

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON FEBRUARY 5, 2018 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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**CALL TO ORDER:**

Mayor Marino called the meeting to order at 7:00 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 Sena	Mayor Marino

Absent: Councilman Burd

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 5, 2018 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".

**January 3, 2018 Reorganization Meeting Minutes**

Motion by Councilman Fitzpatrick, seconded by Councilman Law to approve the January 3, 2018 Reorganization Meeting Minutes of the Mayor and Council.  
Roll call showed all Council members present in favor.

**January 3, 2018 Regular Meeting Minutes**

Motion by Councilman Fitzpatrick, seconded by Councilman Garrett to approve the January 3, 2018 Regular Meeting Minutes of the Mayor and Council.  
Roll call showed all Council members present in favor.

**January 3, 2018 Executive Session Meeting Minutes**

Motion by Councilman Fitzpatrick, seconded by Councilman Law to approve the January 3, 2018 Executive Session Meeting Minutes of the Mayor and Council.  
Roll call 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 Council members present in favor.

Hearing no comments from the public, motion by Councilman Garrett, seconded by Councilman Sena to close to the public. All Council members present in favor.

Motion by Councilman Fitzpatrick, seconded by Councilman Law to approve and pay the bill list as presented.  
Roll call showed all Council members present in favor.

**ORDINANCES:**

**ORDINANCE #01-2018 Second Reading**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATING 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 second reading and publication. All Council members present in favor.

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

Motion by Councilman Fitzpatrick, seconded by Councilman Law to open the meeting to the public for any questions and comments they may have with regards to the ordinance prior to adoption. All Council members present in favor. This ordinance was introduced on first reading at the January 3, 2018 regular meeting and published as provided by law.

**PUBLIC HEARING**

Hearing no comments from the public, motion by Councilman Garrett, seconded by Councilman Law to close to the public. All Council members present in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adopt the ordinance as presented. Roll call showed all Council members present in favor.

**ORDINANCE #02-2018 First 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 Krasnomowitz for Attorney Clemack to read the Ordinance by title for the first reading and publication. All Council members present 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 Fitzpatrick, seconded by Councilman Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for March 5, 2018.

**Roll call:**

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

**RESOLUTIONS:**

**Mayor Marino stated Resolutions #2018-18 and #2018-19 will be tabled pending Executive Session.**

#2018-18(a)– Amendment to 2018 Temporary Budget

#2018-19 – Authorization for payment of settlement

**#2018-20 – CAFR Correction**

Mayor Marino stated the correction on this resolution was for the account the transfer was made to, not the dollar amount.

Motion by Councilman Law, seconded by Councilman Garrett to accept Resolution #2018-20 as offered. All Council members present in favor.

**ATTORNEY HOUR:**

**ENGINEERING:**

No updates at this time.

**MAYOR’S AGENDA:**

**1. Extension of Premise – Doc’s – Bonfire**

Mayor Marino presented the request of an Extension of Premise from Doc’s for a bonfire on February 24<sup>th</sup> from 12 pm to 2 am., stating the owner was in the public should anyone have any questions about the request. The recommendation from the police was attached stating that Doc’s provide security for the duration of the event and also limit the extension of premises to stop at 10 pm as per Hamburg noise ordinance 142-3a.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve said request. Councilman Garrett added that this is to adhere to the police recommendations. All Council members present in favor.

**2. 2018 Shared Service Contracts**

**Zoning/ Property Maintenance**

Mayor Marino presented the Shared Service Contract for Zoning / Property Maintenance for 2018 between Hardyston and Hamburg. He added there is a 2 % increase from last year. Councilman Krasnomowitz added that this agreement has been working for Hamburg.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the 2018 Shared Service Contract for Zoning/ Property Maintenance.

Roll call showed all Council members present in favor.

**Littell Community Center**

Mayor Marino presented the 2018 Shared Service Contract for the Littell Community Center, stating this is a 2 year agreement with a 2 % increase which comes to \$15,000.00 a year for their services. He said they do a great job with their programs and with the scheduling of our fields, of which he has never heard about a conflict with them.

Motion by Councilman Law, seconded by Councilman Sena to approve the 2018 Shared Service Contract for the Littell Community Center.

Roll call showed all Council members present in favor.

**3. Budget meetings**

Mayor Marino stated the Finance committee will be meeting with the CFO within the next two weeks, sometime before the March meeting to work on the budget so it can be introduced in March. Councilman Fitzpatrick questioned the procedure for budget hearings. Mayor Marino advises there are no formal budget hearings but is discussed at the time of introduction.

**4. Fire Dept. Fire Save**

Mayor Marino commended the Fire Department for the great save they had on the structure fire adding they did a great job and they had a lot of help from responding departments also.

Mayor Marino added the Golf Committee had a meeting and gave money to the family. He added the Red Cross was there within one hour and helped them find housing also.

**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.

The December 2017 monthly report for the Police Department showed 827 calls of service, including 7 arrests, 9 motor vehicle accidents, and 35 motor vehicle summonses issued (E-Tickets – 35, paper copies – 0).

The January 2018 monthly report for the Police Department showed 899 calls of service, including 4 arrests,

12 motor vehicle accidents, and 56 motor vehicle summonses issued (E-Tickets – 56, paper copies – 0). Director Yahm stated that the training was done in house.

Mr. Yahm relayed the police car has been ordered and should arrive in April or early May. He added the radio system was checked as there were complaints regarding the radios but the system checked out okay. Mr. Yahm discussed the Law Soft proposal for the off-site protection of the 2 servers at the PD and one at Borough Hall at a cost of a monthly fee of \$150.00. He explained that the servers would be backed up daily and “hijackers would have a hard time gaining back door access”, adding it was well worth the protection. Councilman Garrett asked where the police radios were cutting out and Mr. Yahm stated it was basically the portables in and around Gingerbread Castle Road, King Cole Road and in some areas in the condos. The cars will go down to Wharton for radio checks but the repeaters and portables are all up and running. Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to close to the Director. All Council members present in favor.

**2. OFFICE ADMINISTRATION**

**Law Soft – Proposal for offsite backup for our servers (3)**

Councilman Krasnomowitz reiterated that he believed this monthly fee of \$150.00 was worth the added protection for our servers.

Motion by Councilman Krasnomowitz, seconded by Councilman Fitzpatrick to accept the proposal as offered.

All Council members present in favor.

**3. CONSTRUCTION DEPARTMENT**

**Monthly report December 2017**

The monthly report for December 2017 showed there were 19 permits issued, 2 certificates of occupancy, and 16 certificates of approvals with a total of \$2356.00 collected in fees for the month of December.

**Zoning Annual Report**

A 2017 Zoning Review report was submitted by Jeff Stabile, Zoning Officer for Council advisement. This will also be discussed at the Land Use Master Plan Review meeting on Thursday and then sent on to the Land Use meeting on Monday.

**4. LAND USE BOARD**

There will be a Master Plan Review Meeting on Thursday February 7<sup>th</sup> at 6 pm. Monday, February 12<sup>th</sup> at 7 pm Land Use will be meeting. Councilman Fitzpatrick asked about the Plastoids property, wondering if the zone would be changed and Councilman Krasnomowitz replied that zones were not going to be changed; they would be more user friendly as far as what the actual zones could have there.

**5. INSURANCE**

Councilman Krasnomowitz mentioned holding a Harassment training seminar here and workplace violence for all employees, volunteers, Council members, etc. and is looking for a date to do so. Other surrounding towns will also be invited to attend. Councilman Garrett mentioned an Ethics class also and Councilman Krasnomowitz will check into that also.

**COUNCILMAN FITZPATRICK**

**1. SOLID WASTE**

The same applications are outstanding: Cavalier Environment-recycling, construction and waste material; Pace-glass; AgChoice-food. SCMUA is going to build a pipeline to the landfill at a cost of \$7.1 million with a 2020 completion date rather than using trucks.

**2. RECREATION COMMISSION**

Recreation held their reorganization meeting and Joyce Oehler is Chairperson with Sam Villagomez as Vice

Chair. Councilman Fitzpatrick stated there are 8 clinics scheduled; Breakfast with Santa went well and was well attended; on February 18, an ice skating event will be held at Skylands from 1 pm – 2:30 pm; a bowling outing is looking to be held at Sparta Lanes; Miss Hamburg Contests are scheduled for June 19<sup>th</sup>; and Hamburg Day is scheduled for September 9<sup>th</sup>. Councilman Fitzpatrick stressed the need for volunteers.

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

Quarterly meetings have been changed to the last Monday of the month. Tom Graham is Chairman with Charlie McMickle as Vice Chair.

**4. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

Councilman Fitzpatrick stated at the meeting Senator Oroho talked about the Christy administration and also discussed items the new governor has on his agenda.

**COUNCILMAN BURD**

*Report given by Councilman Law*

**2. FIRE COMMISSIONER**

**2018 Parade Request – Fire / EMS**

The Fire Department submitted a list of parades they and EMS would like to attend for the 2018 year: St. Patrick’s Day-March 10<sup>th</sup> or 17<sup>th</sup> in Newton; Memorial Day-May 28<sup>th</sup> in North Hardyston Cemetery and here at the monument; Port Jervis-July 7<sup>th</sup> in Port Jervis; and the County Parade-October 7<sup>th</sup> in Newton. They are requesting to take the chief’s vehicle and either a pumper or rescue truck along with an ambulance at some of the parades.

Motion by Councilman Law, seconded by Councilman Sena to approve said request.

All Council members present in favor.

**COUNCILMAN LAW**

**1. COURT**

The AOC will hold an inspection on Tuesday, February 6<sup>th</sup>. The credit card system in the Court has been a great success.

**2. OEM**

Motion by Councilman Law, seconded by Councilman Krasnomowitz to open the meeting to OEM Coordinator Keith Sukennikoff. All Council members present in favor.

Mr. Sukennikoff said he has been sending emails to the Road Dept., the school, other officials, etc., regarding the weather, the Code Blue alerts and has been passing the information along, documenting it and the system has been working. He also mentioned the record keeping of this system is great. He sat with the family of the fire the other night and because of the record system, was able to quickly get the family help.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to close to Keith Sukennikoff. All Council members present in favor.

**3. NEWSLETTER**

Councilman Law said he would put something in the newsletter regarding the importance of a furnace check.

**4. SANITATION AND RECYCLING**

Required recycling reports are starting to come in.

**COUNCILMAN GARRETT**

**1. BUILDING AND GROUNDS**

Councilman Garrett stated that he has quotes coming in for the tile for the floor and ceiling along with the

necessary insulation for the FD meeting room. The audio system also is needed but the FD will be doing that.

He also stated that the generator for the court house is still needed and will have quotes for the generator for approval at the March meeting. Councilman Law added the front doors still need to be done also.

**3. BOARD OF PUBLIC WORKS**

The BPW will be meeting on February 14<sup>th</sup> at 7 pm.

**COUNCILMAN SENA**

**1. FINANCE / TAX DEPARTMENT**

The Tax Collector’s Report for December 2017 showed a total of \$328,295.75 being collected. Councilman Sena mentioned since the budget process is starting to please submit any requests.

**2. ROAD DEPARTMENT**

The Road Dept. has had a lot of call outs for weather. They have had to purchase a battery and plow parts for trucks 4 and 6 and brakes for truck 5.

**3. BOARD of HEALTH**

Board of Health held their reorganization meeting and Linda Adams is Chairperson with George Alpaka as Vice Chair. The discussion included the rabies clinic and sanitary reports; and all inspections are up to date.

**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 Council members present in favor.

Sheila Frayko -BOE Liaison – said Hamburg School has a shared service with Franklin for a Business Administrator. Mr. Bill Sabo is retiring as of 6/30/18 so the BOE is currently looking for a new business administrator.

Motion by Councilman Sena, seconded by Councilman Law to close to the public at 7:44 pm. 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**
- 2. **Mid-American Salt vs Hamburg and other towns**
- 3. **FOP Negotiations**
- 4. **Personnel**

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 Sena, seconded by Councilman Garrett to accept the resolution as offered. All Council members present in favor.

Motion by Councilman Fitzpatrick, seconded by Councilman Sena to enter into Executive Session at 7:44 pm. All Council members present in favor.

Discussion regarding Litigation - Farruggio vs. Hamburg; Mid-American Salt vs Hamburg and other towns; FOP Negotiations; Personnel.

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

**Resolution #2018-18(a) – Amendment to 2018 Temporary Operating Budget**

Motion by Councilman Sena, seconded by Councilman Law to accept Resolution #2018-18(a) - Amendment to the 2018 Temporary Operating Budget total of \$3850.00.

Roll call showed all Council members present in favor.

**Resolution #2018-19 - Resolution Authorizing the Execution of a Settlement Agreement and Release Concerning the Mid-American Salt Litigation**

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2018-19 Authorizing the Execution of a Settlement Agreement and Release concerning the Mid-American Salt Litigation.

Roll call showed all Council members present in favor.

**Resolution #2018-21 - Amendment to 2018 Temporary Operating Budget**

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to accept Resolution #2018-21 Amendment to 2018 Temporary Operating Budget.

Roll call showed all Council members present in favor.

**Resolution # 2018-22- Authorization for Payment of Settlements**

Motion by Councilman Sena, seconded by Councilman Krasnomowitz to accept Resolution #2018-22 Authorization for Payment of Settlements.

Roll call showed all Council members present in favor.

**Collective Bargaining Negotiations with FOP Lodge 57**

Attorney Clemack stated the parties have been engaged in collective bargaining negotiations. The committee recommends that certain items be deemed resolved subject to ratification of the FOP Lodge 57. A memorandum of agreement can be signed by the municipal attorney and approved by the appropriate municipal officers:

1. The duration of the new collective bargaining agreement be January 1, 2018 for a period of five (5) years thereafter
2. Salary will be increased 2% across the board
3. Workers Compensation – the manner in which the Borough is reimbursed for costs, benefits, and salary shall be resolved and worked out by the parties but the same principal of repayment shall apply
4. Longevity will be removed for all newly hired employees upon ratification
5. Disability as provided in Article 8-e.1 on page 17 is hereby deleted
6. The Borough agrees the clothing allowance by way of a check in the amount of \$750.00 per officer per year

Attorney Clemack added it is understood this does not resolve other issues that are on the table as they are subject to other negotiations and by the Mayor and Council agreeing to these terms, it is not to be implied they agree to the other terms.

Motion by Councilman Sena, seconded by Councilman Law to accept this memorandum of agreement as offered.

All Council members present in favor.

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

1. SCMUA –Certificate of Annual Chares (12/24/2017)
2. Copy of landlord registration – 12 Oak Point Drive (12/24/2017)
3. From State of NJ, Underground storage tank removal (1/5/2018)
4. Copy of Sussex County Solid Waste Advisory Council Agenda January 2018. (1/15/2018)
5. Sussex County Water Quality Management Meeting cancellation. (1/15/2018)
6. Zoning report – 2017 (1/15/2018)
7. From Sussex County Health Nursing – notice of events (1/17/2018)
8. From State of NJ, notice of underground storage tank removal (1/24/2018)
9. Notice of pending foreclosure 98 Hillside Drive (1/24/2018)
10. Correspondence from Project Self Sufficiency regarding the Mobile PSS Program (1/9/2018)
11. Notice of change of ownership 94 Burlington Court (1/26/2018)
12. Notice of change of ownership 113 Falcon Ridge Way North (1/26/2018)
13. Notice of filing of foreclosure 59 Lakeview Drive Unit 2 (1/26/2018)
14. From State of NJ – Lead and Copper Rule Update (1/29/2018)

**ADJOURNMENT**

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

Date Approved \_\_\_\_\_

Date Released \_\_\_\_\_

\_\_\_\_\_  
Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett