

**MINUTES OF THE REGULAR MEETING (HELD BY WAY OF TELEPHONIC) OF THE
MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JULY 6, 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.

SALUTE TO THE FLAG:

ROLL CALL:

Mayor Marino shall request a roll call:

| | |
|----------------------------|-----------------------|
| Councilmember Krasnomowitz | Councilmember Law |
| Councilmember Oehler | Councilmember Garrett |
| Councilmember Burd | Councilmember Sena |
| Mayor Marino | |

Also Present: Attorney Clemack

Also Present: Doreen Schott

STATEMENT OF CERTIFICATION:

Clerk advised:

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".

June 1, 2020 Regular Meeting Minutes

Motion by Councilmember Oehler, seconded by Councilmember Krasnomowitz to approve the June 1, 2020 Regular Meeting Minutes of the Mayor and Council.

Roll Call

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

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list, motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to open the meeting to the public for the bill list only. All Councilmembers present in favor.

Hearing no comment from the public, motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to close the meeting to the public. All Councilmembers present in favor.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garret to approve and pay the bill list as presented. All Councilmembers present in favor.

ORDINANCES: There are no Ordinances:

RESOLUTIONS:

2020-46 – Authorizing the use of the Public Rights of Way by Planet Network Inc. (To be addressed under Mayor)

2020-47 – Cancel Appropriation Balances in General Capital Fund

Motion by Councilmember Oehler, seconded by Councilmember Krasnomowitz to accept resolution #2020-47. All Councilmembers present in favor.

2020-48 – Public Notice of Sale of Surplus Vehicles and Equipment

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to accept resolution # 2020-48. All Councilmembers present in favor.

2020-49 – MA Grant 2021 – approval for submission – 2021 Road Resurfacing Project

Mayor advises that we received this grant for the year 2019 and 2020. The submission for the 2021 grant includes work to be done on Wishing Well Road, Wallkill Avenue both the one-way section North of Rt 23 and the section in front of Municipal Building south of Rt 23 down to Rt 94.

Motion by Councilmember Garrett, seconded by Councilmember Krasnomowitz to accept resolution # 2020-49. All Councilmembers present in favor.

2020-50 – Re-Appointment – Police Director Position

Motion by Councilmember Krasnomowitz, seconded by Councilmember Oehler to accept resolution # 2020-50.

Roll Call

Ayes: Krasnomowitz, Oehler, Burd, Law, Garrett, Sena

Nays: None

Abstain: None

Absent: None

2020-51 – 2020 MA Road Resurfacing Grant – Award to Tilcon

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to accept resolution # 2020-51.

Roll Call

Ayes: Krasnomowitz, Oehler, Burd, Law, Garrett, Sena

Nays: None

Abstain: None

Absent: None

2020-52 – Emergency Purchase – HVAC Hamburg Municipal Building

Mayor Marino advises that we had an emergency situation, the existing HVAC unit was not working properly in the municipal side of the building, duct work was outdated and not filtering air properly so the work was done under an emergency purchase. Councilmember Law asks what work was completed, all duct work was replaced along with the AC unit and air handler. Mayor advises that this work along with other work which is going to be done (to have the building in compliance with COVID -19 guidelines) will also be submitted under the FEMA grant so there may be some reimbursement

Motion by Councilmember Garrett, seconded by Councilmember Oehler to accept resolution # 2020-52 emergency purchase to DJA Heating and Cooling LLC in the amount of \$8,700.00. All Councilmembers present in favor.

2020-53 – Doc's Place to Place Expansion of Premise – (To be addressed under Mayor)

ATTORNEY HOUR**Road Department Contract -**

Road Department Contract- Update – Attorney Clemack advises that there is a draft contract received from the union representative; that contract was countered by the borough. Comments

were made, some were agreed upon, some needed further clarification. He will follow up when back from vacation and will get in touch with the union representative.

MAYOR'S AGENDA:

1. Planet Network and Resolution 2020-46 – Install Fiber Optic Cable

Mr. Robert Boyle CEO of Planet Networks is present at the meeting via telephonic. Planet Network is deploying fiber optic cable in the municipal and county rights-of-way in New Jersey and Sussex County. By doing so they will be able to provide high speed fiber optic and wireless internet services. They are requesting consent from the Borough to operate in the public right of way. The consent will allow Planet Networks to construct fiber optic cabling utilizing poles and conduits located in the municipal right of way. Upon previous review council member had questions which were put in writing in email dated May 29, 2020 from Councilmember Sena to the Mayor and Council. Mr. Boyle in email dated June 9, 2020 provided responses to the questions asked. (document on file). Councilmember Sena questions the possible charge of \$10,000.00 per pole should a new pole need to be erected. Mr. Boyle advises that this is a last resort, they will always try to use existing but that there could possibly be instances where the installation of a pole would be necessary. He further states that at this point the area in question has not even been surveyed. If it were necessary all the rules and regulations would be adhered to such as any approval / review from outside agencies ie: engineer, attorney etc. Mr. Sena questions the quality of service that will be seen in Hamburg say vs towns with far more businesses. Mr. Boyle advises that every town will receive the same service. Members question the many condo's located in Hamburg and how that would work as they and some residents have underground utility lines. Mr. Boyle advises that that would not preclude them from service, there are various trenching techniques that can be done, they would work on providing the service the most cost-effective way. Members agree that this is definitely needed in the county and town and will be more so with the increase of more and more people working from home. Mayor questions whether or not any Land Use Board approval is required. Mr. Boyle advises that the only disturbance would be at the point of driveway and they would need to call 1-800 DIG for that so any utility can be marked out. Mr. Boyle advises that the reason for this meeting is only for the purpose of granting a resolution for the right of way on municipal right of ways. Once work begins there would be follow up discussions with the town which may and can include members, engineers, attorney and other professionals as warranted. Motion by Councilmember Krasnomowitz, seconded by Councilmember Sena to authorize Resolution #2020-46, the Use of the Public Rights-of-Way by Planet Networks, Inc.

2. Place to Place Transfer Extension of Premise – SJR LLC (Doc's)-Resolution # 2020-53

Mayor advises that this place to place transfer – extension of premise is to allow for the liquor license to be extended to the areas shown on the map attached to the application. This is a permanent approval, not the same as the Temporary COVID 19 Expansion of Premise permits that have been granted under the executive orders of Governor Murphy. This application was in process prior to the executive order allowing for OCVID-19 Temporary Expansion of Premise Application. All fees have been paid, published in the newspaper two times as required and tax clearance received. Mayor addresses concerns presented by the Hamburg Police Department. Police advise that in keeping with the COVID-19 Expansion permit they are requesting that the existing cones be replaced with a removable type barrier. Chapter 142 Noise Ordinance would have to be complied with; outdoor music would also have to comply with the local ordinance for noise. Any major renovation to the site would

have to be addressed at the Land Use Board.

Mayor Marino asks if any member of the public who may have called has any comments / concerns with regards to this application. No comments from the public via telephone.

Motion by Councilmember Garrett, seconded by Councilmember Burd to approve the Place to Place – Expansion of Premise application.

Roll Call

Ayes: Krasnomowitz, Oehler, Burd, Law, Garrett, Sena

Nays: None

Abstain: None

Absent: None

3. **DJA Heating & Cooling LLC – Replace existing Borough hall air conditioning system** addressed under resolutions.

4. **2020 Sussex County Firemen’s Association Inspection Day & Parade**

Mayor Marino advises that regrettably the 2020 Sussex County Firemen’s Association Inspection Day and Parade has been cancelled.

5. **Mutual Aid Agreement – County of Sussex and Borough of Hamburg**

Mayor Marino advises that he has received a copy of a Mutual Aid and Assistance Agreement from the County of Sussex. This agreement is pursuant to the NJ Civilian Defense and Disaster Control Act and Homeland Security Directive which encourages local governments to work together to prevent, prepare for, respond to and recover from domestic incidents. Sussex County is proposing the same form of Mutual Aid Agreement to all the municipalities within the county.

Motion by Councilmember Garrett, seconded by Councilmember Krasnomowitz to authorize Hamburg’s participation in the Mutual Aid Agreement. All Councilmembers present in favor.

Mayor updates on the following: Hamburg is still following the COVID-19 state guidelines. The Hamburg Park opened the fields on July 6, 2020 and the playground July 4th. The playground has a sanitation station, signage is in place advising to wear masks and to social distance. With regards to the ball fields and the leagues we will still be using the Hardyston employee to do the scheduling as she did when it was all part of the Littell Center. The Township administrator will be providing Hamburg with a shared service agreement for her services. The individual leagues are responsible for policing themselves as far as COVO+ID -19 rules and regulations are concerned. Mayor request that the police director advise the police to provide extra presence at the park and to lock the park every evening.

Plans are being made to make the borough offices comply with COVID rules and regulations so we can open to the public. All expenditures will be submitted to FEMA. The half doors in each office will also be kept closed. There will be no further meetings this month and hopefully next months’ meeting will not be held telephonic.

Limekiln Pump Station had a break down, Rapid Pump was called in and is working on getting it back up and running.

The “Hamburg” sign on the trestle is completed and looks great. The town is working with the railroad to install fencing to make it harder to vandalize the new “Hamburg “sign.

LIQUOR LICENSE RENEWAL-2020-2021 LICENSE YEAR

The Licenses listed below have received tax clearance, fees have been paid.

- **Restaurant Kaya (Cravin Thai LLC) 1909-33-003-010**
Motion by Councilmember Oehler, seconded by Councilmember Sena to approve the 2020-2021 Liquor License Renewal for Restaurant Kaya (Cravin Thai LLC). All Councilmembers present in favor.
- **SJR LLC (Doc's) 1909-33-004-005**
Motion by Councilmember Oehler, seconded by Councilmember Law to approve the 2020-2021 Liquor License Renewal for SJR, LLC (Doc's). All Councilmembers present in favor.

COMMITTEE REPORTS:**COUNCILMEMBER KRASNOMOWITZ****Statewide Insurance – Resolution to Join (Renew) the Fund.**

Motion by Councilmember Krasnomowitz seconded by Councilmember Garrett to approve Resolution to Join Fund – Statewide Insurance. All Councilmembers present in favor.

Statewide Insurance – Indemnity and Trust Agreement.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Garrett to approve the Indemnity and Trust Agreement – Statewide Insurance. All Councilmembers present in favor.

COUNCILMEMBER OEHLER

Councilmember Oehler advises that she was contacted by Hardyston Township that there were extra supplies left over from the Littell Center and she could come and take them for Hamburg Recreation. She did go and all supplies are in the rec storage facility.

COUNCILMEMBER BURD**COUNCILMEMBER LAW**

Councilmember Law advises that he did not see his bills when he came in to sign them.

Councilmember Garrett advises that he signed them.

COUNCILMEMBER GARRETT**COUNCILMEMBER SENA**

Motion by Councilmember Sena, seconded by Councilmember Oehler to redeem third party tax sale certificate #2019-007 in the amount of \$1,255.00. All Councilmembers present in favor.

CONSENT AGENDA:

All matters listed below are considered to be routine in nature. There will be no separate discussion of the items, if any discussion is desired, that particular item will be removed from the consent agenda.

- Zoning Reports –
- Construction Reports – May 2020
- Police Report – June 2020
- EMS Report – May 2020
- Tax Collector Report – May 2020
- Treasurer's Report – April and May 2020

Motion by Councilmember Sena, seconded by Councilmember Garrett to accept the Consent Agenda as presented. All Councilmembers present in favor.

PUBLIC PORTION:

Motion was made by Councilmember Sena, seconded by Councilmember Oehler open the meeting to the public for any questions or comments they might have with regard to the good and welfare

with the Borough.

Sheila Frako – Hamburg Board of Ed advises that Hamburg School will be opening September 3, 2020. They will be following State Guidelines. Kim Sigman, Hamburg School will be reaching out to the town when all is finalized.

Motion by Councilmember Krasnomowitz, seconded by Councilmember Sena to close the meeting to the public. All Councilmembers present in favor.

EXECUTIVE SESSION RESOLUTION:

Attorney Clemack will offer 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.

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.

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

1. US Department of Justice – FY 2020 Grant Solicitation – Coronavirus Emergency Supplemental Funding Program. (5/29/2020)
2. Letter from Sandyston Mayor - Governor Murphy Orders concerning COVIE-19 (6/5/2020)
3. From County Health Department – Heritage Lakes Bathing Beach (6/5/2020)
4. From County Clerk's Office – Letter to voters regarding election (6/5/2020)
5. Notice – Marathon Power LLC now doing business of Marathon Energy (6/10/2020)
6. From DEP – Final renewal permit action for Accurate Forming Corp. (6/10/2020)
7. NJ Transit
8. Corporation request for federal financial assistance FY 2020
9. NJ Department of Health – Guidance for Sports Activities (6/19/2020)
10. From Sussex County – update on no cost testing offered to essential personnel (6/22/2020)
11. Borough of Franklin Annual Drinking Water Quality Report (6/22/2020)
12. JCPL petition to establish new rate (6/29/2020)

ADJOURNMENT

Motion by Councilmember Krasnomowitz, seconded by Councilmember Sena to adjourn the meeting.

Meeting adjourned at 7:45 pm



Doreen Schott, RMC
Municipal Clerk