

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON APRIL 2, 2018 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 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 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".

March 5, 2018 Regular Meeting Minutes

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the March 5, 2018 Regular Meeting Minutes of the Mayor and Council.

Roll Call showed all Council members present in favor.

March 5, 2018 Executive Session Meeting Minutes

Motion by Councilman Garrett, seconded by Councilman Law to approve the March 5, 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 Law, seconded by Councilman Krasnomowitz 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 Law, seconded by Councilman Krasnomowitz to close to the public. All Council members present in favor.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the bill list as presented.

Roll Call showed all Council members present in favor.

ORDINANCES:

ORDINANCE #03-2018 – Second Reading

**AN ORDINANCE ESTABLISHING CHAPTER 118 OF THE CODE OF THE BOROUGH OF
HAMBURG ENTITLED "GAMES OF CHANCE"**

Motion by Councilman Garrett, seconded by Councilman Burd for Attorney Clemack to read the Ordinance by title for second reading and publication. All Council members present in favor.

AN ORDINANCE ESTABLISHING CHAPTER 118 OF THE CODE OF THE BOROUGH OF HAMBURG ENTITLED "GAMES OF CHANCE"

Motion by Councilman Garrett, 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 March 5, 2018 regular meeting and published as provided by law.

PUBLIC HEARING

Mayor Marino relayed that this ordinance will administratively speed up the process of an application. 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 Law, seconded by Councilman Burd to adopt the ordinance as presented.

Roll Call showed all Council members present in favor.

ORDINANCE #04-2018 – First Reading

AN ORDINANCE AMENDING CHAPTER 44-POLICE DEPARTMENT-OF THE CODE OF THE BOROUGH OF HAMBURG TO ESTABLISH THE POSITION OF LIEUTENANT AND TO MODIFY PROMOTIONAL PROVISIONS.

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

AN ORDINANCE AMENDING CHAPTER 44-POLICE DEPARTMENT-OF THE CODE OF THE BOROUGH OF HAMBURG TO ESTABLISH THE POSITION OF LIEUTENANT AND TO MODIFY PROMOTIONAL PROVISIONS.

Mayor Marino stated that on page 2, section 6, he would like to see experience / job performance added to Personal Interview to make up the 80%. Attorney Clemack will make the changes.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the ordinance changes. Councilman Sena asked if years of service will be amended and was answered the rest of the ordinance would stay as is.

Roll Call showed all Council members present in favor.

Motion by Councilman Krasnomowitz, 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 May 7, 2018 regular meeting. Roll Call showed all Council members present in favor.

RESOLUTIONS:

#2018-33 – Child Abuse Prevention Month

Motion by Councilman Fitzpatrick, seconded by Councilman Burd to accept Resolution #2018-33-Child Abuse Prevention Month. All Council members present in favor.

#2018-34 – Place to Place Transfer Hamburg Krishna, LLC #1909-04-002-006 (Application has been completed. Advertisement is completed and background check has been performed.)

Motion by Councilman Law, seconded by Councilman Sena to accept Resolution #2018-34 – Place to Place Transfer Hamburg Krishna, LLC #1909-04-002-006.

Councilman Garrett said this change is because he is moving but asked if the license number changes.

Borough Clerk Doreen Schott said he is moving and expanding (place to place) but the license number stays the same except for the last 3 digits.

All Council members present in favor.

#2018-35 – Highway Occupancy Permit – Fire Department

Councilman Burd stated a Highway Occupancy Permit was received from the fire department to hold the fund drive on the given dates and paperwork will be submitted to the State.

Motion by Councilman Burd, seconded by Councilman Law to accept Resolution #2018-35 – Highway Occupancy Permit – Fire Department. All Council members present in favor.

#2018-36 – Certification of Audit (under 2017 Municipal Audit)

Motion by Councilman Garrett, seconded by Councilman Law to accept Resolution #2018-36 – Certification of Audit as presented. Roll Call showed all Council members present in favor.

ADOPTION OF BUDGET: Clerk will read the resolution

Motion by Councilman Law, seconded by Councilman Burd to open the meeting to Auditor Bill Schroeder and CFO Christine Licata. All Council members present in favor.

Mr. Schroeder stated that keeping the tax raise at 1%, the monthly tax increase will now be \$3.58 per month or \$48.00 year.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to open the meeting to the public. All Council members present in favor.

PUBLIC HEARING

Mayor Marino stated the 1% tax increase is due mostly to pensions and salaries and was lowered from 2 %. Hearing no comments from the public, motion by Councilman Law, seconded by Councilman Krasnomowitz to close to the public. All Council members present in favor.

DISCUSSION

Councilman Fitzpatrick inquired as to what our surplus is and Mr. Schroeder answered \$1.5 million, but this year will drop down to \$1,366,000.00. Councilman Fitzpatrick asked what the BPW and Police surplus was and Mr. Schroeder answered \$1.7 million and \$1.4 million respectively. He then asked why we were still raising taxes with a combination of both for a \$2.8 million surplus. Mr. Schroeder answered the surplus is used for rainy day problems; used for one shot deals; cash flow purposes; and tax appeals for which there is no line item for. Mayor Marino added we have to stick to a plan: the Borough has to keep operating and we have to continue to do upkeep within the town. Councilman Garrett said last month the Council decided to do a 1 % tax increase and felt it was a financially responsible decision. Councilman Fitzpatrick said these are taxpayer dollars and should be given back to the taxpayer.

Motion by Councilman Fitzpatrick for a 0% increase in the budget. No second.

Motion by Councilman Garrett, seconded by Councilman Krasnomowitz to adopt the budget as presented.

Councilman Sena said some changes within the Police Dept. in moving forward could affect positively / negatively with salaries and he does not want to say yes to a budget with an unknown dollar amounts.

Councilman Krasnomowitz said he understood but we are talking about \$73,000.00. Councilman Burd asked what happens to the money if we do not go with a director and Mr. Schroder answered we can cancel it and put it back in the budget. Councilman Krasnomowitz added that we do not know what is going to happen and for \$1.25 a month per taxpayer felt it was not worth taking it away, adding he had full confidence in this budget. Councilman Law added the majority was county and school taxes also.

Roll Call:

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

2017 MUNICIPAL AUDIT:

Synopsis of Audit of be published as provided by law in the New Jersey / Sunday Herald

Mr. Schroeder stated it was a clean audit; the fund balance dropped slightly but it is still healthy.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the 2017 Municipal Audit as presented. All Council members present in favor.

Certification of receipt of Audit to be signed by Governing Body Members

All Council members present signed the Certification of receipt of Audit.

#2018-36 Resolution of Certification of Audit to be adopted.

Under resolutions

ATTORNEY HOUR:

ENGINEERING:

None

MAYOR'S AGENDA:

Energy Market Exchange – EMEX Electricity and EMEX Natural Gas

Mayor Marino stated the Borough saves money on our electricity and natural gas by going through an energy market exchange. Last year we saved \$10,643.32 on electricity and \$316.98 on natural gas.

Ferrell Gas

Mayor Marino commended all departments saying they did an amazing job on their response to the fire at Ferrell Gas. He stated it raises concerns on how dangerous it is and would like a letter sent to the safety people at Ferrell Gas with his concerns.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to send a letter of concern regarding the recent situation to Ferrell Gas. All Council members present in favor.

Councilman Sena asked if they have safety inspections and Councilman Garrett stated there are five (5) such tanks in the County and we have three (3) of them.

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

Mr. Sukennikoff stated the tanks in the back are empty and there are no leaks in the yard. They have their own safety checks and someone is on site from early morning until 6 pm. They have a specific load and unload schedule with procedures to follow, adding that Ferrell Gas will do what we need to make us feel safe. Mr. Sukennikoff did say the bigger tanks are fully loaded which are more safe than an emptier load. The explosions were from the tires blowing on the truck. Councilman Krasnomowitz remembered the propane explosion that took place in Newton quite a few years ago and being a half mile away from it, things were knocked off shelves, walls, etc.

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

COMMITTEE REPORTS

COUNCILMAN KRASNOMOWITZ:

1. POLICE COMMISSIONER

Motion by Councilman Garrett, seconded by Councilman Burd to open the meeting to Sergeant Gunderman. All Council members present in favor.

The March 2018 monthly report for the Police Department showed 793 calls of service, including 3 arrests, 8 motor vehicle accidents, and 147 motor vehicle summonses issued.

Sergeant Gunderman informed the Council the Distracted Driving operation is taking place from April 1st – 21st and thanked Keith Sukennikoff for the DOT signs. He also applied for a Click it or Tick it Grant to take place in May. Sgt. Gunderman applied for a grant in the amount of \$20,000.00 for a license plate reader/scanner which reads car plates as they go by and if there are any violations outstanding on the car, the scanner would pick it up. The new police car is due in on April 25th. The computers are in with car 6 getting one on Tuesday, the 3rd. There is a slight increase in overtime with losing the two officers and the detective being out (family leave for his wife). Sgt. Gunderman also said one of the cars is being painted and Franklin Auto Body donated \$900.00 worth of paint. The LEAD program will be taking place in the

summer. Officers Moses and McNulty were receiving a MADD award at Rutgers. Councilman Fitzpatrick asked how many patrol cars the department had and was answered three with one being painted. Motion by Councilman Krasnomowitz, seconded by Councilman Law to close to Sgt. Gunderman. All Council members present in favor.

3. CONSTRUCTION DEPARTMENT

Monthly report February 2018

The monthly report for February 2018 showed there were 8 permits issued, 1 certificates of occupancy, and 11 certificates of approvals with a total of \$1002.00 collected in fees for the month of February.

4. LAND USE BOARD

Land Use meeting will be held on April 9th at 7 pm.

On Wednesday, the 4th a Master Plan Review meeting will be held.

5. INSURANCE

Resolution appointing a Risk Manager – Arthur J Gallagher

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the resolution appointing Arthur J. Gallagher as Risk Manager for the Borough of Hamburg. All Council members present in favor.

Risk Management Consultant Agreement

Motion by Councilman Krasnomowitz, seconded by Councilman Law to accept the Risk Management Consultant Agreement with Statewide Insurance Fund for 2018. All Council members present in favor.

COUNCILMAN FITZPATRICK

1. SOLID WASTE

Meeting was cancelled.

2. RECREATION COMMISSION

Councilman Fitzpatrick gave an update on attendance at the rec clinics: hockey had 26 kids; golf had 20 plus; arts and crafts had 45; and speed training will be held in April to finish off the year.

3. HISTORIC COMMISSION / HISTORIC SOCIETY

Meeting was cancelled.

4. SUSSEX COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

Discussion under Councilman Sena

COUNCILMAN BURD

2. FIRE COMMISSIONER

Resolution # 2018-35 Highway Occupancy Permit

Under Resolutions

Fire

Councilman Burd said the Fire Dept. did a great job with the fire at Ferrell Gas.

Fire truck

The truck committee did a great presentation of the new fire truck at the Fire Dept. meeting; he could tell they did a lot of research on it, and will be presenting it to the Council at the April 16th meeting. Councilman Sena said there is money available through grants and Congressman Gottheimer's office is very resourceful for this. Councilman Law also added he was very responsive with grants.

4. BOARD OF EDUCATION

Councilman Burd said the school budget was also going up with them using \$12,000.00 of their surplus dollars. Health care was up at 15%. The Charter School has 25 students attending which costs the Borough taxpayer \$14-17,000.00 per student for a total of \$435,000.00. On April 24th will be the budget hearing for the school.

COUNCILMAN LAW

1. COURT

Councilman Law said the Court had a security plan update and will make the appropriate adjustments, including updating the back door. He also advised the Council that the public defender will have to defend lower income residents on domestic violence and disorderly persons cases perhaps raising the cost to the Borough. It is also now mandated that the court have a walk thru metal detector and the court is looking to purchase a mobile one at a cost of approximately \$2500.00.

2. OEM

Councilman Law said that OEM now has a Special Needs assistance form with pertinent information needed for OEM to help residents in an emergency situation. This information and form will be posted on the website, sent out with the water bill, and addressed through OEM. He also stated that OEM paperwork is up-to-date so now eligible for grants.

4. SANITATION AND RECYCLING

There are two (2) years left on our recycling agreement so Councilman Law is looking into options. Mrs. Sigman, the vice principal at the Hamburg School is holding a recycling program to teach the students about recycling. Councilman Law would like to donate \$550.00 out of the Clean Communities budget towards the program. Fire and EMS will be involved also.

Motion by Councilman Law, seconded by Councilman Sena to donate \$550.00 to come out of the Clean Communities budget to the Hamburg School recycling program presented by Dave Street.

Councilman Sena asked how much money was in that budget and was answered approximately \$25,000.00. All Council members present in favor.

COUNCILMAN GARRETT

1. BUILDING AND GROUNDS

Proposal Chelbus Cleaning EMS Building – 2 bathrooms

Councilman Garrett received a new proposal from Chelbus for cleaning the EMS two bathrooms: twice a week for \$50.00.

Motion by Councilman Garrett, seconded by Councilman Sena to accept the proposal as given. All Council members present in favor.

Court Generator

Councilman Garrett said he only had one quote for the Court House 12K generator with installation but will obtain two more for the next meeting.

3. BOARD OF PUBLIC WORKS

Hamburg School Project WET – Water Fest – donation of bottled water

Councilman Garrett relayed the Hamburg School is holding a Water Fest for students to teach them about water and all that it is able to do. The grant they are receiving needs a letter of support from the water department and involvement by way of a donation of bottled water. This will cost approximately \$50.00.

Motion by Councilman Garrett, seconded by Councilman Law to support the Hamburg School Project WET by way of a letter of support from the BPW and a donation of bottled water for each of the 250 students plus staff participants. All Council members present in favor.

Councilman Garrett mentioned that due to Water Superintendent Jerry Kastner retiring as of May 31st, he will be meeting this week to get an outline of his duties.

4. Mohawk House

Councilman Garrett said he, along with Council members Fitzpatrick and Sena and EMS member Cindy Palmer attended a town hall meeting regarding opioid usage and steps we can take to help and put an end to it.

5. Railroad

A letter was received from the railroad stating the trestle was going to be refurbished. Councilman Garrett stated it was a \$2.5 million dollar project. He made a few calls to the railroad asking if they are going to bring the height to code on the highway as it is not currently, asking also if they could expand the trestle wider as there are so many accidents at that intersection. Councilman Garrett also contacted Senator Steve Oroho regarding this and he was very receptive. Senator Oroho requested a letter from the Borough to him for when he goes to the DOT to address the concerns. Council discusses and Attorney Clemack suggests a resolution to send to Senator Oroho and all towns.

Motion by Councilman Garrett, seconded by Councilman Sena for Attorney Clemack to prepare a resolution regarding the refurbishing of the railroad trestle to send to Senator Steve Oroho and all towns. All Council members present in favor.

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

The Tax Collector's report for February 2018 showed a total of \$829,722.12 being collected.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the resolution to redeem third party tax sale certificate #17-0004 in the amount of \$2509.40; to accept the resolution to redeem third party tax sale certificate #17-0010 in the amount of \$7912.65; and to accept the resolution to redeem third party tax sale certificate 2016-017 in the amount of \$10,878.09.

Roll Call showed all Council members present in favor.

2. ROAD DEPARTMENT

Contract – Street Sweeping 2018 Hardyston Township

Councilman Sena presented the street sweeping contract with Hardyston Township for 2018, stating the dollar amount of \$114.00 per hour is the same as last year.

Motion by Councilman Sena, seconded by Councilman Garrett to accept the contract for Street Sweeping with Hardyston Township for 2018 as offered.

Councilman Fitzpatrick inquired if a business here in town offers the service. Councilman Garrett replied that someone did but no longer does.

All Council members present in favor.

3. BOARD of HEALTH

A meeting will be held April 10th at 6:30 pm. There are still approximately 36 outstanding un-renewed licenses and Animal Control will be issuing summons.

4. Municipal Drug Alliance discussion

Councilman Sena discussed becoming involved with the Municipal Drug Alliance again, stating that Hamburg was at one time back in 2011, also indicating that Hamburg and Fredon are the only two municipalities that are not presently included. He volunteered to head up the committee. On July 18th, Coordinator Nick Liozzi will give a presentation on the alliance. There is \$3500.00 available with an in kind cash match from the Borough.

Motion by Councilman Sena, seconded by Councilman Garrett to get involved with the Municipal Drug

Alliance. All Council members present in favor.

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.

Ted L'Estrange – asked for support calling for an end to the violent persecution and state-sanctioned killing of Falun Gong practitioners and other prisoners of conscience in China for their organs after giving a brief explanation, also including a resolution of support.

Motion by Councilman Law, seconded by Councilman Sena 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. Police hiring applications – Personnel matter

2. Collective bargaining with the Police Liaison

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

Motion by Councilman Law, seconded by Councilman Sena to enter into Executive Session at 8:50 pm. All Council members present in favor.

Discussion regarding Police hiring applications – Personnel matter; Collective bargaining with the Police Liaison.

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

Attorney Clemack offered the following resolution: Be it resolved that Jason Franco is hereby hired as a Step One Patrolman for the Borough of Hamburg as of April 4, 2018, subject to physical and psychological examinations and will be on a one year probationary term with the Police Department.

Motion by Councilman Krasnomowitz, seconded by Councilman Garrett to accept the resolution for Jason Franco. Roll call showed all Council members present in favor.

Attorney Clemack offered the following resolution: Be it resolved that Jordan Descafano is hereby hired as a Step One Patrolman for the Borough of Hamburg as of April 4, 2018, subject to physical and psychological examinations and will be on a one year probationary term with the Police Department.

Motion by Councilman Krasnomowitz, seconded by Councilman Burd to accept the resolution for Jordan Descafano. Roll call showed all Council members present in favor.

Councilman Fitzpatrick expressed that wanted to have more input and involvement with budget decisions

and would also like to see a greater breakdown in the expenditures of departments. He requested also Old Business / New Business on the agenda.

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

1. Notice of pending foreclosure 30 Quarry Road (3/7/2018)
2. Notice of pending foreclosure 45 Heritage Lane (3/7/2018)
3. From Sussex County information on mosquito control (3/7/2018)
4. Water Quality Management March 2018 minutes (3/7/2018)
5. NJ Marijuana Retailers Association letter of introduction (3/7/2018)
6. From Ginnie's house Open House (3/7/2018)
7. Correspondence – Utility Service Warranty Program (3/9/2018)
8. Solid Waste Advisory Council meeting cancellation (3/9/2018)
9. Notification of Rail Freight Assistance Program Award (3/9/2018)
10. Correspondence from Blue Sky Tower (3/14/2018)
11. NJLM 2018 Municipal Directory (3/16/2018)
12. Notice of underground storage tank discharge 96 rt. 23 (3/21/2018)
13. From Sussex Count Tax final equalization table for 2018 (3/21/2018)
14. From JCPL public hearing, proposed increase in company Rider (3/21/2018)
15. Correspondence from "Enchanted Rock" technology energy (3/21/2018)
16. From Spiotti & Esposito PC, Tax appeals – Heritage Lakes area (3/22/2018)
17. Correspondence regarding "School Funding:" 3/23/2018)

ADJOURNMENT

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

Date Approved 5/7/2018

Date Released 5/7/2018

Doreen Schott RMC
 Doreen Schott, RMC
 Municipal Clerk

Submitted by Kathy Garrett