

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON FEBRUARY 3, 2020 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 open with a flag salute.

ROLL CALL:

Mayor Marino requested a roll call:

Councilmember Krasnomowitz	Councilmember Law
Councilmember Oehler	Councilmember Garrett
Councilmember Burd	Councilmember 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, 2020 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 6, 2020 Reorganization Minutes

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to approve the January 6, 2020 Reorganization Meeting Minutes of the Mayor and Council with a correction on page 5. EMS appointments will be tabled.

Roll call showed all Councilmembers present in favor.

January 6, 2020 Regular Meeting Minutes

Motion by Councilmember Oehler, seconded by Councilmember Burd to approve the January 6, 2020 Regular Meeting Minutes of the Mayor and Council.

Roll call showed all Councilmembers present in favor.

January 6, 2020 Executive Session Minutes

Motion by Councilmember Oehler, seconded by Councilmember Burd to approve the January 6, 2020 Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list, motion by Councilmember Oehler, seconded by Councilmember Burd 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 Oehler to close to the public. All Councilmembers present in favor.

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

Roll call showed all Councilmembers present in favor.

ORDINANCES:

ORDINANCE #01-2020 Second Reading

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

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

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

Motion by Councilmember Garrett, seconded by Councilmember 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 Councilmembers present in favor. The ordinance was introduced at the January 6, 2020 regular meeting and published as provided by law.

PUBLIC HEARING

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

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to adopt the ordinance as presented.

Roll call showed all Councilmembers present in favor.

ORDINANCE #02-2020 First Reading

ORDINANCE AMENDING CHAPTER 44 POLICE DEPARTMENT OF THE CODE OF THE BOROUGH OF HAMBURG – TO INCREASE THE NUMBER OF AUTHORIZED SERGEANT POSITIONS FROM ONE TO TWO

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

ORDINANCE AMENDING CHAPTER 44 POLICE DEPARTMENT OF THE CODE OF THE BOROUGH OF HAMBURG – TO INCREASE THE NUMBER OF AUTHORIZED SERGEANT POSITIONS FROM ONE TO TWO

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 March 2, 2020.

Roll call showed all Councilmembers present in favor.

ORDINANCE #03-2020 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 Councilmember Burd, seconded by Councilmember Krasnomowitz for Attorney Clemack to read the Ordinance by title for the first reading and publication. All Councilmembers 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 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 March 2, 2020.

Roll Call:

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

ORDINANCE #04-2020 First Reading

ORDINANCE AMENDING CHAPTER 209-WATER-OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES

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

ORDINANCE AMENDING CHAPTER 209-WATER-OF THE CODE OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY WATER RATES

Motion by Councilmember Garrett, 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 March 2, 2020.

Roll call showed all Councilmembers present in favor.

ORDINANCE #05-2020 First Reading

AN ORDINANCE AMENDING CHAPTER 209-WATER- OF THE CODE OF THE BOROUGH OF HAMBURG COUNTY OF SUSSEX, STATE OF NEW JERSEY INCREASING THE SHUTOFF/TURN ON SERVICE FEE, THE TURNOFF FEE AND CHAPTER 164-SEWERS-TO INCREASE SERVICE RESTORATION FEE AND CHARGES AND FEES FOR CONNECTION AND FOR USER FEES

Motion by Councilmember Garrett, seconded by Councilmember Burd for Attorney Clemack to read the Ordinance by title for the first reading and publication. All Councilmembers present in favor.

AN ORDINANCE AMENDING CHAPTER 209-WATER- OF THE CODE OF THE BOROUGH OF HAMBURG COUNTY OF SUSSEX, STATE OF NEW JERSEY INCREASING THE SHUTOFF/TURN ON SERVICE FEE, THE TURNOFF FEE AND CHAPTER 164-SEWERS-TO INCREASE SERVICE RESTORATION FEE AND CHARGES AND FEES FOR CONNECTION AND FOR USER FEES

Motion by Councilmember Garrett, seconded by Councilmember Krasnomowitz to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for March 2, 2020.

Roll call showed all Councilmembers present in favor.

RESOLUTIONS:

#2020-25 – Amendment to 2020 Temporary Operating Budget

Motion by Councilmember Burd, seconded by Councilmember Krasnomowitz to accept resolution #2020-25 – Amendment to 2020 Temporary Operating Budget. All Councilmembers present in favor.

#2020-26 – Authorizing Change Order – 2019 Municipal Aid – Denville Line Painting (decrease of \$15.60)

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to accept resolution #2020-26 – Authorizing Change Order – 2019 Municipal Aid – Denville Line Painting (decrease of \$15.60). All Councilmembers present in favor.

#2020-27 – Authorizing Change Order – 2019 Municipal Aid – Tilcon New York (decrease of \$24,940.93)

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to accept resolution #2020-27 – Authorizing Change Order – 2019 Municipal Aid – Tilcon New York (decrease of \$24,940.93). All Councilmembers present in favor.

ATTORNEY HOUR:

Under Executive Session

ENGINEERING:

None

MAYOR’S AGENDA:

Holiday decorating:

- 1st Place – Gary and Dorothy Kays – 23 Linwood Avenue
Mrs. Dorothy Kays accepted the check and certificate and thanked everyone.
- 2nd Place – Glenn and Geneviece Keller – 25 Holly Drive
Mr. Glen Keller accepted the check and certificate and thanked everyone.
- 3rd Place – Anthony Parmeland – 17 Hamilton Street
- Best overall street – Limekiln Road

Appointments:

CFO Appointment -4 Year Term – 1/1/2020-12/31/2023

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to accept the 4 year CFO appointment from 1/1/2020 – 12/31/2023. All Councilmembers present in favor.

Land Use Board Class IV Alt. #2 – Emily Banta

Mayor appointed Emily Banta to the Land Use Board as a Class IV Alt. #2 member.

Historic Commission Class C Alt. #2 – Emily Banta

Emily Banta was also appointed by the Mayor to the Historic Commission Class C Alt. #2 as a condition of being appointed to Land Use.

March 19, 2020 - Meeting 100th Anniversary

Mayor Marino stated this would be a special meeting as it will be the 100th Anniversary meeting. Mayor requested all dress in suits for pictures and for the plaque presentation.

Sussex Court Shared Service

Mayor Marino relayed this meeting with Sussex had to be rescheduled and a new time and date has not been decided.

14 Rt. 23 property

Mayor would like to see a museum constructed on this property but for at least now, to keep it in the Borough as there are no definite plans for it at this time. He does not believe there would be much financial gain on this if we were to sell, so is asking for Council support to keep the property at least for now. Motion by Councilmember Garrett, seconded by Councilmember Oehler to keep the property 14 Rt. 23 as is. Councilmember Krasnomowitz added he is in agreement with that but would like discussions on further use as to the valuable to the town. All Councilmembers present in favor.

DOT Letter

Request from Matrix Excavation for town to send letter to DOT for investigation of turning lane in front of Bud & Walt’s Service.

Mayor stated a request was received from Matrix Excavation requesting the town to send a letter to DOT stating we have no objection to the State DOT investigating the possibility of a turning lane in front of Bud & Walt’s Service.

Motion by Councilmember Burd, seconded by Councilmember Oehler to send such letter stating no objection. All Councilmembers present in favor.

COMMITTEE REPORTS:

COUNCILMEMBER KRASNOMOWITZ:

1. POLICE COMMISSIONER

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

Police Report January

The January 2020 monthly report for the Police Department showed 772 calls of service, including 2 arrests, 11 motor vehicle accidents, 152 motor vehicle stops, and 107 motor vehicle summonses issued; no mandated training was done this month.

Mr. Postorino stated that the new officers can be sworn in on March 19th.

Mr. Postorino relayed there is a grant for community policing / school resource officer, \$125,000.00 over a 3 year time frame. This would make a 10th officer but the Borough would not have to continue on with it if they did not want to do so.

With respect to the Sergeant, the 1st phase has been completed and the 2nd phase should be done by the end of February.

The Fire Dept. did a final inspection on the tank today and will hopefully bring back the truck. Then the radio will be installed and the fire and apparatus training will take place.

The Chief's vehicle was delivered and the radio and lights are being installed and hopefully will have that vehicle back shortly.

There were 8 fire calls in January.

There is an abundance of EMS equipment and a decision needs to be made as what to do with it. The tough books and defibulators were distributed to the Police Dept. Some of the equipment has a shelf life to it so everything has to be looked at.

A fire grant is coming out this week and Mr. Postorino will speak to the chief about what kind of equipment is needed.

A property survey is needed of the police station.

OEM will be attending a county meeting.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to close to Mr. Postorino. All Councilmembers present in favor.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to pursue the grant to hire another Police Officer. All Councilmembers present in favor.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler for the Police Director to obtain bids for the Police Department survey. All Councilmembers present in favor.

Motion by Councilmember Garrett, seconded by Councilmember Oehler for the Police Director to obtain bids for the survey for 14 Rt. 23 property. All Councilmembers present in favor.

3. CONSTRUCTION DEPARTMENT

Construction Report – December 2019

The monthly report for December showed there were 12 permits issued, 1 certificates of occupancy, and 10 certificates of approvals with a total of \$951.00 collected in fees for the month of December.

4. LAND USE BOARD / ZONING

Zoning Report – December 2019

The monthly report showed 23 property inspections with 4 abated complaints, 1 property maintenance code violations, 2 Streets and Sidewalks code violations, 10 violation notices sent, 3 OPRA's, and attended court on 2 cases.

Land Use Meeting will be held on February 10th at 7 pm and 55 Gingerbread Castle Road is on the agenda.

COUNCILMEMBER OEHLER

2. RECREATION COMMISSION

The Joint Commission of Recreation will be meeting on February 12th at the Littell Center. Councilmember Oehler stated Becky Westra of Hardyston was inquiring about the scheduling of our fields. Mayor replied he spoke to the administrator of Hardyston about a shared service for this as it has been working and we

definitely need someone to do the scheduling.

Recreation Commission had their reorganization meeting and Sam Villagomez is Chairperson with Paula Marino as Vice-Chair. Bowling at Sparta Lanes will be scheduled in March and swimming at the YMCA will be scheduled for April.

3. HISTORIC COMMISSION / HISTORIC SOCIETY

Dan Barr is chairperson of Historic with Tom Graham as Vice-Chair. A training class will be held at the April meeting. A resident is interested in putting together a time capsule for the Borough. Historic Commission will donate \$100.00 towards the project. Hamburg Plumbing Supply will donate the PVC for it, the rec fields would be a good place to put it and it would be pulled up in 10 years. Mayor would like the information to be advertised in the newsletter so residents know the Borough will be collecting items for the capsule.

Motion by Councilmember Oehler, seconded by Councilmember Garrett to endorse the project of the Time Capsule. All Councilmembers present in favor.

Mayor relayed the town historian Wayne McCabe is looking into grants for engineering and construction costs for a museum.

COUNCILMEMBER BURD

2. FIRE COMMISSIONER / EMS

Saint Clare's Report -- none given

Yearly report for in house EMS calls totaled 195 for 2019.

Yearly report for in house Fire calls totaled 159 for 2019. There were 8 calls in January.

List of Items from EMS department

Councilmember Burd did give some equipment to the Police Dept. to save them money in purchasing those items.

Councilmember Burd attended the County OEM meeting with Keith Sukennikoff and learned a lot, not only from the meeting but from our coordinator.

4. BOARD OF EDUCATION

Fredon School Board is looking for support in changing the voting of the budget from November back to April.

Robert Jones is president of the Hamburg school board with Sheila Frayko as vice- president. Two out of 3 seats were filled at election time and the county superintendent filled the remaining one.

COUNCILMEMBER LAW

1. COURT

Councilmember Law discussed that a lot of the costs come from overtime and in an effort to keep those costs down, he is suggesting using two specials instead of regular officers, especially on the weekends.

Councilmember Law stated that we can have one special officer for every four officers and now that we have nine officers, we are within those guidelines of having two specials. He would like to start studying the feasibility of those two officers for two reasons: for the security of the court and for keeping the overtime of our officers down. We would be able to use the specials on weekends for patrol as long as there is an officer on also.

Motion by Councilmember Law, seconded by Councilmember Oehler for the Police Director to look into the feasibility of two special officers for court purposes and for covering patrol on special occasions and on weekend occasions, and on a regular shift basis if the need arises.

All Councilmembers present in favor.

2. OEM

Councilmember Law attended the County OEM meeting with Keith Sukennikoff and he also learned a lot, not only from the meeting but from Mr. Sukennikoff.

COUNCILMEMBER GARRETT

1. BUILDING AND GROUNDS

Reiner Group annual maintenance contract – heating and air conditioning

Councilmember Garrett stated the annual maintenance agreement from Reiner Group was received: they cover heating and air conditioning service at the municipal building, police dept., court house, DPW and First Aid Squad buildings.

Motion by Councilmember Garrett, seconded by Councilmember Law to accept the Reiner Group annual maintenance contract for heating and air conditioning from 3/1/2020 through 2/28/2021.

All Councilmembers present in favor.

3. BOARD OF PUBLIC WORKS

BPW will be meeting on Wednesday, February 12th. John Ruschke had a mechanical engineer visit the booster station to prepare an update and he will advise BPW at their meeting.

COUNCILMEMBER SENA

1. FINANCE / TAX DEPARTMENT

The Treasurer's Report for December 2019 showed a balance of \$1,970,117.05.

2. BOARD of HEALTH

The rabies clinic was held on January 7th and 111 dogs were vaccinated and 27 cats. The January BOH meeting was canceled due to a lack of a quorum. The next meeting will be held on April 14th at 6:30 pm.

3. MUNICIPAL DRUG ALLIANCE

The next meeting will be held on March 10th.

4. ROAD DEPARTMENT

Road Department Hire – Part time on call position

Councilmembers are advised a part time person submitted paperwork. Council discusses the part time on call position.

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.

David Dreifuss – 51 Vernon Ave – thanked the Council for all their work and time, but voiced his concern for the 2nd Amendment Resolution that was passed. He believed some restrictions were needed, and the stated view was not held by all members of the town. He has some objections to the resolutions statements on red flag laws, also stating it could cause some confusion to law enforcement.

Brian Tobachnick- 20 Holly Drive – Mr. Tobachnick also has an objection to the 2nd Amendment Resolution. Mr. Tobachnick requests that the resolution state that it reflects the opinion of the Hamburg Borough Council and not the opinion of all the residents in Hamburg. He would like to see all references of the wording be changed to Hamburg Borough Council instead of Borough of Hamburg.

Councilmember Garrett replied that he would view the information they brought to the meeting but had no objection to changing the wording from Borough of Hamburg residents to Borough Council, adding this will be revisited.

Motion by Councilmember Garrett, seconded by Councilmember Law 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. **Plaza 23 v Hamburg – Tax Appeal**
- 2. **Police Director – Rice Notice given**
- 3. **Disabled Veteran Property Tax Exemption – Confidential Legal Advice**

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 Burd to accept the resolution as offered. All Councilmembers present in favor.

Discussion included Plaza 23 v Hamburg – Tax Appeal; Police Director – Rice Notice given; Disabled Veteran Property Tax Exemption – Confidential Legal Advice.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to return to the regular meeting. All Councilmembers present in favor.

Attorney Clemack offered the following resolution:

RESOLUTION No. 2020-28
DEBORAH L. ORTEGA
22 Willow Court
Block 31, Lot 8

WHEREAS, Ms. Ortega purchased property in the Borough of Hamburg on June 14, 2019; and

WHEREAS, she is a totally disabled veteran; and

WHEREAS, she had the full tax exemption in the state of Texas before moving to New Jersey; and

WHEREAS, she applied on November 7, 2019 for the tax exemption in the Borough of Hamburg although she owned the property since June 14, 2019; and

WHEREAS, she was of the opinion the tax exemption would take place on the date of purchase of June 14, 2019; and

WHEREAS, due to paperwork problems of getting information from the state of Texas, there was a delay in confirming her status; and

WHEREAS, because she was already declared a tax-exempt veteran in the state of Texas and because she has served her country well and if the paperwork had been done properly, she would have obtained the exemption for the third quarter of 2019 instead of just the fourth quarter of 2019.

THEREFORE, BE IT RESOLVED, based on those circumstances the Council determines these are unique circumstances and authorizes the exemption to begin from the date of sale.

CERTIFICATION

I certify the foregoing resolution to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Hamburg at the February 3, 2020 Regular meeting.

Motion by Councilmember Garrett, seconded by Councilmember Krasnomowitz to accept the resolution as offered. All Councilmembers present in favor.

Attorney Clemack offered the following resolution:

**RESOLUTION No. 2020-29
APPOINTMENT OF
MICHAEL POSTORINO**

BE IT RESOLVED, the Mayor and Council hereby appoint Michael Postorino as Public Safety Director and Council Liaison to all Departments.

BE IT ALSO RESOLVED by the Mayor and Council, the yearly salary of Michael Postorino will be raised to \$40,000.00.

Motion by Councilmember Garrett, seconded by Councilmember Oehler to accept the resolution as offered. All Councilmembers present in favor.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler that Mike Postorino as Council Liaison will be involved in the part time hire of a person if the need should arise and the person will be subject to a background check.

All Councilmembers present in favor.

Motion by Councilmember Garrett, seconded by Councilmember Krasnomowitz to revisit the wording of the 2nd Amendment. All Councilmembers present in favor.

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

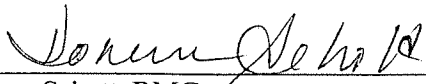
1. SCMUA Sewage Treatment Services (01/13/2020)
2. From Sussex County – NJ Counts 2020 (01/29/2020)
3. From JCPL notice of public hearing – rate adjustment (01/29/2020)
4. Notice of action to foreclose Block 18, Lot 17 (01/29/2020)
5. Resolution from the Board of Chosen Freeholders – Municipal Liaisons (01/29/2020)
6. SCMUA Amendment #2 to Service Rules (01/29/2020)
7. Correspondence form ANJEC (01/29/2020)
8. JCPL – Notifications of discontinuance of service
9. Letter from Fredon Mayor regarding School Board Elections (01/29/2020)
10. James Baldini for Congress – 2nd Amendment Sanctuary resolution

ADJOURNMENT

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

Date Approved 3/2/2020

Date Released 3/2/2020



Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett