

**MINUTES OF THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF HAMBURG HELD ON JANUARY 18, 2012 AT THE MUNICIPAL BUILDING, 16 WALLKILL AVE., HAMBURG, NJ**

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**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 advised:  
Adequate notice of this meeting has been provided to the public and the press January 6, 2012 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".

**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 Kelly, seconded by Councilwoman Oehler for Attorney Clemack to read the Ordinance by title for second reading and public hearing. All in favor.

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Mayor Marino discusses **G Powers and Duties #9** not a substantial amendment.

Motion by Councilman Kelly and seconded by Councilman Krasnomowitz to present the ordinance with amendment.

**Roll Call:**

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

Motion by Councilman Barr seconded by Councilwoman Oehler to open the meeting to the public regarding ordinance #02-2012. All in favor.

Chris Fitzpatrick – Glenside Ave – resident since 1972. Watched the attitude of spending taxes and taxes spent. Can't afford it anymore. Talks about Governor Christie and the Sussex County Freeholders and their good ideas. In favor of the Council for saving money. 70 years old and works full time, can't afford to live in Hamburg unless he works full time, he does not have the option of retiring.

Jill Pergola – Hamilton Ave – 21 year resident. Concerns on leadership ability of the director. Concerned that the director cannot do training of any new hire officer that needs hands on leadership and training. Director cannot fill the actual position of a police chief. Fears our officers will look elsewhere.

Dorothy Kays – born and raised in this town and always had a police chief. Director cannot do the job of a police chief. Would like to see one of our police officers promoted to chief and hire a new officer for less money then what we would be paying the director.

Scott Knapp – business owner – grave indecision to get rid of the police chief; need leadership in this town. Moving up one guy wouldn't cost \$50,000.00. Questions who would have the authority to sign off on fire arms ID.

Jennifer Armstrong – Prospect Ave – Questions the council if any research has been done to see if this has worked in any NJ towns. Could this be temporary? Mayor responds. We thought we would have a police chief for 10 years. Director cannot do everything a police chief can do but can do most of it. We are not getting rid of the police department. This is a one year appointment; year to year. First choice is to have a chief of police. Councilman Kelly adds that this would be a huge plus; this can change down the road. If a chief is appointed they automatically get tenure after one year. Blairstown has had a director and Lambertville has had a police director since 1996 current director since 1999. Hightstown NJ is currently in the works of hiring a police director. In some municipalities it has worked and others are trying it out.

Sue Chase – Linwood Ave – Would like the council to amend a previous ordinance so a suitable candidate can be found within the department. A director cannot attend any chief of police meetings and the town will not have any representation; they will not be able to be a liaison to the prosecutor's office. A chief of police would be able to perform all of these duties. Not a great idea, there are other ways to save money and this is not the best one.

Chief Ray Rafferty – Sussex County Police Association/State of Association Chief of Police – In Sussex County there aren't any police directors. It goes against the grain. This is basically hiring someone at \$50,000 to do scheduling. The State Chiefs Associations offers mentoring program. It gives a few people the opportunity to pick your police chief. The Mayor and Council gets to pick who you want. That will save the town money in the long run. Director has no authority in a police department in the state of New Jersey. The mentoring program is free.

Bevin DelGuidice – Vernon Ave – 12 year resident – Questions whether the council intends on hiring someone such as an ex-chief or someone that has been in a department? Will the director be receiving pension? Will their office be located with confidential material? Mayor Marino responds that they are looking to hire some with police experience such as an ex chief. The director would not receive a pension, just a salary with no benefits. The director will be allowed over there; there should be a secure situation with the files, there will be leadership there. The person will know what limitations they have to files etc. There will be an officer in charge. Councilman Barr adds we would have to hire two cops if we elevated one. If we go with the director, then we only have to hire one. That's something the town is going to explore because they need one.

Roy Wherry – Vernon Police Chief - approximately 11 years ago Vernon was faced with a similar situation Hamburg is in now. There was a 6 month delay after people from the town came and expressed their opposition. At the end of 6 months they voted to hire a chief instead of a manager. That 6 months cost the town nothing. It gave the people of the department the opportunity to advance within the department as they showed what they were capable of. He request Hamburg officers receive the same opportunity.

Andrew Chase – 30 year resident/ former Hamburg Officer – Would like to see the previous ordinance amended. You definitely have a qualified candidate. You have a sergeant for the past 3 years that has been doing some of the admin work as well as working the road. Feels it would cost less to promote within and hire another officer than hire a director who has no police powers.

Tim Maglio – former Hamburg Officer – reiterates what Andrew just said.

Jan Wright – current Hamburg Chief of Police – clarified what his duties are as a police chief. Wore a uniform everyday and assisted the officer on duty. Did duties of a police officer. Not only was a chief of police but also a police officer. Attend state meetings and chief of police meetings. A director is not a part of that organization and would not be able to do. We will never have to send anyone to the academy anymore, we will get whoever is left over, they will stay here long enough because there is no room for advancement and they will move on. We would be a training agency to send them to other places.

Dawn O'Grady – Fern Ave – recognized the Hamburg Junior Police that were present. Junior Police is run by police officers. They came to support the police department. Share concerns on what would happen to the junior police if we got a director? If the officers decide to go elsewhere because there is no opportunity here in Hamburg, that would be the end of junior police academy. Would like to see the existing ordinance change.

Jill Pergola – is concerned that the town may find that the director does not work and may not have the same personnel in place that is there presently to take over. Think's this is a poor decision

Nick Iron – Wantage resident/retired Sparta Officer/College Professor – lived thru this in Sparta. The township supported the police department and hope this town does the same thing.

Landis Eddy – Fairview Ave – asks why not fill the director's position and promote as time goes by to those who deserve it.

Steven – PBA 138 – agrees with Chief Rafferty and Chief Wherry. Take the option of the mentoring program. If it doesn't work out, go with other options. Lambertville had a large lawsuit because of an error the director made which cost the town hundreds of thousands of dollars.

Aimee Crane – Hillside Dr – 10 year resident – her taxes have tripled in less than 10 years. Grew up in Ogdensburg where the chief had the respect from the town. Her daughter is in junior police. Would like to see the present ordinance changed. Delay it a few months and come up with a suitable solution. There needs to be a leader in town.  
Mayor Marino – discusses the present ordinance

Nick Diklich – Andover PD – Was instructed by Hamburg Chief and Sergeant in the academy. Gave examples of what the Chief of Andover does for the officers of the town. Asked the council to keep an open mind.

Jennifer Armstrong – asked the council to just wait and sit on it for a few months. Take in what everyone has had to say and don't make any decisions tonight.

Mayor Marino – Acknowledged that great points were made tonight and we're making a tough decision. We know the limitations and recognize that. I understand everyone's points and I know they want a chief of police; I would like a chief of police but we have to deal with the present situation also.

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

Motion by Councilman Barr seconded by Councilman Sena to approve Ordinance #02-2012 on second reading.  
DISCUSSION

Mayor Marino asked for council comments;

Councilman Law asked if anything was received in writing from the prosecutor's office with regards to if the Director was allowed to have an office in the police station. Attorney Clemack commented that he did speak to the prosecutor but was unable to comment on the discussion.

Councilwoman Oehler states before this week her decision was neither yes nor no but after this week with the EMS calls received all the officers on duty made us feel safe. After thinking about filling the director's position, a police officer would still need to be called in because the director would not be able to. Promote someone to acting lieutenant and if it does not work out there is time to weigh out the odds and ends. Director would be pushing papers while calling in an officer for overtime.

Councilman Kelly the decisions are more than financial. He discusses the limitation from New Jersey state law, assumptions about people leaving and Hamburg becoming a training ground, notes that there are many trained officers in New Jersey that are out of work. By saving money, we will be able to hire another police officer.

Councilman Sena states Director Position is appealing not for financial reason but for leadership issues. It's not a long term commitment and we can adjust as we go. We are approaching this with best intentions. Objective and goals are to put an officer with badges and guns on the road and not at a desk.

Councilman Krasnomowitz reiterates what Councilman Sena and Councilman Kelly stated. He sees this as an opportunity to try something different. Is in much favor of appointing a Police Director to try it as well as looking for a seasoned veteran for this position. Sees this as a great opportunity.

Councilman Barr states he worked hard to preserve the history of this town. If we don't do this we won't know if this is going to work or not. I support what we are doing. We'll never get this opportunity again.

Roll Call:

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

8:30 PM – 5 Minute break

8:35 PM – Back to regular session

**RESOLUTIONS:**

**Resolution # 2012 – 09** – A resolution authorizing execution of a contract with John Ruschke of Hatch Mott McDonald for engineering service to revise the Borough Tax Maps. Motioned by Councilman Kelly, seconded by Councilwoman Oehler to adopt Resolution # 2012 – 09. All in favor.

**ATTORNEY HOUR:**

1.

**TAX ASSESSOR:** Maureen Kaman addresses the Mayor and Council with regards to Hamburg Revaluation and preparation of Tax Maps. She advises that she has been working with Pam and John of Hatch Mott MacDonald. The town has 6 months to get the tax maps back to Trenton with revisions and hopes to get them back from Trenton within 4 to 5 months. Right now we cannot move forward with the revaluation until the tax maps are approved in Trenton. John gave a proposal of \$12,000 to get the tax maps done. Tax Assessor advises that she met with the County Board of Taxation and was granted a 2 year extension so it is now on the books for 2014. Her preliminary recommendation right now would be to bond for approximately \$300,000. to \$350,000. The bond would be spread over a 5 year period. Her past findings have been that the bids for the revaluation company will probably come in somewhere in the neighborhood of \$125,000. to \$150,000. and the remainder monies would be for technical assistance, as well as any attorney costs for appeals now and for any that may come in the future. Councilmember's discuss and feel that the estimate may be a little high. Assessor advises that she is only giving a rough estimate at this time. All agree that the bids for the revaluation should go out prior to the end of the year.

**Tauber Tax Appeal**

Attorney Clemack asks Maureen Kaman about the Tauber property – she stated she pulled the comparisons and stated \$250,000. is a good settlement on that property. Motion by Councilman Barr seconded by Councilwoman Oehler to accept the resolution to settle the Tauber property at the 2011 tax appeal at \$250,000.

**Roll Call:**

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

**Loterdan Tax Appeal –**

Assessor advises that there were 56 appeals. Each lot assessment is \$50,000.00 She recommends a settlement of \$35,000 per lot. Out of the 56 units appealed, 53 units are vacant lots, the council authorizes a settlement of \$35,000 per vacant lot. The other 3 appeals with houses on them are not part of this settlement. Motion by Councilman Barr seconded by Councilwoman Oehler to settle the 53 vacant lot appeals at \$35,000. per lot.

**Roll Call:**

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

**ENGINEERING:**

**1. 2011 Road Resurfacing Project**

Engineer advises that the project has been advertised and the bid date is scheduled for February 8, 2012.

**Hamburg Village Drainage Issue**

Councilman Barr questions situation at Hamburg Village regarding the drainage pipes. John Ruschke stated that Zoning Officer Sid Crum would need to issue a letter of violation. They were advised to file an application with the Land Use Board and currently have not.

**2. Infiltration Project**

Engineer advises that there was a large leak located on Route 94 by Lawrence Street which needs to be addressed immediately. There is was an approximate loss of 100,000 gallon of water per day, which is the exact amount we are over according to SCMUA.

Motion by Councilman Kelly, seconded by Councilman Barr to cap the cost of repair at \$10,000.00

**Roll Call:**

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

Motion by Councilman Kelly, seconded by Councilman Barr to authorize Mayor Marino to execute the work. All in favor.

**MAYOR’S AGENDA:**

**COMMITTEE REPORT:**

**COUNCILMAN SENA:**

**1. FINANCE/TAX DEPARTMENT**

Councilman Sena discusses the spending of Jason Ebens’ uniform allowance of \$600.00 on other items within the

police department. Mayor Marino advises that the CFO should not have allowed that. The money has already been spent and Councilman Sena states he is uncomfortable signing those vouchers.

**2. POLICE COMMISSIONER**

Councilman Sena asks if the charges for the arbitrator in the Paul DeMott case will be charged to the police budget. It was answered that it will be charged to the police budget.

**3. BOARD OF HEALTH**

At the Board of Health meeting January 10, 2012; health inspector Kurt Bockbrader needs to get into the pavilion and fire house for inspection. Mr. Bockbrader will contact Keith Sukennikoff to get into the pavilion and Ronald Garrett to get into the fire house.

**ADVERTISE FOR POLICE DIRECTOR**

Council discusses placing the ad for the police director position. Attorney Clemack will give the wording to the clerk. Motion by Councilman Barr and seconded by Councilman Sena to place an ad for the police director position. All in favor.

**COUNCILWOMAN OEHLER**

**1. RAFFLES**

Councilwoman Oehler presented applications for the fire department to hold raffles on April 5, 2012, August 2, 2012 and December 6, 2012. All appropriate fees and paper work have been submitted.

Motion by Councilwoman Oehler and seconded by Councilman Barr to approve said applications. All in favor.

**PUBLIC PORTION:**

Councilmember Barr made a motion 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. Motion seconded by Councilmember Law. Hearing no comments from the public motion by Councilmember Law, second by Councilmember Sena to close the meeting to the public.

Motion by Councilmember Sena, second by Councilmember Barr to enter into executive session. All 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. **Collective Bargaining - PBA**
- 2.
- 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 Councilmember Sena, second by Councilmember Oehler to return to the regular meeting. Attorney advises that he will send the Borough's counter proposal to the PBA representative.

**ADJOURNMENT**

Motion by Councilman Kelly seconded by Councilwoman Oehler to adjourn the meeting. All in favor.

Date Approved: 2/5/12

Date Released: 2/5/12



Doreen Schott, RMC  
Municipal Clerk

Submitted by Melissa Morales