

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JANUARY 3, 2011 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ

CALL TO ORDER:

Mayor Marino called the meeting to order at 7:30 PM 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 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".

OATH OF ALLEGIANCE

Borough Clerk Doreen Schott administered the Oath of Allegiance to Patrolman Robert VanderPloeg III. He received congratulations by all.

DECEMBER 6, 2010, 2010 Regular Meeting Minutes

Motion by Councilman Krasnomowitz, seconded by Councilwoman Oehler to approve the December 6, 2010 Regular Meeting Minutes of the Mayor and Council. All in favor. Councilman Barr abstained.

DECEMBER 6, 2010 Executive Session Meeting Minutes

Motion by Councilwoman Oehler, seconded by Councilman Krasnomowitz to approve the December 6, 2010 Regular Executive Session Meeting Minutes of the Mayor and Council.

Roll Call:

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

APPROVAL OF BILLS:

Two bills are presented for additions to the Bill List: \$200.00 for the plan review for the Falcon Ridge project and \$250.00 for the Luncheon at the Firehouse.

Motion by Councilman Kelly, seconded by Councilman Krasnomowitz to add the bills to the bill list. All in favor.

Motion by Councilman Barr, seconded by Councilwoman Oehler 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 Barr, seconded by Councilman Kelly, to close to the public. All in favor.

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

Roll Call:

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

ORDINANCE

ORDINANCE #01-2011 – 1ST Reading

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

Motion by Councilman Sena, 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 SALARIES OF CERTAIN OFFICIALS, OFFICERS AND EMPLOYEES OF THE BOROUGH OF HAMBURG, COUNTY SUSSEX, STATE OF NEW JERSEY.

Motion by Councilman Barr, seconded by Councilwoman Oehler to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for February 7, 2011

Roll Call:

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

RESOLUTIONS:

Resolution # 2011-01

CASH MANAGEMENT PLAN

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 3, 2011.
Doreen Schott, Clerk

Motion by Councilman Krasnomowitz, seconded by Councilman Barr to accept the resolution as offered.

Roll Call:

Ayes: Barr, Kelly, Krasnomowitz, Law, Oehler, Sean
 Nays: None
 Abstain: None

Absent: None

RESOLUTION # 2011-02

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 Kelly, seconded by Councilwoman Oehler to adopt the resolution as offered.
Roll Call:

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

ATTORNEY HOUR:

1. T Mobile Cell Tower

Attorney Clemack said that he would like to speak with the Attorney General regarding this matter and he keeps missing his calls. T Mobile would like to move forward with the application.

2. Falcon Ridge – Pump Station

Attorney Clemack stated that Silver Fox is in bankruptcy and as this matter is referring to the common areas of the development, it is not part of the bankruptcy. He is hoping to speak with them so as to move forward with this matter.

3. SEC Cable TV

Attorney Clemack received a copy of the proposed ordinance from SEC-TV. The length of the ordinance is one of the key issues that need to be resolved. Councilman Krasnomowitz believed that it was 5 years. As there were outstanding issues such as the static IP address at town hall, when to install, etc, no action will be taken.

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:

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.

No Executive Session.

ENGINEERING:

1. Bid results

Falcon Ridge Sewer Interconnection, Orchard Street Drainage, and Heritage Lakes Pump Station all

went out for bid recently. Borough Engineer John Ruschke informed the Council of the results:

Falcon Ridge Sewer Interconnection Project, (NJEIT) Contract 1-the low bidder was PM Construction Corp. at \$212,985.00, and Mr. Ruschke has worked with them previously. The paperwork can be in place for an early spring start and he recommended to the Council to award this bid to PM Construction Corp., pending DEP approval, Attorney review, and certification of funds. Motion by Councilman Kelly, seconded by Councilman Barr that the bid is awarded to PM Construction Corp. in the amount of \$212,985.00 pending DEP approval, Attorney review, and certification of funds.

Roll Call:

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

Orchard Street Drainage Improvements (NJEIT) Contract 3- the low bidder was John Garcia Construction Co. Inc. at \$310,573.00, which was substantially lower than the engineer's estimate. Although John Garcia has done previous work in town, he is always late beginning the project but he is competent and does complete the project. Mr. Ruschke does recommend to the Council awarding this bid to John Garcia Construction Co. Inc. pending DEP approval, Attorney review, and certification of funds.

Motion by Councilman Kelly, seconded by Councilman Barr that the bid is awarded to John Garcia Construction Co. Inc. in the amount of \$310,573.00 pending DEP approval, Attorney review, and certification of funds.

Roll Call:

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

Heritage Lakes Sewer Pump Station Improvement (NJEIT) Contract 2- Mr. Ruschke explained to the Council that before this bid can be awarded, there is one issue to resolve concerning the registration paperwork and the public contracts law. Liberty Inc. was the low bidder but registered as Liberty Corp. and now the second low bidder is protesting, so the paperwork just has to be cleared before this can proceed. He will keep the Council informed.

As Mayor Marino does not want to have to borrow more money for other projects down the road, he asked CFO Amy Maronpot for confirmation on the years of pay down on the NJEIT loan (20 years). He also asks if we are able to pay the loan down faster without a prepayment penalty and Ms. Maronpot confirms that we are able to do so.

MAYOR'S AGENDA:

1. 2011 Interlocal Service Agreement – Wantage Township; Animal Control Officer and Municipal Dog Pound Facility.

Council is in receipt of the 2011 Interlocal Service Agreement with Wantage Township for the Animal Control Officer and Municipal Dog Pound Facility. The contract shows that there is a

\$120.00 increase from last year.

Motion by Councilman Barr, seconded by Councilman Kelly to accept the contact as offered.

Roll Call:

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

2. Braking Ordinance

Mayor Marino brought up the braking ordinance that was passed last year and is not able to be enforced due to the State highways. He asked Attorney Clemack for his advice on how to proceed as it is a vacant ordinance on the books. Councilman Kelly said that there are other towns that are on county and municipal roads and are enforcing a braking ordinance so he would like to see a letter sent to the State.

3. Professional Service Agreements

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept the Professional Service Agreements for the 2011 contract year from:

Richard J. Clemack, Attorney Services; Hatch Mott MacDonald, Engineering Services (John Ruschke); Nelson Consulting Firm, Planning Services; Nisivoccia & Company, auditing Services (William Schroeder); Lomurro, Davison, Eastman & Munoz, Bond Counsel Services (John Kraft); Hale Insurance, Insurance Services; Dr. Dennis Fielding, Medical Services.

All in favor.

4. Recreation Fields

Mayor Marino stated that he would like to see the rec fields open for Memorial Day weekend. The foundation is in for the concession stand and the columns and pre fabs are coming in. He said that we need to decide how to operate the fields – by committee, by-laws, etc. Mayor Marino asked that all Council members think about it for the next meeting.

COMMITTEE REPORTS:

COUNCILMAN SENA

1. FINANCE / TAX DEPARTMENT

TAX COLLECTORS REPORT

The Tax Collector's report for November 2010 showed a total of \$1,565,283.27 being collected.

2. POLICE COMMISSIONER

Monthly report for December

The December 2010 monthly report for the Police Department showed 1044 calls of service, including 191 investigative reports, 16 arrests, 14 motor vehicle accidents, and 114 motor vehicle summonses issued.

Chief Wright stated that Detective George Gunderman and Officer Chris Nicols have completed their probationary time successfully.

3. BOARD OF HEALTH

Board of Health Re-Organization meeting will be held on Tuesday, January 11, 2011

COUNCILMAN KELLY:

1. BUILDING AND GROUNDS

Mike Schneider informed Councilman Kelly that there was icing on the area from the gutter where the nozzle was, creating a safety issue, so he will be working to resolve that problem.

COUNCILWOMAN OEHLER:

1. RECREATION

Brunch with Santa was held with everything going smoothly and everyone that attended seemed to have a good time. Pictures were taken and back in time to be given out.

COUNCILMAN LAW:

1. FIRE COMMISSIONER

Councilman Law presented a Fire Dept. application for Kevin Cook, with the background check being returned favorable. Motion by Councilman Law, seconded by Councilman Barr to approve said application. All in favor.

COUNCILMAN KRASNOMOWITZ:

2. CONSTRUCTION DEPARTMENT

Construction Report for November 2010

Councilmember Krasnomowitz advised that there were 10 permits issues, 0 certificates of occupancy, and 17 certificates of approvals with a total of \$2957.00 collected in fees for the month of November.

Council is in receipt of the year end report showing the fees for the construction department. Our annual contract is for \$54,800.00, with a balance for the difference for the fees received, totaling \$28,231.00 due to Hardyston Township.

3. LAND USE BOARD

Councilman Krasnomowitz stated that the re-organization meeting for the Land Use Board will be held on Monday, January 10th at 7:30 PM.

COUNCILMAN BARR

2. ROAD DEPARTMENT

Councilman Barr commended the Road Dept. on the good job they did with the removal of snow with the recent snow storm.

PUBLIC PORTION:

Motion by Councilman Kelly, seconded by Councilwoman Oehler 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 in favor.

Karl Brennan – thanked Councilman Barr for his attendance on the EMS call.

Sheila Frayko – Board of Education Liaison – thanked the town for the truck and for all the help

with the snow removal with the recent storm.

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

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

1. From SCMUA Estimated charges for FY 2011 (12/10/10)
2. Notification of contact information to Municipal Clerk (12/15/10)
3. Notification of Underground Storage Tank removal Block 1, Lot 13 (12/16/10)
4. New Medical Examiner (12/23/10)
5. County Shared Services Coordinator (12/23/10)
6. Conditional Veto of S-2220 (12/23/10)
7. Statewide Insurance Fund (12/23/10)
8. Senate Bill 2174 & Assembly Bill 2951 (12/23/10)

ADJOURNMENT

Motion by Councilman Barr, seconded by Councilman Law to adjourn the meeting at 8:18 PM. All in favor.

Date Approved: 2/7/11

Date Released: 2/7/11


Doreen Schott, RMC
Municipal Clerk

Submitted by Kathy Garrett