract (Bond Counsel)
- Dr. Fielding Contract (Medical Service)
- Daniel Colfax Contract (Public Defender)
- Alicia Ferrante Contract (Municipal Prosecutor)
- Weiner Lesniak – Glenn Kienz Contract (LUB Attorney)
- Arthur J Gallagher and Company, George Morville (Insurance)
- McCabe & McCabe LLC (Historic Planner)
- Law Soft (IT Services)

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the Professional Service Agreements for 2018. All Council members present in favor.

COMMITTEE REPORTS

COUNCILMAN KRASNOMOWITZ:

1. POLICE COMMISSIONER

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to open the meeting to Police Director Wayne Yahm. All Council members present in favor.

Mr. Yahm stated there was not a Police Report for this month. He also congratulated Council members Krasnomowitz and Fitzpatrick. The new police car will be ordered this week and will take approximately four (4) months to arrive. The copy machine in the station is being replaced. Mr. Yahm thanked Mike Schneider and the Road Dept. crew for all the work they did in the PD as the pipes froze in the men’s room. They had to rip out sheet rock, insulate, and replace and it was a job to do.

Councilman Garrett asked how many cars we actually have as we are paying for seven (7) air cards.

Mr. Yahm replied that we have four (4) cars; three (3) cars have (2) cards, needing them for the computers and for the e-tickets and one (1) just has the computer. The present computers will be replaced with the Toughbook computers when the present computer goes bad so the air cards will no longer be needed.

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to close to Mr. Yahm. All Council members present in favor.

3. CONSTRUCTION DEPARTMENT

Monthly report November 2017

The monthly report for November 2017 showed there were 17 permits issued, 0 certificates of occupancy, and 7 certificates of approvals with a total of \$2548.00 collected in fees for the month of November.

4. LAND USE BOARD

Land Use will be meeting on Monday January 8th at 7 pm.

5. INSURANCE

Councilman Krasnomowitz said that departments received a memo from Borough Clerk Doreen Schott regarding injury reports, stating that it is a simple report, must be done quickly – within 24 hours with a written statement. He stressed that it is time sensitive and please – no delays in getting it completed and in.

Councilman Krasnomowitz added he is available to contact should anyone have questions filling out the report.

COUNCILMAN FITZPATRICK

1. SOLID WASTE

There are three applications in for recycling: Andover / Lafayette – glass; Wantage – tires; and Sparta – paper/cardboard. Since Solid Waste is an advisory board, they will say yes or no to the proper board and is a lengthy process.

2. RECREATION COMMISSION

Councilman Fitzpatrick stated there are eight (8) clinics scheduled for the spring; an ice skating event at Skylands on February 18th; and the baseball night again for the summer.

3. HISTORIC COMMISSION / HISTORIC SOCIETY

A Reorganization meeting is scheduled for January 24th.

4. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

Councilman Fitzpatrick informed the Council that this is a \$200.00 yearly membership with no monthly meetings and the partnership only gets together for special affairs.

COUNCILMAN BURD

2. FIRE COMMISSIONER

A meeting will be held on January 4th.

4. BOARD OF EDUCATION

Councilman Burd attended the December 6th County regionalization meeting in Sparta, reiterating that all 35 school districts would have to say yes for this to work. Should all school districts not agree to do so, the State Legislature would have to take over with a mandate. Councilman Burd added that this will take some time. Mayor Marino asked when the note was paid for the school addition, saying this should affect the tax levy for the town. Councilman Burd believed it was sometime this year and would try to find out a specific date.

COUNCILMAN LAW

1. COURT

Councilman Law said that on December 28th, James P. Sloan, our incoming judge, was sworn in in Newton and our Deputy public defender moved up to Public Defender and our prosecutor stayed the same. They have all worked together and also have worked with the new Deputy public defender that will be starting.

2. OEM

OEM is now issuing Code Blue reports – when the temperatures are critical and towns have to take action – responsibility to take care of people on the street. Although Hamburg does not have a shelter, warming centers will be set up where people can get warm and have coffee.

4. SANITATION AND RECYCLING

Councilman Law said he is glad he will be working with the kids again with recycling and will also get in touch with Marguerite Nemeth about this.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

Councilman Garrett said he will be checking for maintenance issues in all the buildings. He said the FD side of this building has an ongoing problem with the heat – it won't go above 62 degrees- and some sections are

not insulated.

3. BOARD OF PUBLIC WORKS

BPW will be meeting on January 10th at 7 pm and will continue discussions on the next 5 Year Plan so that our professionals can continue working on that.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's Report for November 2017 showed a total of \$1,634,453.41 being collected.

2. ROAD DEPARTMENT

Report will be done in the public portion.

3. BOARD of HEALTH

The Rabies Clinic was held December 6th and approximately 75 animals were vaccinated.

The next Board of Health meeting is scheduled for January 9th at 6:30 pm.

PUBLIC PORTION:

Motion by Councilman Law, seconded by Councilman Garrett 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 Council members present in favor.

Jerry Kastner – Water Superintendent – Mr. Kastner said he was monitoring our sewer flows which are very steady at this time. The SCMUA report shows we will be receiving a slight refund but he reminded everyone it was a very dry season; the reservoirs are at 50% capacity and at springtime, if we do not get a lot of snow and rain, we will be in a drought situation. We cannot survive on only surface water.

Wayne Yahm – Police Director – made a correction regarding the air cards- four are for the computes (E-tickets) and three are for the video systems in the patrol cars.

Joyce Oehler – EMS – relayed to Councilman Garrett the floor in the EMS building needed to be stripped and cleaned. Councilman Garrett said he would take a look at it.

Mike Schneider – Road Dept. Foreman – Mr. Schneider said he was good on salt and that he just got in 150 tons 2 weeks ago. He also said the weather was tough on the equipment. The alternator went out on the backhoe at a cost of \$500.00 for a new one and he also ordered batteries for a total of \$300.00.

Motion by Councilman Garrett, seconded by Councilman Law to close to the public. All Council members present 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. Litigation - Farruggio vs. Hamburg

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 Council members present in favor.

Motion by Councilman Law, seconded by Councilman Garrett to enter into Executive Session at 8:17 pm. All Council members present in favor.

Discussion on Litigation – Farruggio vs Hamburg

Motion by Councilman Fitzpatrick, seconded by Councilman Law to return to the Regular Meeting. All Council members present in favor.

Attorney Clemack offered the following Resolution:

**RESOLUTION OF THE BOROUGH OF HAMBURG
Farruggio vs Hamburg Settlement Offer
2018-18**

WHEREAS, the Mayor and Council discussed in Executive Session possible resolution of the claims of the judgement against the Borough in the Farruggio matter; and

WHEREAS, the following resolution was decided.

RESOLVED, the Attorney for the Borough of Hamburg is hereby authorized to make an offer of settlement; and

BE IT FURTHER RESOLVED this offer will be at the maximum amount as discussed in the Executive Session meeting but not in excess of that maximum amount.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Hamburg at the January 3, 2018 Mayor and Council Meeting.

Doreen Schott, RMC
Municipal Clerk

Council discussion on an ordinance change to re-instate the Lieutenant position. Mayor Marino would like to have Attorney Clemack to amend the ordinance to reflect this. The Lieutenant would be the OIC and should the Lieutenant be out on disability then the Sergeant would become the OIC for that time. This would put everyone in a solid position. Council discusses continuing with the two sergeants and having one OIC vs the Lieutenant position which to some would create a greater level of a permanent position of authority.

Motion by Councilman Law, seconded by Councilman Krasnomowitz for Attorney Clemack to prepare an ordinance for first reading / discussion for the February 5th Council meeting.

Roll call:

Ayes: Krasnomowitz, Fitzpatrick, Law

Nays: Burd, Garrett, Sena

Abstain: None

Absent: None

Mayor Marino broke the tie. Motion passed.

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

1. Notice of pending foreclosure 14 King Cole Road (12/4/2017)
2. SCMUA 2018 adopted rate schedule (12/4/2017)
3. Littell Center October 2017 Monthly report (12/31/2017)
4. Constellation electricity environmental disclosure (12/31/2017)
5. Solid Waste December 2017 Agenda (12/31/2017)
6. Notice of pending foreclosure 55 Route 23 North (12/31/2017)
7. State of NJ – No further action – Underground storage tank 150 Quarry Rd (12/31/2017)

- 8. Water Quality December 2017 Agenda (12/31/2017)
- 9. Statewide Insurance – Training update (12/18/2017)

ADJOURNMENT

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

Date Approved Doreen Schott RMC 2/5/18

Date Released 2/5/18

Doreen Schott RMC
Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett