

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON JANUARY 4, 2010 AT THE MUNICIPAL
BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

CALL TO ORDER:

Mayor Marino called the meeting to order at 7:30 p.m. and opened with a flag salute.

ROLL CALL:

Mayor Marino requested a roll call:

Councilman Barr	Councilwoman Oehler
Councilman Krasnomowitz	Councilman Kelly
Councilman Law	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, 2009 by delivering to the press and posting at the Municipal Building a copy of the "Annual Notice of Meetings" pursuant the provisions of the "Open Public Meetings Act".

December 7, 2009 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Law to approve the December 7, 2009 Regular Meeting Minutes of the Mayor and Council. All in favor.

December 7, 2009 Executive Meeting Minutes

Motion by Councilman Law, seconded by Councilwoman Oehler to approve the December 7, 2009 Executive Meeting Minutes of the Mayor and Council. All in favor.

November 16, 2009 Workshop Executive Session Minutes

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to approve the November 16, 2009 Workshop Executive Session Minutes of the Mayor and Council. All in favor.

APPROVAL OF BILLS:

As there are no additions or deletions to the bill list, motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to open to the public with regards to the bill list only. All in favor.

Hearing no comments from the public, motion by Councilman Krasnomowitz, seconded by Councilman Law to close to the public. All in favor.

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

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
 Nays: None
 Abstain: None
 Absent: None

ORDINANCES:

Ordinance #01-2010

AN ORDINANCE FIXING THE SALARY RANGES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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

AN ORDINANCE FIXING THE SALARY RANGES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

Motion by Councilwoman Oehler, seconded by Councilman Barr to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for February 1, 2010.

All in favor.

RESOLUTIONS:

Resolution # 2010- 01

CASH MANAGEMENT PLAN

**BOROUGH OF HAMBURG
2010 Cash Management Plan
Resolution # 2010 - 01**

WHEREAS it is in the best interest of the Borough of Hamburg to earn additional revenue through the investment and prudent management of its cash receipts; and

WHEREAS P.L. 1983, Chapter 8, approved January 18, 1983 is an act concerning the Local Fiscal Affairs Law and amends N.J.S.A. 40A:5-2 and N.J.S.A. 40A:5-14; and

WHEREAS this requires that each local unit shall adopt a cash management plan.

NOW, THEREFORE, BE IT RESOLVED, that the following shall constitute the Cash Management Plan for the Borough and the Treasurer shall deposit and manage its funds pursuant to this plan:

Definitions

1. Treasurer shall mean the Treasurer of the Borough of Hamburg
2. Fiscal Year shall mean the twelve-month period ending December thirty-one.
3. Cash Management Plan shall mean that plan as approved by resolution.

Designation of Depositories

At least once each fiscal year the governing body shall by resolution designate the depositories for the Borough of Hamburg in accordance with the N.J.S.A. 40A:5-14.

Audit Requirement

1. The Cash Management Plan shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

Authority to Invest

1. The governing body shall pass a resolution at its first meeting of the fiscal year designating the Borough official(s) who shall make and be responsible for municipal deposits and investments.

Investment Instruments

1. The Treasurer shall invest at his discretion in any investment instrument as approved by the State of New Jersey in accordance with N.J.S.A. 40A:5-15.1.

Records and Reports

1. The Treasurer shall report all investments in accordance with N.J.S.A. 40A:5-15.2.
2. At a minimum the Treasurer shall:
 - a. Keep a record of all investments.
 - b. Keep a cash portion record which reveals, on a daily basis, the status of the cash in its bank accounts.
 - c. Confirm investments with the governing body at the next regularly scheduled meeting.
 - d. Report monthly to the governing body as to the status of cash balances in bank accounts, revenue collection, interest rates, and interest earned.

Cash Flow

1. The Treasurer shall ensure that the accounting system provides regular information concerning the cash position and investment performance.
2. All moneys, shall be turned over to the Treasurer and deposited in accordance with N.J.S.A. 40A:5-15.
3. The Treasurer is authorized and directed to invest surplus funds of the Borough of Hamburg as the availability of the funds permit. In addition, it shall be the responsibility of the Treasurer to minimize the possibility of idle cash by depositing the monies in interest bearing accounts wherever practical and in the best interest of the Borough of Hamburg.
4. The Treasurer shall ensure that funds are borrowed for Capital Projects in a timely fashion.

I HEREBY CERTIFY the above to be a true copy of a Resolution Adopted by the Council of the Borough of Hamburg at a duly convened Meeting held on January 4, 2010.

Doreen Schott
Municipal Clerk

Motion by Councilman Law, seconded by Councilman Barr to accept the resolution as presented.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
 Nays: None
 Abstain: None
 Absent: None

Resolution # 2010 – 02

RESOLUTION FIXING THE SALARIES OF CERTAIN OFFICIALS, OFFICERS, AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adopt Resolution # 2010-02.

DISCUSSION

Councilman Law asked that if we pass this tonight, is it fixed for the year. Attorney Clemack stated that at any time any employee can ask for a raise; it would be up to the discretion of the Council

should they give a raise.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None
Absent: None

Resolution #2010-03

RESOLUTION FOR SIGNERS FOR SUSSEX BANK ACCOUNTS FOR THE BOROUGH OF HAMBURG, COUNTY OF SUSSEX, STATE OF NEW JERSEY.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to adopt Resolution #2010-03.

DISCUSSION

Councilman Law stated that this will not include the Court account.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None
Absent: None

ATTORNEY HOUR:

1. County of Sussex, Mutual Aid Agreement

Attorney Clemack explained that this is a 3 year mutual aid program in which our personnel (Police, Fire, EMS, OEM, etc.) remain under our supervision when we respond to other towns. This agreement supplements other agreements that may be in place with other towns. Attorney Clemack questioned Councilman Krasnomowitz regarding Section 10, C – Liability Insurance, but after discussion, there is a waiver that can be obtained from the carrier to cover this. Mayor Marino stated that this is already being done with Fire and EMS; he also said that the County is putting a document into place for a service that is already being done. Councilman Law questioned the Public Works Dept. and was answered that they also are already doing the same with working with the other Public Works Depts, storm clean-up, etc.

Motion by Councilman Law, seconded by Councilman Barr to approve the Mutual Aid Agreement.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None
Absent: None

Councilman Krasnomowitz will look further into Section 10, paragraph C regarding the insurance but he does not foresee it to be an issue.

ENGINEERING:

1. Proposed Main Street Extension – HMM Job No.: 264771AA01

Mayor Marino explained that this is a continuation of the Orchard Street extension, looping behind the Governor Haines businesses and joining Gingerbread Castle Road. A letter was sent to the County and adjoining towns to see about the interest as Mayor Marino stated that this magnitude of a project would not be feasible for Hamburg to do alone.

Mayor Marino also informed the Council that the sewer main at the recreation fields is almost completed. He is also looking for Orchard Street to be paved in May.

MAYOR'S AGENDA:

PROFESSIONAL SERVICE AGREEMENTS

Mayor Marino offered the following Professional Service Agreements for Council approval.

- Richard J Clemack - 2010 contract
- Nelson Consulting Group – 2010 contract
- Hatch Mott MacDonald – 2010 contract
- Nisivoccia & Company – 2010 contract
- John L Kraft – 2010 contract
- Hale Insurance – 2010 contract

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly authorizing the Mayor to sign said contracts.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
Nays: None
Abstain: None
Absent: None

1. Sussex County Economic Development Partnership – EDP 2010 Investment

Council is in receipt of a request from the Sussex County Economic Development Partnership for a donation.

After clarification from the CFO, motion by Councilman Kelly, seconded by Councilwoman Oehler to make a “Bronze Investment” donation of \$200.00 a year for three (3) years. This is the 2nd year of our commitment. All in favor.

2.& 3. Discharge of Mortgage – Block 31 Lot 7; and Discharge of Mortgage - Block 21 Lot 18

Mayor Marino presented for approval a Discharge of Mortgage Block 31 Lot 7 and Block 21 Lot 18, stating that these were from the rehabilitation program with the Small Cities Grant.

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to accept the discharge for both properties. All in favor.

4. Mayor Marino reported that correspondence from State of NJ DOT was received regarding the signage for “engine braking” stating that we could not put up Borough signs enforcing the ordinance. Councilman Kelly would like to continue to pursue the matter and Attorney Clemack also reiterated that since the ordinance is in place we should try again. We would also need signs posted should any matter ever go to court.

5. Bronze Plaque

Mayor Marino said that the bronze plaque for the outside of the building that would state the Mayor and Council names would come to a total of \$497.00.

Motion by Councilman Barr, seconded by Councilman Law to approve the cost of the plaque. All in favor.

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

TAX COLLECTORS REPORT

The Tax Collector’s report for November 2009 showed \$1,959,197.83 being collected.

Motion by Councilman Sena, seconded by Councilman Kelly to accept the resolution to redeem third party tax sale certificate #09-012 in the amount of \$9221.43 and resolution to redeem third party tax sale certificate #07-06 in the amount of \$2199.91.

Roll Call:

- Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
- Nays: None
- Abstain: None
- Absent: None

Councilman Sena stated that the Road Dept. foreman’s salary increase will be the same as the union workers’ in the department. He said that money would be transferred next month to cover the costs.

2. POLICE COMMISSIONER

Monthly report for December 2009

The December 2009 monthly report for the Police Department showed 717 calls of service, including 185 investigative reports, 7 arrests, 14 motor vehicle accidents, and 47 motor vehicle summonses issued.

Councilman Sena stated that the report submitted by Chief Wright regarding the Overtime Statistical Comparison was self explanatory and will be discussed more in Executive Session.

3. BOARD OF HEALTH

The rabies clinic is scheduled for January 9th at the firehouse from 10 AM – 12 Noon. Councilman Sena, Doreen Schott and Kathy Garrett will be in attendance.

The next Board of Health meeting is the Re-organization meeting and scheduled for January 12th at 6:30 PM.

COUNCILMAN KELLY:

2. BOARD OF PUBLIC WORKS

Councilman Kelly presented to the Council a request for EDU approval for Block 20, Lot 2. The BPW has already approved the necessary 9 needed EDUs for development of the property and have a resolution prepared by Mr. John Ruschke.

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to approve the EDU request for 10 EDUs for Block 20, Lot 2, in accordance with the BPW resolution dated December 9, 2009.

DISCUSSION

Councilman Krasnomowitz questioned as to if this was subject to site plan approval from the Land Use Board and it was stated that yes, it was covered in the resolution.

Roll Call:

- Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sena
- Nays: None

Abstain: None
Absent: None

COUNCILWOMAN OEHLER:

1. DRUG ALLIANCE

The next meeting will be held Monday, January 25th at 7:00 PM.

2. RECREATION

There was no meeting scheduled in December. Breakfast with Santa went well.

COUNCILMAN LAW:

4. RECYCLING

Councilman Law said that cardboard boxes for recycled batteries will be available at town hall and the fire dept. for the convenience of residents.

Mayor Marino said that he would like to set up a meeting with Hardyston Township to discuss recycling pick-up as our contract will soon be up. Councilman Barr also mentioned contacting Lafayette as he saw their trucks in Ogdensburg.

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

Construction report November 2009

According to the construction report received for November 2009, 14 permits were issued, 0 certificate of occupancy, 10 certificates of approval and \$1764.00 in fees were collected.

Councilman Krasnomowitz brought to the Council's attention that in November 2008, a total of \$180,525.00 in total costs were collected, compared to this years' of \$51,664.00.

Construction report December 2009

According to the construction report received for December 2009, 10 permits were issued, 3 certificates of occupancy, 19 certificates of approval and \$1154.00 in fees were collected.

Councilman Krasnomowitz stated that from January – November, the Borough collected \$31,683.00 in fees for permits. According to our contract with Hardyston, we are responsible to pay a yearly shared services fee of \$52,000. This makes our cost to the Borough \$19,163.00. Councilman Krasnomowitz said that this makes it very beneficial to keep it as is as opposed to paying for an entire department.

3. LAND USE BOARD

Monday, January 11th at 7:30 PM is the re-organization meeting for Land Use.

4. INSURANCE

The 2010 Fund Year Assessment and Coverage, which is the cost for our property, is at \$114,490.00 for the coming year. Changes show that the coverage is enhanced for the Borough and is the 2nd year of our three year commitment.

COUNCILMAN BARR

** Councilman Barr informed the Council that Fire / EMS did not go over budget for the 2009 year and he commended them for their hard work in that area.

1. BOARD OF EDUCATION

Councilman Barr brought up the correspondence received from the Hamburg School Administrator regarding possible shared services agreement for a maintenance agreement on school property from April 1 – November 1. Councilman Barr stated that the Road Dept. personnel are short-handed now but will speak to the school. He also believes that the school wants this service done for free. Councilman Krasnomowitz stated that this would have to be a shared services agreement.

The request for 2010 Yearbook contribution from Hamburg Elementary School will be tabled until the February meeting pending further information regarding the donation amount.

2. ROAD DEPARTMENT

Councilman Barr said that Mike Schneider has nine (9) days left; has not taken time off as he does not have a 2nd in command to take over when he is off. Mr. Schneider asked if he could be reimbursed and appoint someone in charge. Councilman Sena said to let him carry the nine days. Councilman Barr suggested giving him an assistant with a \$1.00 stipend. Councilman Kelly said to just leave it unfulfilled and Councilman Krasnomowitz said that Mr. Schneider should possibly delegate the work load differently. Council members need to find out how the union contract reads. Motion by Councilman Barr, seconded by Councilman Kelly to allow Mike Schneider to carry the remaining days from 2009 to 2010, with this being the last year he is able to do so. All in favor.

PUBLIC PORTION:

Motion by Councilman Barr, seconded by Councilman 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 All in favor.

Sheila Frayko – Board of Ed – said that at the Board of Ed meeting, snow plowing was discussed but not lawn maintenance.

Motion by Councilman Barr, seconded by Councilwoman Oehler to close to the public. All 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. **PBA – Collective Bargaining**
2. **Promotions in the Police Dept. – Privacy Matters**
- 3.

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 Councilwoman Oehler, seconded by Councilman Law to accept the resolution as offered. All in favor.

Motion by Councilman Law, seconded by Councilwoman Oehler to enter into Executive Session. All in favor.

Discussion concerning PBA – Collective Bargaining and Promotions in the Police Dept.

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to return to the Regular Session. All in favor.

No action was taken.

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

RESOLUTIONS

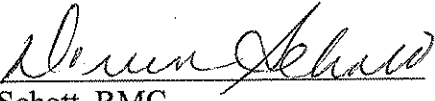
1. Mayor's Fax Advisory – FCC Adopts Wireless Tower Sitting Petition (12/10/09)
2. Mayor's Fax Advisory – League Joins Challenge to Verizon's Claimed Exemption from Business Personal Property Tax (12-10/09)
3. Kleinfelder – Notice of Ground Water Classification Exemption Area Update (12/10/09)
4. U.S PIRG Federation of State PIRGs – "21st Century Transportation for America" (12/10/09)
5. SCMUA – Estimated Annual Charge – FY2010 (12/10/09)
6. Pivotal Utility Holdings, INC. D/B/A Elizabethtown Gas – 7/31/09: Notice of Public Hearings
7. Pivotal Utility Holdings, INC. D/B/A Elizabethtown Gas – 11/11/09: Notice of Public Hearings
8. Hamburg Borough Board of Public Works Meeting Minutes
9. Sussex County Coalition for Healthy and Safe Families - The Coalition News
10. PS&S – Notification to Municipal Environmental Commission (12/16/09)
11. Mayors Fax Advisory – Public Intoxication Ordinances (12/16/09)
12. Kleinfelder – Declaration of Environmental Restrictions Recertification (12/31/09)
13. County of Sussex – Resolution adopted on November 24, 2009 meeting (12/31/09)
14. Mayors Fax Advisory – QPA Bill Signed into Law (12/31/09)
15. NJLM – Scholarship Competition (12/31/09)
16. State of NJ DEP – Suspected Hazardous Substance Discharge Notification NJDEP Case # 09-12-18-1104-43 (12/31/09)
17. Mayors Fax Advisory – Recent Raritan Borough OPRA Decision (12/31/09)
18. Mayors Fax Advisory – Extension of COBRA Continuation Requirement in the ARRA (12/31/09)
19. Mayors Fax Advisory – CMPTRA Funds Restored (12/31/09)
20. US Environmental Protection Agency – Climate Change (12/31/09)
21. Go Red for Women – National Wear Red Day for Women

ADJOURNMENT

Motion by Councilman Krasnomowitz, seconded b y Councilwoman Oehler to order to adjourn the meeting. All in favor.

Date Approved: 2/1/10

Date Released: 2/1/10



Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett