

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF HAMBURG HELD ON JANUARY 4, 2012 AT THE MUNICIPAL  
BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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**CALL TO ORDER:**

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

**ROEL 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 6, 2011 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".

**December 5, 2011 Regular Meeting Minutes**

Motion by Councilwoman Oehler, seconded by Councilman Kelly to approve the December 5, 2011 Regular Meeting Minutes of the Mayor and Council.

Councilman Sena stated that on page 5, under Purchase of Patrol Car, he did not say that the lights from the old car were in the DPW building.

Motion by Councilwoman Oehler, seconded by Councilman Kelly to amend and accept the minutes with correction. All in favor.

**December 5, 2011 Executive Meeting Minutes**

Motion by Councilman Kelly, seconded by Councilwoman Oehler to approve the December 5, 2011 Executive Meeting Minutes of the Mayor and Council. All in favor.

**APPROVAL OF BILLS:**

There are three additions to the bill list: \$110.00 to Russell Law for the 8<sup>th</sup> grade pizza party for the clean-up; \$254.75 to NJ Public Water Tax for 4<sup>th</sup> quarter taxes; \$202.60 to TJ's Pizza for the town portion of the luncheon on January 1, 2012.

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

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

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

Roll Call:

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

**ORDINANCES:**

**Ordinance #01-2012**

**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 Kelly 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 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 6, 2012.

Roll Call:

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

**Ordinance #02-2012**

**AN ORDINANCE TO AMEND SECTION 44-POLICE DEPARTMENT OF THE CODE OF THE BOROUGH OF HAMBURG TO PROVIDE FOR THE ESTABLISHMENT OF THE POSITION OF POLICE DIRECTOR AND SET FORTH THE POWERS AND DUTIES OF THE POSITION AND REPEAL THE POSITION OF CHIEF OF POLICE.**

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

**AN ORDINANCE TO AMEND SECTION 44 – POLICE DEPARTMENT OF THE CODE OF THE BOROUGH OF HAMBURG TO PROVIDE FOR THE ESTABLISHMENT OF THE POSITION OF POLICE DIRECTOR AND SET FORTH THE POWERS AND DUTIES OF THE POSITION AND REPEAL THE POSITION OF CHIEF OF POLICE.**

Motion by Councilman Barr, seconded by Councilman Kelly to approve the ordinance on first reading and introduction with said ordinance to be published in full with second reading scheduled for January 18, 2012.

**DISCUSSION**

Councilman Law inquired as to where this person would be located as he is a civilian, he/she could

not have access to police records, weapons and investigations. Mayor Marino stated that the town has to look at the financial picture. Chief Wright was the highest paid person, and due to his retirement, we can now look to make changes. The town will save approximately \$70,000.00 in salary and benefits, which is around 3 tax points. There is a problem with the communication between the Council and the police department. Councilman Sena stated that we spend around \$820,000.00 on the police department. Coverage on the streets is the main goal, and as the town does not want to let anyone go in the police dept., this is a way to save money and get a strong leader. Councilman Barr also said that a lot of time went into discussions about this and it is a way to save money. Councilman Law asked if the prosecutor was asked his opinion of the ordinance as he is overseer. Councilman Kelly reiterated that he also wants to save money with this and this person would have managerial experience. He would also like to ask the prosecutor his opinion. Councilwoman Oehler also asked who would sign gun permits. The senior officer can sign, and there are two, and asked if one would have to be promoted. Again, Councilman Law said that the director cannot be left by himself in the police dept. as he would have access to the files and guns.

**Roll Call:**

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

**RESOLUTIONS:**

**Resolution # 2012- 01**

**CASH MANAGEMENT PLAN**

**BOROUGH OF HAMBURG  
 2012 Cash Management Plan  
 Resolution # 2012 – 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, 2012.

\_\_\_\_\_  
Doreen Schott  
Municipal Clerk

Motion by Councilman Sena, seconded by Councilman Law to accept the resolution as offered.

Roll Call:

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

**RESOLUTION #2012-02**

**Salaries**

**A 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 Barr, seconded by Councilwoman Oehler to adopt Resolution # 2012-02. Attorney Clemack stated that Resolution #2012-02 will be effective when the salary ordinance is adopted.

Roll Call:

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

**RESOLUTION #2012-03**

**125 Cafeteria Plan**

**A Resolution for the establishment of a section 125 Cafeteria Plan premium-only plan and flexible spending account**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to adopt Resolution # 2012 – 03.

Mayor Marino stated that this will allow money to come out of the paycheck for medical and savings plan.

Roll Call:

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

**RESOLUTION # 2012 – 04**

**Appointment of Tax Assessor and Municipal Attorney to defend before the Sussex County Tax Court.**

Motion by Councilman Kelly, seconded by Councilwoman Oehler to adopt Resolution # 2012-04

Roll Call:

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

**RESOLUTION #2012 -05**

**A resolution authorizing Hatch Mott McDonald to perform engineering services to revise the Borough of Hamburg Tax Map**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to adopt Resolution #2012-05.

Roll Call:

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

**RESOLUTION # 2012 – 06**

**A Resolution authorizing the transfer of funds from Legal O/E to Engineering O/E in the amount of \$2,000.00**

Motion by Councilman Barr, seconded by Councilman Krasnomowitz to adopt Resolution # 2012 – 06.

Roll Call:

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

**ATTORNEY HOUR:**

**1. Resolution from Land Use Board waiving paragraph 3 in the resolution accepting deed of easement for water conservation and declaration. Lorterdan Development LLC.**

Attorney Clemack informed the Council that the Land Use Board waived #3 in the resolution accepting deed of easement for water conservation and declaration for Lorterdan Development LLC. Attorney Clemack stated that the maintenance bond will be required at a later time with the performance bond.

**2. Sick Time Buyout Settlement – Paul DeMott**

Attorney Clemack said that there was a \$750.00 settlement for the sick time buy-out for retired officer Paul DeMott.

**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 Negotiations**
2. **PBA Grievance – personnel matter**

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 accept the resolution as offered. All in favor.

**TAX ASSESSOR:**

**ENGINEERING:**

**MAYOR’S AGENDA:**

**PROFESSIONAL SERVICE AGREEMENTS**

- Richard J Clemack - 2012 contract
- Nelson Consulting Group – 2012 contract
- Hatch Mott MacDonald – 2012 contract
- Nisivoccia & Company – 2012 contract
- John L Kraft – 2012 contract

- Moreville Agency – 2012 insurance contract

Motion by Councilman Barr, seconded by Councilwoman Oehler to accept the Professional Service Agreements for the above.

Roll Call:

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

## **COMMITTEE REPORT COUNCILMAN SENA**

### **1. FINANCE / TAX DEPARTMENT**

Tax Collector report for November 2011

The tax collector's for November 2011 showed a total of \$1,216,421.35 being collected.

### **2. POLICE COMMISSIONER**

Monthly report for December 2011

The December 2011 monthly report for the Police Department showed 1011 calls of service, including 201 investigative reports, 10 arrests, 10 motor vehicle accidents, and 84 motor vehicle summonses issued.

### **3. BOARD OF HEALTH**

The Board of Health will hold their reorganization meeting on Tuesday, January 10<sup>th</sup> at 6:30 PM.

## **COUNCILMAN KELLY:**

*No updates to report*

- 1. BUILDING AND GROUNDS**
- 2. WATER QUALITY**
- 3. BOARD OF PUBLIC WORKS**
- 4. SOLID WASTE ADVISORY**

## **COUNCILWOMAN OEHLER:**

### **2. RECREATION**

Councilwoman Oehler said that Breakfast with Santa was a tremendous success and thanked Paula Marino and her committee for doing such a terrific job.

The next meeting will be held on January 17<sup>th</sup> at 7 PM.

## **COUNCILMAN LAW:**

### **1. FIRE COMMISSIONER - OEM**

Councilman Law presented an application for Breanne Sullivan for the Fire / EMS Department.

The background check was completed.

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

### **3. RECYCLING AND SANITATION**

Councilman Law informed the Council that the DEP will now require recycling coordinators to be certified in order to fill out the paperwork for the reports.

**COUNCILMAN KRASNOMOWITZ:**

**2. CONSTRUCTION DEPARTMENT**

Councilman Krasnomowitz said he met with Hardyston Township officials and Manager Marianne Smith with regards to the complaint from Grey Elephant, of which it was decided to let Hardyston do their job and handle the matter.

**3. LAND USE BOARD**

The reorganization meeting will be held on Monday, January 9<sup>th</sup> at 7:30 PM.

**COUNCILMAN BARR**

**1. BOARD OF EDUCATION**

There are drainage issues on the Board of Education property from Hamburg Village and the management company is looking into the situation.

**2. ROAD DEPARTMENT**

Motion by Councilman Barr, seconded by Councilman Law to open to Road Dept. Foreman Mike Schneider. All in favor.

Mr. Schneider informed the Council that some of the Borough vehicles needed maintenance on them and discussed the John Deere backhoe/loader: that it is a 1998 model, in poor shape, with repairs running around \$9000.00 for the 2011 year and parts that are hard to acquire if that. Truck #2, a 2004 mason dump truck is in fair shape but the body is rusted and needs to be replaced with a stainless steel body at a cost of \$10,000. – 15,000.00. Mr. Schneider would also like to purchase a chipper to help with the clean-up of downed trees, etc. Councilman Law asked how much this would cost as the town may be able to use recycling money for the purchase. He also said that perhaps it could be placed by the salt bins and the residents could have the mulch. Councilman Barr asked Mr. Schneider to get some prices together and to contact him with the information.

Motion by Councilman Barr, seconded by Councilman Kelly to close to Mr. Schneider. All in favor.

**PUBLIC PORTION:**

Motion by Councilman Law, 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.

Dawn O'Grady – Fern Ave – discussed with the Council Ordinance #02-2012. She wondered about the validity of the ordinance, questioned if it were against the law and read a statutory law. She said that a civilian director is not able to do all that the Council wants him to do. Councilman Kelly said that this is not to dismantle our Police Dept. but that a profession manager is needed there. Ms. O'Grady said that the Council did not want to give Chief Wright a \$9000.00 raise to bring his salary up to that of retired Chief Kresge and wondered how much this was going to cost residents. Councilman Kelly replied that we have a 2% cap that we have to work under. He also stated that we are not trying to dismantle the Police Dept. and that ex-chiefs also will apply for the position. Attorney Clemack clarifies the statutory law that Ms. O'Grady read from and said that this was a policy decision. Mayor Marino stated that there are issues at the Police Dept. but no one is trying to



hurt anyone,

Paula Marino – asked what the County Prosecutor has to do with this and was answered that he dictated the Attorney General guidelines. She also commended the Council with their decision on the ordinance and that it was important to do the best for the town. Councilman Kelly said that although he voted yes to approve, his vote may change depending on the answers within the next two weeks.

Chris Nichols – patrolman – asked the duties of the director. Mayor Marino replied that he / she will be performing administrative work. He also said that communication is not good with the Police Dept. and the Council and this will be another duty. Mayor Marino said that we need more manpower on the road, and with the savings, we may be able to hire another office. Councilman Sena said that we will save money with an administrator.

Eric Aronson – patrolman – informed the Council that the scheduling is done for this year, with the exception of days off, illnesses, etc. so that is not an issue.

Motion by Councilman Barr, seconded by Councilman Sena to close to the public. All in favor.

Motion by Councilman Barr, seconded by Councilwoman Oehler to enter into Executive Session at 8:30 PM. 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 Negotiations**
2. **PBA Grievance – personnel matter**

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 accept the resolution as offered. All in favor.

Motion by Councilman Barr, seconded by Councilwoman Oehler to enter into Executive Session at 8:30 PM. All in favor.

Discussion regarding the PBA Grievance and PBA Negotiations.

Motion by Councilman Kelly, seconded by Councilwoman Oehler to return to the regular meeting. All in favor.

The following resolution was offered:

**Click It or Tick It Grievance  
#2012-08**

**BE IT RESOLVED**, regarding the aforesaid grievance the Mayor and Council does acknowledge that the Mayor and Council were under the impression that the Click It or Tick It program was State funded and as a matter of record, it was not State funded, it was the DWI program that received funding.

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

Roll Call:

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

The following resolution was offered:

**PBA Grievance  
#2012-09**

**WHEREAS**, the Hamburg PBA has filed a grievance dated 12/12/2011, setting forth various grievances, and

**WHEREAS**, the same grievance was filed several months ago and in the opinion of the Mayor and Council lapsed and failed because of lack of prosecution, and

**WHEREAS**, it is the opinion of the Mayor and Council that the present grievance is just a reiteration of the former one and is barred as having not been timely tiled, the terms of the collective bargaining agreement having strict time periods.

**NOW THEREFORE, BE IT RESOLVED**, as follows:

- 1.) The Mayor and Council reiterate that this grievance is out of time and obtain an agreement from the grievance that we will hear the grievance without prejudice to our claim that we will hear it in an effort to reasonably try to resolve the matter.
- 2.) The Mayor and Council determine that Officer Kevin Kiel is not assigned to any task at this time and therefore the issue is moot and we deny the grievance on that ground.
- 3.) Regarding the Click It or Tick It, we deny that grievance on the grounds that it is not a grievable issue, this being a management prerogative which is not part of the collective bargaining agreement. We make these findings without prejudice to our position that the grievance is out of time but this made in the spirit of cooperation may resolve the matter.

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

Roll Call:

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

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

1. Notification from State of NJ that Well No. 1A permit to operate was issued (12/18/11)
2. From Project Self Sufficiency, thank you for supporting the Tie a Ribbon Campaign.

(12/8/11)

3. Correspondence from Hardyston Twp regarding S2794 (12/15/11)
4. SCMUA – Estimated annual charge for 2012 (12/15/11)
5. FYI – ruling on videotaping photography at voting polls (12/15/11)
6. SCMUA – Actual 2012 Rate Schedule (12/15/11)
7. JCPL – notice of filing and public hearing. (12/15/11)
8. Correspondence from Sussex County Clerk regarding Shared Services Bill Update (S2794)
9. Correspondence from Hatch Mott regarding drainage onto Board of Ed Property. (12/16/11)
10. Correspondence from Hatch Mott to Lorterdan Properties regarding state approval to operate Well No. 1 with conditions that must be met.

**ADJOURNMENT**

Motion by Councilman Barr seconded by Councilman Sena to adjourn the meeting. All in favor.

Date Approved: 2/6/12

Date Released: 2/6/12



Doreen Schott, RMC  
Municipal Clerk

Submitted by Kathy Garrett