

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON MAY 6, 2019 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.

**MOMENT OF SILENCE:**

Mayor Marino asked for a moment of silence in honor of the passing of Bill Cunningham, who served as a Councilmember for many years and was a good friend. He always did what was best for the town and on Saturday, May 11<sup>th</sup>, the Borough flag will be at half-mast in honor of Mr. Cunningham.

**ROLL CALL:**

Mayor Marino requested a roll call:

Councilmember Krasnomowitz	Councilmember Law
Councilmember Oehler	Councilmember Garrett
Councilmember Burd	Mayor Marino

Absent: Councilmember Sena

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 11, 2019 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".

**\*\*Councilmember Sena arrived\*\***

**April 1, 2019 Regular Meeting Minutes**

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to approve the April 1, 2019 Regular Meeting Minutes of the Mayor and Council.

Roll call showed all Councilmembers present in favor.

**April 1, 2019 Executive Session Minutes**

Motion by Councilmember Garrett, seconded by Councilmember Law to approve the April 1, 2019 Executive Session Minutes of the Mayor and Council.

Roll call showed all Councilmembers present in favor.

**APPROVAL OF BILLS:**

As there are no additions or deletions to the bill list, motion by Councilmember Oehler, seconded by Councilmember Law to open the meeting to the public with regards to the bill list only. All Councilmembers present in favor.

Hearing no comments from the public, motion by Councilmember Garrett, seconded by Councilmember Burd to close to the public. All Councilmembers present in favor.

Motion by Councilmember Law, seconded by Councilmember Oehler to approve and pay the bill list as presented.

Roll call showed all Councilmembers present in favor.

**ORDINANCES:**

**ORDINANCE #04-2019 – 1<sup>st</sup> Reading**

**BOND ORDINANCE APPROPRIATING \$85,000 TO PROVIDE FOR THE DEVELOPMENT OF A SANITARY SEWER SYSTEM ASSET MANAGEMENT PLAN FOR THE BOROUGH OF HAMBURG TO BE UNDERTAKEN PURSUANT TO THE NEW JERSEY WATER QUALITY ACCOUNTABILITY ACT, AND AUTHORIZING THE ISSUANCE OF \$85,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law for Attorney Clemack to read the Ordinance by title for the second reading and publication. All Councilmembers present in favor.

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Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for June 3, 2019.

Mayor Marino added the \$85,000 gets paid only if we receive the grant.

All Councilmembers present in favor.

**RESOLUTIONS:**

**#2019-32 - Highway Occupancy for Fire Department Coin Toss**

Motion by Councilmember Burd, seconded by Councilmember Oehler to accept resolution #2019-32 – Highway Occupancy for Fire Department Coin Toss. All Councilmembers present in favor.

**#2019-33 - Asset Management Plan – Sanitary Sewers**

Motion by Councilmember Garrett, seconded by Councilmember Law to accept resolution #2019-33 – Asset Management Plan – Sanitary Sewers. No answer has been received on the water tanks yet. All Councilmembers present in favor.

**#2019-34 – (will be done under 2018 Audit)**

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law to accept resolution #2019-34 – Governing Body Certification of the Annual Audit. Mayor Marino added the recommendations for the audit will be corrected. All Councilmembers present in favor.

**#2019-35 Court Matron Position**

Motion by Councilmember Law, seconded by Councilmember Burd to approve resolution #2019-35- Court Matron for Stacy Reardon, who will start at \$15.92 per hour, receive her training at the Morris County Police Academy. This will take approximately 1 ½ months and she is unable to work until completed. All Councilmembers present in favor.

**#2019 – 36 – Amendment to Resolution 2018-80 Part Time Employees – Sick Time**

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law to accept #2019 – 36 – Amendment to Resolution 2018-80 Part Time Employees – Sick Time. Councilmember Krasnomowitz added the Borough is following the new State Laws regarding part time hours.

Roll Call:

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

**2018 MUNICIPAL AUDIT**

Synopsis of Audit to be published as provided by law in the New Jersey / Sunday Herald  
Certification of receipt of Audit to be signed by Governing Body Members  
#2019-34 Resolution of Certification of Audit to be adopted

**MAYOR'S AGENDA:**

**Finance Treasurer's report March 2019**

Treasurer's report showed a current fund of \$1,539,127.44.

**Falcon Ridge Performance Bond**

Inquiries were made as to the release of the performance bond. Attorney Clemack spoke to the Attorney who was to advise him of the issues; he in turn will speak to the holders of the bond for discussion.

**NANO Grant**

An answer has not yet been received on this grant for the water tanks.

**EMS Budget**

Mayor Marino updated Councilmembers on the EMS budget; it was cut in half when St. Clare's started running daytime coverage. Repairs were needed on the rigs and restocking of outdated supplies has left the budget in the negative. There is money left from the Hardyston agreement which can be transferred in November but not at this time. Mayor Marino would like to see some of this money go into a repair fund for the rigs as it should not be coming out of their budget. EMS captain has been asked to be cautious with the repairs and spending.

**Proposal – Professional Engineering Services for Asset Management Planning Sanitary Sewer System and Resolution 2019-33**

Under resolutions

**New Jersey Conference of Mayors**

Green Team – Mayor Marino received information about putting clothing and shoe bins in town and each bin (he thought about placing 2) would collect \$1500.00 a year for being there. He considered the back corner of the municipal parking lot on the corner of Linwood and Rt. 23, adding that if there are any issues whatsoever, a phone call would be made to the company and they will take care of the issue.

Motion by Councilmember Law, seconded by Councilmember Burd recommended moving forward with the idea. Councilmember Krasnomowitz would like to see the contract and Councilmember Garrett does not want it to take away from the school profit with their bins. All Councilmembers present in favor.

**OEM – Mobile Command Trailer**

Mayor Marino discussed the OEM trailer and the repairs that are needed on the trailer to make it safe. The estimate costs are approximately \$6251.50 with about \$2346.00 money ready to be used, leaving about \$4000.00 still needed. Councilmember Law said there was a lot of equipment inside that is used at a major incident or mutual aid to other towns so it would be a benefit to repair. Councilmember Krasnomowitz inquired how we pay for it now as it is 12 years old and we received it free then. Mayor replied it would come from the auction money we receive for selling the used equipment.

Motion by Councilmember Law, seconded by Councilmember Oehler to accept the proposal and proceed with the OEM trailer repairs. All Councilmembers present in favor.

**Membership EMS and Fire Dept.**

Mayor stated a cover letter for EMS and Fire Dept. membership was created with clearer guidelines to alleviate confusion with the process. First step will be the membership meeting. Then the application along with a copy of the driver's license will be sent to the Borough Clerk, compliance with the ordinance, Police

Dept for background check, physical then back to clerk and on to Council for approval. All steps will be checked on the cover letter; the application will not be addressed if not completed.

Motion by Councilmember Burd, seconded by Councilmember Law to support this procedure as submitted. Councilmember Burd questioned the Fire Dept.'s by-laws and said their by-laws have to fit with the ordinances.

All Councilmembers present in favor.

**Doc's Extension of Premise – Campfire – June 15, 2019 4:00 pm – 2:00 am**

Council received an extension of premise from Doc's LLC for a campfire on June 15<sup>th</sup> from 4 pm – 2 am.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law to approve said application.

All Councilmembers present in favor.

**COMMITTEE REPORTS**

**COUNCILMEMBER KRASNOMOWITZ:**

**1. POLICE COMMISSIONER**

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law to open the meeting to Police Director Mike Postorino. All Councilmembers present in favor.

**Monthly report April 2019**

The April 2019 monthly report for the Police Department showed 1051 calls of service, including 2 arrests, 10 motor vehicle accidents, 216 motor vehicle stops, and 190 motor vehicle summonses issued (2 paper).

Director Postorino relayed that most summons were due to the Distracted Driving campaign. He also relayed there have been changes to administrative duties, record keeping, and monitoring time. There is some mandated training coming up that will result in overtime which cannot be helped. When asked why paper copies were issued, Mr. Postorino was not sure if the call was dropped, etc. but would find out.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to close to Mr. Postorino.

All Councilmembers present in favor.

**2. OFFICE ADMINISTRATION/ FINANCE**

**Acclaim Inventory LLC Proposal**

Part of the Asset Management Plan is to have an inventory of all hardware tagged and accounted for. This was one of the "criticisms" on the audit/best practices so this will alleviate that at a cost of no more than \$2000.00.

**Review of Local Finance Notice 2018-13 Electronic Fund and Claimant Certification**

The Borough is not able to do this at this time due to a personnel shortage.

**3. CONSTRUCTION DEPARTMENT**

**Monthly report March 2019**

The monthly report for March showed there were 16 permits issued, 1 certificates of occupancy, and 18 certificates of approvals with a total of \$2288.00 collected in fees for the month of March.

**4. LAND USE BOARD / ZONING**

**Zoning Report April 2019**

Zoning Officer submitted a report of the activity for the month of April, approving 8 zoning permits, investigating and inspecting 3 properties for property maintenance with subsequent notices of violations being sent.

**Request from Zoning Officer regarding payroll status**

Joe Drossel requested to be placed on payroll as a part-time employee for reasons of tax and other deductions could be taken out of his pay. Councilmember Krasnomowitz stated this was a good idea as there would be more protection to the Borough. Mayor Marino added that once a week Mr. Drossel is using

a Road Dept. vehicle.

**Land Use**

Land Use will be meeting on Monday, May 13<sup>th</sup> for a use variance application for an electronic sign / billboard across from Urban Street.

**COUNCILMEMBER OEHLER**

**2. RECREATION COMMISSION**

**Hamburg Fire Department Golf Outing**

A donation request for the Fire Dept. Golf Outing will be addressed at the Recreation meeting on May 19<sup>th</sup>.

**3. HISTORIC COMMISSION / HISTORIC SOCIETY**

Councilmember Oehler stated Historic Commission member Dan Barr is taking pictures and inventorying all articles going into the storage unit. Mayor Marino mentions about putting up a building by the rec fields for the artifacts, with the possibility of using Green Acres and Historic Commission money to do so.

**COUNCILMEMBER BURD**

**2. FIRE COMMISSIONER / EMS**

**Highway Occupancy Permit Hamburg Fire Department Coin Toss (Resolution #2019-32)**

The Fire Dept. requested permission to hold a coin toss at the intersection of Rt. 23 and Rt. 94 on the following days: June 15<sup>th</sup> from 8 am – 5 pm; July 27<sup>th</sup> from 8 am – 5 pm; August 17<sup>th</sup> from 8 am – 5 pm; September 7<sup>th</sup> from 8 am – 5 pm; and October 12<sup>th</sup> from 8 am – 5 pm. Rain dates are the day after each given date.

**EMS report from Saint Clare's for March and April 2019**

The March report showed 16 calls with a response time of 6 minutes and April had 15 calls with a response time of 5 minutes.

**Membership Application –EMS – Hannah Clark – All documentation received**

Motion by Councilmember Burd, seconded by Councilmember Law to accept the application for Hannah Clark as an EMS driver, stating that all documentation was received without issues. All Councilmembers present in favor.

**EMS request – Action Screen Printing – 50 EMS Tee Shirts**

EMS would like to order tee shirts for new members and submitted an estimate for 50 shirts for \$425.00. The EMS budget was cut when St. Clare's took over running daytime coverage and with all the repairs to the ambulances and the restocking of supplies that were outdated, EMS is in the negative. Mayor explained that in November, Finance will be able to transfer the money but at this time cannot.

**4. BOARD OF EDUCATION**

Charlotte Ambrose has served on the Board of Education for 30 years and will be honored at the Mohawk House by the Board on May 29<sup>th</sup>. Councilmember Burd would like to honor her at a meeting here with a plaque also.

Councilmember Burd discussed the numbers of the school, including the tax levy, the cost per child, and the cost of students attending the charter school topping off at almost \$20,000.00 per student. \$166,995.00 was lost in State Aid. He relayed the numbers are staggering and growing.

**COUNCILMEMBER LAW**

**1. COURT**

The AOC paid their annual visit to the Court on April 17<sup>th</sup>. There was one legal issue that will be handled by the judge. The credit card payment system is successfully working, collecting a great deal of payments.

**2. OEM**

Code Blue has ended but did last over 100 nights. Councilmember Law thanked OEM for getting the signs for the Distracted Driving campaign.

**COUNCILMEMBER GARRETT**

**1. BUILDING AND GROUNDS**

**Landscaping proposal**

Farmside Landscape & Design submitted a proposal for 2019 for three (3) areas: 1. Orchard Street, Rt. 23 parking lot and clock tower area - \$4875.00; 2. Athletic field turf area for fields on Gingerbread Castle Road - \$4565.00; 3. Borough Hall building Wallkill Ave - \$2090.00.

Motion by Councilmember Garrett, seconded by Councilmember Law to approve said proposal from Farmside. All Councilmembers present in favor.

The fitness equipment for the park is in: Councilmember Garrett along with Councilmember Krasnomowitz and his wife walked the path to determine where to install. Pictures will be sent to the YMCA when completed.

**3. BOARD OF PUBLIC WORKS**

A meeting will be held on May 8<sup>th</sup>.

**4. ROAD DEPARTMENT**

Truck 2 had to have new springs replaced.

**COUNCILMEMBER SENA**

**1. FINANCE / TAX DEPARTMENT**

The Tax Collector’s Report for March 2019 showed a total of \$314,975.14 being collected; the report for April 2019 showed a total of \$760,390.57 being collected.

Motion by Councilmember Sena, seconded by Councilmember Garrett to accept the resolution to refund for tax overpayment for Block 13, Lot 17 in the amount of \$212.43; to accept the resolution to refund for tax overpayment for Block 11.01, Lot 1 in the amount of \$2689.53. All Councilmembers present in favor.

Motion by Councilmember Sena, seconded by Councilmember Garrett to accept the resolution to refund for water / sewer Block 11, Lot 30 in the amount of \$317.40. All Councilmembers present in favor.

**2. BOARD OF HEALTH**

Board of Health was held on April 9<sup>th</sup>. Nona Vita Trattoria Pizza opened by Rite Aid and Two Teaspoons still does not have their Food Handlers License. July 9<sup>th</sup> is the next meeting.

**3. MUNICIPAL DRUG ALLIANCE**

April 2 was a meeting of Drug Alliance in Franklin – In Plain Sight –a very informative presentation regarding findings about elementary and high school students.

**PUBLIC PORTION:**

Motion by Councilmember Garrett, seconded by Councilmember 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 Councilmembers present in favor.

Maria Haas – Michael Court – voiced her concerns about the blasting from the quarry. She relayed that doors are shifting, patios and basement floors are cracking. She also said her neighbors are experiencing the same issues as her and asked for help. Mayor Marino responded the Borough can send a letter stating the concerns, adding our pump station is also on Michael Court, the effect it would have on our water / sewer

lines, etc. Ms. Haas thanked the Council.

Paula Marino- Holly Drive – questioned the number of students in the school and wondered why we cannot put a cap on the kids going to the charter school.

Zachery Dora and John Spadora – FBLA members- came to the Council in December 2018 for support on their project Library in a Box. They competed and came in 4<sup>th</sup> in the State and now are going to the National competition in San Antonio. They were inquiring as to the next step for monetary support from the Council. Councilmember Garrett told them to build it and submit the invoice. Again they thanked the Council.

Motion by Councilmember Law, seconded by Councilmember Garrett to close to the public. All Councilmembers 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 Contracts**

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 Councilmember Krasnomowitz seconded by Councilmember Law to enter into Executive Session. All Councilmembers present in favor.

Discussion: Police Contracts

Motion by Councilmember Law, seconded by Councilmember Oehler to return to the Regular Meeting. All Councilmembers present in favor.

Attorney Clemack offered the following resolution:

Based upon the report of the director, the Mayor and Council hereby finds and determines the application is improperly granted; is hereby revoked. The applicant has had the option to reapply and the Mayor and Council will consider the application.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Law to accept said resolution.

Councilmember Sena questioned the return of the \$400.00 application fee that was paid and was answered the fee would be returned until said time if and when the application was approved. Also questioned was if any cars were towed there and would be impacted negatively by this action; no cars were at the site.

All Councilmembers present in favor.

Attorney Clemack offered the following resolution:

Resolved, the Mayor and Council hereby authorize the Borough Attorney to advise the Prosecutor’s Office that the resignation of George Gunderman was received.

Motion by Councilmember Law, seconded by Councilmember Oehler to accept. All Councilmembers present in favor.

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

1. From state of NJ FY 2019 Certified Local Government Grant Applications (2/8/2019\_

- 2. Sussex County Solid Waste Advisory Council February 5, 2019 agenda
- 3. Sussex County Water Quality February 7, 2019 Agenda
- 4. NJ Transit Public Hearing Notice (2/8/2019)
- 5. State of NJ DEP – Leads Service Line Inventory (2/8/2019)
- 6. Accurate Forming LLC – 2019 Remedial Action Protectiveness / Certification form (2/8/2019)
- 7. From Mr. and Mrs. Webb, thank you for holiday decorating prize (2/20/2019)
- 8. X
- 9. Resolution from Sussex Borough – Path to Progress (2/20/2019)
- 10. Notice of pending foreclosure 30 Vernon Avenue (2/20/2019)
- 11. From Burns McDonnell Ferrell gas Initial Receptor Evaluation (2/22/2019)
- 12. From Burns McDonnell Ferrell gas Interpretation footprint of disturbance application (2/22/2019)
- 13. NJ Highlands Conference (2/22/2019)

**ADJOURNMENT**

Motion by Councilmember Law, seconded by Councilmember Oehler to adjourn the meeting. All Councilmembers present in favor.

Date Approved 6-3-19

Date Released 6-3-19

  
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 Doreen Schott, RMC  
 Municipal Clerk

Submitted by Kathy Garrett