

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF HAMBURG HELD ON DECEMBER 6, 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 salute to the flag.

ROLL CALL:

Mayor Marino requested a roll call:

Councilwoman Oehler

Councilman Kelly

Councilman Sena

Absent: Councilman Barr

Also Present: Doreen Schott

Kathy Garrett

Richard Clemack, Attorney

Councilman Krasnomowitz

Councilman Law

Mayor Marino

STATEMENT OF CERTIFICATION:

Clerk will advise:

Adequate notice of this meeting has been provided to the public and the press January 10, 2010 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".

****Mayor Marino suspended the agenda and entered into Executive Session**

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. Negotiations with Contracts

a. Zinno Construction

b. Earth Tec

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 Krasnomowitz, seconded by Councilman Kelly to enter into Executive Session. All in favor.

Discussion concerning Zinno Construction and Earth Tec.

Motion by Councilwoman Oehler, seconded by Councilman Kelly to return to the Regular Meeting. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to approve the Earth Tec change order contract for extra materials in the amount of \$2700.00. All in favor.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to approve the change order for the grinder pump in the amount of \$3000.00; and the Mayor is authorized to issue a change order at his discretion in the amount under conditions he deems discrete for the extra sink. All in favor.

NOVEMBER 1, 2010 Regular Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve the November 1, 2010 Regular Meeting Minutes of the Mayor and Council. All in favor.

NOVEMBER 1, 2010 Executive Session Meeting Minutes

Motion by Councilman Kelly, seconded by Councilwoman Oehler to approve the November 1, 2010 Regular Executive Session Meeting Minutes of the Mayor and Council. All in favor.

APPROVAL OF BILLS:

There are three additions to the bill list: On Site Apparatus Service-Fire Department Flow - \$200.00; Anderson Farms - Christmas Greens - \$96.27; Hamburg Hot Bagels - Brunch with Santa - \$250.00. Motion by Councilwoman Oehler, seconded by Councilman Kelly to add to the bill list. All in favor.

Motion by Councilman Kelly, seconded by Councilman Law to open the meeting to the public with regards to the bill list only. All in favor.

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

Motion by Councilman Kelly, seconded by Councilman Law to approve and pay the bill list with additions.

Roll Call:

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

ORDINANCE

ORDINANCE # 08-2010 – 1st Reading

AN ORDINANCE AMENDING CHAPTER 197 – TOWING OF THE CODE OF THE BOROUGH OF HAMBURG TO REQUIRE TOWING COMPANIES TO HAVE AN IMPOUND / STORAGE FACILITY LOCATED IN THE BOROUGH OF HAMBURG.

A motion is in order to open the meeting to the public for any question or comments they may have with regards to this ordinance prior to adoption of same. This ordinance was introduced on first reading at the December 6, 2010 meeting and published as proved by law.

Motion by Councilman Law, seconded by Councilwoman Oehler to open the meeting to the public. All in favor.

Representatives from Advanced Towing, Barry's Towing, Bud & Walts, and DeBoers were in the public and all discussed their concerns with the change in the ordinance. They questioned how they and the public will benefit from the new ordinance change. The Mayor and Council started out saying that their concerns were that all towing companies have an equal advantage, that the disabled cars would stay local so that the people would not have to run to other municipalities for their belongings, and the main goal of clearing the roadway as quickly as possible. Representatives stated that most of them only do towing, so they are prepared 24 hours a day, and can respond immediately if it is their turn on the rotation list. Some mentioned that it will not always seem fair as accidents occur at night and some companies do not want to respond at night so they miss their spot on the rotation, in which then they would have to wait another 5 spots. This is a major complaint with so many towing companies on the list. They all stated that the rates also needed to be brought current as they are not competitive with other towns. Fire Chief John Haig said that his only complaint was that with a multiple car accident, they would have to wait while the same towing company took the cars away.

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to close to the public. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to table this ordinance for further discussion. All in favor.

RESOLUTIONS:

Resolution # 2010-31 – Escrow Balance Cancellation.

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

Resolution # 2010-32 – Transfer Water Sewer S/W to Water Sewer OE.

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

LIQUOR LICENSE RENEWAL

The following application and fees were sent down to the state on July 28, 2010. Tax Clearance was received by the Clerk. Attorney Clemack asked of the Clerk if any complaints were received with regards to this renewal and was answered none were received. This is a pocket license and therefore not active.

Motion by Councilman Law, seconded by Councilman Krasnomowitz to authorize Liquor License Renewal for BK Operating Corp – 1909-33-001-010. All in favor.

ATTORNEY HOUR:

1. T Mobile Cell Tower

Attorney Clemack stated that we are making an application to the state committee for a waiver which prohibits the use of a cell tower on recreational property. He has been in contact with various people, including the Deputy Attorney in charge of the matter. We need to find out the issues of the DEP so that they can be addressed. We are in receipt of a letter stating the applicant is going to proceed with the application, however, Attorney Clemack advises that the Borough must maintain our position and he will further address this in Executive Session.

2. Service Electric Cable TV – Application for Renewal for Municipal Consent Hearing Motion by Councilman Kelly, seconded by Councilwoman Oehler to open the meeting to the public. All in favor.

Mr. Michael Maliti, Esq., along with Cherie LoPresti, representatives of SEC-TV, present the overview of a renewal request for the Borough's 881 customers. Included in the discussion were the channels, maps, equipments, tariffs, and financial information. The renewal is for ten years and non-exclusive. At this point there are no competitors. Mayor Marino asked if there were certain provisions in the new contract to provide certain services to schools, municipalities, etc. And was answered yes. Mr. Maliti added that there were certain exclusions due to line extensions, etc. He added that these were done as complimentary services to the town. The school has been already serviced. As the municipal building needs a static IP line, this will be checked into as this is not available from SEC-TV. We already receive the municipal rate from the company. SEC-TV would like to draft the ordinance and submit it to the town for our review. Attorney Clemack does not see a problem with this.

Motion by Councilman Krasnomowitz, seconded by Councilman Law to open to the public on the SEC-TV renewal. All in favor.

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

MAYOR'S AGENDA:

1. New Jersey League of Municipalities

Mayor Marino attended the conference for one day, but did manage to speak to Senator Oroho regarding a waiver for T-Mobile and the DEP situation with Falcon Ridge. He also attended the Mayors Luncheon.

2. Petition to Extend Licensed Premise – SJR Co. LLC – December 18, 2010 – 12 PM – 2 AM.
Council is in receipt of a petition to extend the licensed premise to hold a birthday party/bonfire on December 18th from 12 PM – 2 AM.

Motion by Councilman Law, seconded by Councilwoman Oehler to approve said application.

DISCUSSION

Councilman Kelly said that SJR Co. LLC is here approximately every other month with an application. He said they should get a different license if they want to continue to do this. Councilman Krasnomowitz agreed but that we have more control now if we see and approve every submitted application. Councilman Kelly also had issues with the bonfire, but Mayor Marino stated that would be the decision of Fire Official. (Fire Official Kerry Flammer did give approval on 12/3/10). Councilmen Sena and Law, who live nearby, did not have any problems or complaints from the applications.

Roll Call:

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

3. Basketball Clinic

Mayor Marino informed the Council that the basketball clinic that the drug alliance/recreation commission put on was very successful and will suggest to the rec commission to hold it again next year. It was held for four Wednesdays and attended by approximately 25 kids. He could see them improve by the 4th week and it was terrific to see it. Mr. Joe Esposito helped out and Melissa Velez-Morales also. The kids also received t-shirts and a pizza party at the end of the clinic.

4. Boy Scouts

Mayor Marino also said that he met with Mrs. Dean's Boy Scout pack #298 to talk about municipal government.

COMMITTEE REPORTS:**COUNCILMAN SENA****1. FINANCE / TAX DEPARTMENT****TAX COLLECTORS REPORT**

The Tax Collector's report for October 2010 showed a total of \$631,886.18 being collected. The following resolutions were submitted for approval: Resolution for Tax Overpayment Block 16, Lot 2 in the amount of \$250.00; Resolution for Tax Overpayment Block 33, Lot 6 in the amount of \$250.00; Resolution for Tax Overpayment Block 25, Lot 19 C0101 in the amount of \$250.00. Motion by Councilman Sena, seconded by Councilman Kelly to approve said resolutions. All in favor.

Resolution Third Party Tax Sale Certificate # 09-013 in the amount of \$15,710.10. Motion by Councilman Sena, seconded by Councilman Kelly to approve said resolution. All in favor.

Councilman Sena discussed salary increases for non-union Borough employees for the 2011 year. Mayor Marino stated that he would stay between the 2 and 2 ½ % increase, which is what the State is and what the Road Dept. is receiving, but recommending 2 1/2 %. Council members Kelly and Krasnomowitz questioned the recommendation, since it would be going above the 2% as recommended by the State. CFO advises Council that the 2 % would be charged under the current fund, .5 % would be charged to the water/sewer fund which keeps the percentage of 2% at cap. Motion by Councilman Sena, seconded by Councilman Law to give the Borough employees a 2 1/2 % raise for the 2010 year. All in favor.

2. POLICE COMMISSIONER

Monthly report for November 2010

The November 2010 monthly report for the Police Department showed 966 calls of service, including 169 investigative reports, 13 arrests, 7 motor vehicle accidents, and 102 motor vehicle summonses issued.

3. BOARD OF HEALTH

Councilman Sena said that in November correspondence was received saying that certain fees were going up, including the ones on water sampling. Borough Clerk believes it is included in the yearly contract and will speak to Health Inspector Fred Reisen.

COUNCILMAN KELLY:**1. BUILDING AND GROUNDS**

Councilman Kelly said that the new tree looked great.

COUNCILWOMAN OEHLER:**2. RECREATION**

Brunch with Santa will be held on December 12th at Noon. Pictures will be taken from 12:15 PM – 1:15 PM and then available for pick-up at 2:15 PM, and then at town hall on Monday. The clinics are doing very well.

COUNCILMAN LAW:**1. FIRE DEPARTMENT / EMS**

The Fire Dept. had their elections and John Haig will remain in his position as Chief, with Karl Brennan as the Captain of EMS.

Santa will be going around town on the fire truck on Saturday, December 18th, with Sunday, the 19th as the inclement weather date.

Councilman Law discusses with the Council the need for Chief Haig to purchase equipment that would be outside of the vendor base. This would involve the use of a credit card with the Chief providing a purchase order at a later date. He stated that Chief Haig relayed that certain items are time critical and the credit card would be beneficial.

Motion by Councilman Law, seconded by Councilwoman Oehler to open the meeting to the public. All in favor.

Chief Haig – stated that he needed to purchase GPS units for the trucks for mutual aid calls and had a hard time finding a vendor that would accept a voucher. For this reason, he would like to have a credit card available for his use.

Mayor Marino stated that the credit card would be issued to the Fire Dept. and he (Chief Haig) would be a signer. Even though Chief Haig may be responsible with the card, the next chief may not be. For this reason alone, he would not recommend it. Suggestions were made to see the office staff for their help in obtaining what he needed. Council was in agreement.

Motion by Councilman Kelly, seconded by Councilman Law to close to the public. All in favor.

2. OFFICE OF EMERGENCY MANAGEMENT

The trailer was received and has been put by the Road Dept. building. Councilman Law thanked John Haig for bringing the trailer up here. Mike Schneider is in the process of setting it up.

4. RECYCLING

We will be receiving grant money in the amount of \$2500.00. As of January 1, 2011, all electronics must be considered hazardous waste and not household garbage. Letters will be posted.

COUNCILMAN KRASNOMOWITZ:**2. CONSTRUCTION DEPARTMENT**

Construction Report for September 2010

Councilmember Krasnomowitz advised that there were 8 permits issues, 1 certificates of occupancy, 11 certificates of approvals with a total of \$595.00 collected in fees for the month of September.

Construction Report for October 2010

Councilmember Krasnomowitz advised that there were 16 permits issues, 0 certificates of occupancy, and 12 certificates of approvals with a total of \$7266.00 collected in fees for the month of October.

3. LAND USE BOARD

Since Bob O'Connor is still having concerns with Airgas, Councilman Krasnomowitz said that a committee consisting of Tom Watts, Bob Adams, Mary Toscano, Greg Kresge, and himself met to discuss the situation. As discrepancies were found, Mr. Kresge sent a letter to Airgas to resolve.

4. INSURANCE

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to accept the 2011 Risk Management Consultant's Agreement – Hale Insurance. All in favor.

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to accept the Resolution Appointing Fund Commissioner, Richard Krasnomowitz. All in favor. Councilman Krasnomowitz abstained.

Motion by Councilman Krasnomowitz, seconded by Councilman Kelly to accept the Resolution Appointing Hale Insurance as Risk Management Consultant. All in favor.

COUNCILMAN BARR

2. ROAD DEPARTMENT

Mayor Marino stated that the road dept. busy getting the equipment ready for winter and snow.

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. Confidential Legal Advice – Privileged Information – Draft Towing Ordinance

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 Krasnomowitz, seconded by Councilman Law to enter into Executive Session at 9:22 PM. All in favor.

Discussion concerning the Towing Ordinance.

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

No action was taken.

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

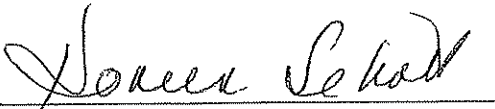
1. SCMUA – Proposed 2011 Rate Schedule (11/4/10)
2. Correspondence from Board of Public Utilities regarding application for consent (11/12/10)
3. From the DEP information regarding “The Electronic Waste Management Act” 11/12/10)
4. From NJLM “Assembly Committee releases COAH Bill” (11/10/10)
5. From State of NJ removal underground storage tank 71 Route 23.
6. Legislative Bulletin – October 2010 (11/12/10)
7. Notice of residential contact 4 Fern Avenue (11/12/10)
8. State of NJ - Electronic Waste Management Act”
9. Correspondence to Airgas from Zoning Officer.
10. From Sussex County thank you for participation in “Tie a Ribbon” Campaign. (11/18/10)
11. From Sussex County Ordinance to amend fee schedule (12/2/10)
12. Hardyston Township Ordinance to address wind and solar energy system (12/2/10)
13. SCMUA 2011 Rate Schedule (12/2/10)
14. From League of Municipalities – League Resolutions adopted. (12/2/10)

ADJOURNMENT

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to adjourn the meeting. All in favor. All in favor.

Date Approved: 1-3-11

Date Released: 1-3-11



Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett