

### **CALL TO ORDER**

Mayor Warren Cooper called the meeting to order at 7:30 p.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly advertised and published in the Hunterdon County Democrat on January 12, 2012 and the Express Times on January 12, 2012; the Agenda has been posted at Borough Hall and distributed to the Courier News, the Express Times, the Hunterdon County Democrat, and the Star Ledger on August 1, 2012.

### **FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

### **ROLL CALL**

Present for the Meeting:

Robb Arent  
Cathy Leach  
Michele Liebttag  
Brad Myhre  
William Sullivan

Absent from Meeting:

Seth A. Grossman

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 3 members of the public were also present.

### **PUBLIC HEARING**

#### **Ordinance #716 – 2012 Salary & Wage Ordinance**

On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable voice vote, the Mayor and Common Council approved to open the public hearing on Ordinance #716. There were no public comments on the ordinance. On motion by Brad Myhre, seconded by Robb Arent, and carried by unanimous favorable voice vote, the Mayor and Common Council approved to close the public hearing on Ordinance #716.

### **PUBLIC COMMENTS**

The Mayor and Common Council approved to open the public comment session by favorable voice vote.

John Anderson of Jersey Central Power & Light noted that he is here this evening to tell us about a new service available to us. After the storms with Irene and the October snow storm, JCP&L received criticism for not being effective in communicating adequate information to municipalities and the general public. We have undergone an overhaul in our processes. They are most pleased and proud of the new outage 24/7 power center. If you go into our website [firstenergy.com](http://firstenergy.com) and click on the JCP&L site, it will bring you to a map of New Jersey and you can slide over your municipality and you would see outages in your municipality on the map. Up until the storms of last year, the way we report outages was by zip code. Now, it will report strictly outages in Frenchtown and not other portions of other municipalities. This technology is designed so that it is accessible to smart phones. A lot of people were concerned that when we had power outages or phone lines were down, there was not a way to report power outages. You can report outages and street light outages from

your smart phone. He spent a lot of time previously giving outage information to municipalities, etc. You will be looking at the same information that he looks at and it is updated in real time as outages are restored, etc. and it is constantly changing. This is a major step in improvement. Also, we are making efforts to get out to municipalities. The other update in technology is that we have a new email software system. We can send out blast emails to municipal officials and we can break it down to notifying the Mayor, the Clerk, the Police Chief and the OEM Coordinator or any subset including Council members. Five or six years ago, we thought we had a state of the art fax system so if there was an outage Saturday night and we sent a blast email Saturday night, the Clerk would not see it until Monday morning. We are taking advantage of the new technology appropriate to local problems, outages and estimated time of restoration. JCP&L also has both twitter and facebook for updates. Last Saturday night when Freehold got hit with a microburst and within a few hours there were pictures taken, they were updated on the website and facebook, etc. It gave everyone a sense of the enormity of the situation and how much damage there was. We are trying to embrace this technology and trying to improve our communication. When it comes down to the actual outage management, electricity operates like it did 75 years ago with poles and wires. When it comes to electricity it is still pole to pole to pole from a substation to the last house on the circuit. That technology has not changed. We feel we need to do a better job of keeping people informed. When we have storms, we make ice and water available. If a power outage is going to go greater than 24 hours in duration, we will contact supermarkets and get them to be part of our ice and water program. We put that on the outage map as well so you will see a large red strip across the map to show you where the nearest supermarket is to get ice and water. He can not emphasize enough that we do not know you are without power unless you call in. You can not assume your neighbors will call it in. It could be something on the main but if a limb came down and damaged your service line, we would not know if you do not call it in. Mayor Cooper stated that Mr. Anderson informed us that they can link that site to the Borough website. John Anderson responded that they can do that so neighbors do not have to contact you. Mayor and Council thanked John Anderson. Mr. Anderson added that the Borough should feel free to call anytime.

Police Officer Harold Johnson submitted a letter to the Council that he received from the Ben Salem police department. Attorney Cruz asked to address the Council for one minute. He noted that Police Officer Harold Johnson was personally service with a Rice Nice advising that the Mayor and Council were going to discuss his employment as a probationary employee of the Borough at this meeting. Mr. Johnson requested pursuant to the Open public meetings Act NJSA 10:4-12(8) that this matter be discussed at a public meeting and not in executive session. Mr. Johnson provided the Borough with a signed copy of the Rice Notice making that election. That is the reason Mr. Johnson now desires to address the Mayor and Council. The item listed on agenda under executive session, Personnel – Harold Johnson, will be converted to an item to be discussed in open session. There will not be an Executive Session and the discussion of this matter pursuant to Mr. Johnson's request will be in public. Mayor Cooper noted that this is traditionally a time for the public to address the Governing Body. It is not necessarily the case that the Governing Body will respond to any questions or comments that anyone makes to the Council

Mr. Johnson noted that on June 23<sup>rd</sup> he was at the Parx Casino with his sister. An incident evolved where his sister was assaulted. Him being a full time police officer seeing an assault in his presence and with that also being his sister that was being assaulted, he took action to break up that fight.

Subsequently, his sister was arrested for simple assault. After he broke up the fight, his sister decided to go back and attack this girl. It had nothing to do with him. Mr. Johnson stated that "I did my part by breaking it up". The Bensalem Police Department was contacted and they responded at which time I was asked to come in and give a statement. I was never arrested and was never charged with a crime. I was asked to come in and give a statement which I did. Upon those proceeding at the Bensalem Police Department, I was free to go about my business. My sister had to stay until she was processed. There was something lost in translation between the call made from the Bensalem Police Department to the Chief. The Chief's understanding was that I was arrested. In fact, I was not. The letter he received from the Lieutenant of the Bensalem Police Department today that says I was never arrested or charged. I was asked to give a statement as to what I observed as a police officer who broke up an assault. I was serviced with a suspension notice saying I was unfit for duty as a result of an arrest allegation being made against me for simple assault in Bensalem which never happened. I did not violate my probationary status as a police officer for being arrested because I was not arrested. I have a letter here, a notice of suspension, and I was given a rice notice based on my violation of my probationary status. I did not violate anything. I was not arrested. I do not want this to get ugly. I love working here and I just want to get back to work. I service the community 100% every day all day. I did nothing wrong to violate my job. I value my job and want to continue working here. I did nothing wrong. And if it is based on me violating my probationary status, I did not do it. I was not arrested. There is documentation from the Police Department that investigated this incident. I asked to come back to work on July 26<sup>th</sup> and was told, we do not know what is going on and you have to wait until the governing body makes a decision. So I am here before the Governing Body. If I violated my probation, I would gladly not waste your time by being here but I did not do anything wrong. I defended my sister and was in course of my rights as a full time police officer to stop an assault that was taking place and in my presence. I would like to go back to work. I need to know when, if at all. He thanked the Governing Body for their time.

Christina Lilly of 27 Kingwood Avenue commented that Officer Johnson is by far her favorite officer. He is one of the best that Frenchtown has. It would be very sad if he was not allowed to come back to work.

Robert Haver of 215 Harrison Street, asked that the Governing Body at least give consideration to all police officers of Frenchtown in making this decision. The police are terrific.

Robert Haver also noted that he received a flyer that Third Street residents can not park on Third Street. This was given to him two hours ago. River Mills project is bringing in large trucks down Third Street. The concern he has with this is that this is less than 15 hours notice to change everything around. He has four children. What do I do with my car? Where do I put it? The only option he has is to put it in front of someone else's house or property. I understand it is public property. If you are a property owner and someone else parks in front of your property, it inconveniences you. I do not want to do that to my neighbors. I understand parking permits for downtown are \$5.00 for overnight parking for a year. At 15 hours notice at 5:00 pm, it does not give me an opportunity to buy an overnight parking permit when I have to be out of the house at 8:00 am before Borough Hall opens and it is closed this evening. Can the flyer be used as a temporary permit to put in my dash and park it at the lot? The other question he has is that the flyer

had to get made, printed out and an officer did walk door to door. Is this being paid by George Michael or is it coming out of the town budget? Brad Myhre noted that the Police Department has been proactive to reach out to the homeowners as a result of the coming project and the dirt that has to be moved in. It was done on our own initiative to reach out to the residents so it was not a surprise. Robert Haver stated that he appreciates the courtesy. Chief Kuryla stated that the notice received today is for a piece of heavy equipment going down Third Street for tomorrow only. The equipment will come about 10:00 or 10:15 tomorrow morning and will be off load at Third and Harrison Streets. Robert Haver wants to know where to put his wife's vehicle. There is limited parking in town especially Second and Third Streets. He has been before this Governing Body to address those concerns. Chief Kurylka commented that they asked the contractor to make notification to the residents because there will be a lot of equipment coming. They did not make notification so we did. We will make you aware of another date and time that another piece of equipment will be coming. Mayor Cooper stated that Councilman Myhre made a suggestion that we allow just residents of Third Street to park where it is convenient as long as it is not in a "No Parking" zone. We will not ticket. We will try to make sure there is a better system of communication when a piece of equipment is coming. Chief Kurylka noted that they received the notice today that they were coming tomorrow. He recommended trying to park in the church lot on Third Street. Lieutenant Winfield asked that if they are going to park anywhere that they do not obstruct the roadway for emergency vehicles.

Having no other public comments, the Mayor and Common Council approved to close the public comment session by favorable voice vote.

**CONSENT AGENDA** – All matters listed on the Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Cathy Leach asked that the approval of the minutes be pulled from the consent agenda.

On motion by Brad Myhre, seconded by Michele Liebttag and carried by favorable roll call vote, the Mayor and Common Council approved Resolutions #2012-83, #2012-84, #2012-85, #2012-86, #2012-87 and #2012-88 as follows and the bills list dated 8/1/12:

### **Resolution no. 2012 - 83**

#### **Tax sale redemption**

**Whereas**, the Tax Collector has been paid by Deutsche Bank to redeem Tax Sale Certificate No. 11-005 the amount of \$1,135.01 on Block 52, Lot 15, and

**WHEREAS**, there was paid a premium at the time of sale in the amount of \$100.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer

be authorized to issue a check payable to US Bank Cust-Sass Muni Vi dtr, 2 Liberty Place, 50 S. 16<sup>th</sup> St., Philadelphia, PA, 19102, in the amount of \$1235.01.

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Warren E. Cooper, Mayor

Attest

August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution No. 2012-84**

Dedication by Rider

**Borough of Frenchtown of Hunterdon County**

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION  
BY RIDER FOR **Delaware Valley Municipal Drug Alliance**  
REQUIRED BY **N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of Municipal Drug Alliance Grant by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Delaware Valley Municipal Drug Alliance are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Frenchtown, County Hunterdon New Jersey as follows:

- I.* The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Delaware Valley Municipal Drug Alliance Grant under N.J.S.A. 40A:5-2.

2. The Clerk of the Borough of Frenchtown, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

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WARREN E. COOPER, Mayor

Attest:

August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2012 - 85**

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
(N.J.S.A. 40A:4-87)**

WHEREAS, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality where such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue, Delaware Valley Municipal Alliance Grant, in the budget of the year 2012 in the sum of \$8,675.22 which item is now available as revenue from the County of Hunterdon.

BE IT FURTHER RESOLVED that the like sum of \$8,675.22 is hereby appropriated under the caption "Delaware Valley Municipal Drug Alliance Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a revenue from the County of Hunterdon in the amount of \$8,675.22.

Attest:

August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

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Mayor Warren E. Cooper

**RESOLUTION NO. 2012-86**

**EXTENDING THE GRACE PERIOD FOR THE 3<sup>RD</sup> QUARTER 2012 TAX  
INSTALLMENT**

**WHEREAS**, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed to the date taxes are due.

**WHEREAS**, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2012-2013 tax bills in accordance with the above stated statute.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3<sup>rd</sup> quarter 2012 property tax installment be August 31, 2012 and that any tax payments received after August 31, 2012 will be assessed interest from August 1, 2012.

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Warren E. Cooper, Mayor

Attest:

August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2012-87**

**EXTENDING THE GRACE PERIOD FOR THE 3<sup>RD</sup> QUARTER 2012 SEWER**

**INSTALLMENT**

**WHEREAS**, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2012-2013 sewer bills.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3<sup>rd</sup> quarter 2012 sewer installment be August 31, 2012 and that any payments received after August 31, 2012 will be assessed interest from August 1, 2012.

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Warren E. Cooper, Mayor

Attest:

August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2012 – 88**

**REFUND OF 15% ADMINISTRATIVE FEE**

**WHEREAS**, the contractor for the Bridge Street project, A-Team Concrete Inc., paid to the Borough the sum of \$1438.13 in administrative costs for the off duty police officer's services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a refund of the 15% administrative fee charged to A-Team Concrete Inc., 104 George Street, South River, New Jersey, 08822.

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Warren E. Cooper, Mayor

Attest:

August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

**PRESENTATION OF VOUCHERS - dated 8-1-12**

The bills list dated 8/1/12 was approved as part of the consent agenda as attached to the original set of minutes which includes the Current Fund account in the amount of \$293,464.75, the Animal Control Trust Account in the amount of \$600.64, the Planning Trust Account in the amount of \$2,198.75, the Capital Improvement Fund in the amount of \$15,214.60, the Sewer Utility account in the amount of \$38,109.51, the Sewer Capital Improvement account in the amount of \$341,343.03, the General Trust Fund account in the amount of \$5,323.65, the Grant Fund account in the amount of \$4,978.19 and the Off Duty Police Officer's Trust in the amount of \$1,498.13.

**PRESENTATION OF MINUTES**

On motion by Brad Myhre, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved the minutes of the July 5, 2012 regular meeting with Cathy Leach abstaining.

**ORDINANCES**

**Ordinance #716 – 2012 Salary and Wage Ordinance (Adoption)**

On motion by Brad Myhre, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #716 as follows:

**ORDINANCE #716**

**AN ORDINANCE  
REGULATING THE SALARY & WAGE  
OF THE OFFICIALS AND EMPLOYEES  
OF THE BOROUGH OF FRENCHTOWN  
FOR THE YEAR 2012**

**BE IT ORDAINED** by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. All prior Salary Ordinances of the Borough of Frenchtown are hereby repealed.
2. The following salaries for the year 2012 are hereby established for the

following designated officials and employees of the Borough of Frenchtown:

Borough Clerk/Licensing Official/	
Assessment Search Officer Certified	\$ 56,131.00
Registrar-----	\$ 2,364.00
Deputy Registrar -----	\$ 200.00
Deputy Registrar (Certified) -----	\$ 594.00
Tax Assessor-----	\$ 8,405.00
Collector of Taxes -----	\$ 12,984.00
Tax Search Officer-----	\$ 698.00
Collector of Sewer Rents-----	\$ 6,005.00
Chief Financial Officer-----	\$ 9,280.00
Asst to Collector of Taxes/Sewer-----	\$ 510.00
Chief of Police-----	\$ 72,420.00
Police Patrolman -----	\$ 57,431.00
Mayor -----	\$ 6,000.00
Zoning Officer-----	\$ 3,152.00
Secretary Planning/Zoning-----	\$ 9,917.00
Code Enforcement Officer-----	\$ 1,576.00
Library Clerk -----	\$ 8,620.00
Fire Marshall-----	\$ 3,000.00
Board of Health Secretary -----	\$ 1.00
Shade Tree Secretary -----	\$ 342.00
Sewer Treatment Operator-----	\$ 65,142.00
CPWM Stipend-----	\$ 1,000.00

The following hourly rates are hereby established:

Deputy Borough Clerk-----	\$ 18.50
Full-time Police Patrolman OT Rate	\$ 41.41
Full-time Police Patrolman (COPS) -	\$ 19.04
Full-time Police Patrolman(COPS)OT	\$ 28.56
Police Patrolman (Part-time Senior)	\$ 20.23
Police Patrolman (Part-time 1 yr exp)	\$ 18.91
Police Patrolman (Part-time new)---	\$ 18.00
Public Works Mgr-----	\$ 27.06
Public Works Senior-----	\$ 19.59
Sewer Dept. Maint. A -----	\$ 37.74
Sewer Dept. Maint. B-----	\$ 21.00
Sewer Dept. Maint. C-----	\$ 26.95
DPW Class A -----	\$ 15.30
DPW Class B -----	\$ 13.00
DPW Class C- CDL -----	\$ 11.75

DPW Class D – non-CDL-----	\$	9.00
Deputy Fire Inspector -----	\$	8.00
School Crossing Guard-----	\$	10.00
Police Assistant -----	\$	12.61
Clerical Class A -----	\$	15.00
Clerical Class B -----	\$	12.00
Clerical Class C -----	\$	8.00
Recycling Coordinator -----	\$	9.00

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

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Warren E. Cooper, Mayor

Dated: \_\_\_\_\_

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

**NEW BUSINESS**

**Approval of the 4-Day Walking Pilgrimage from Ss. Peter & Paul Church on August 10<sup>th</sup> from 3-5pm**

On motion by Cathy Leach, seconded by Brad Myhre and carried by favorable voice vote, the Mayor and Common Council approved the 4-Day Walking Pilgrimage from Ss. Peter & Paul Church on August 10<sup>th</sup> from 3-5pm.

**Approval of the Social Affairs Permit for the Frenchtown American Legion on August 25, 2012 from 3-8 pm.**

On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable voice vote, the Mayor and Common Council approved the Social Affairs Permit for the Frenchtown American Legion on August 25, 2012 from 3-8 pm.

**OLD BUSINESS**

**Nishissackwick stream restoration**

Mayor Cooper reported that the application has been submitted to the NJDEP. We received a memo that the application is deemed complete and moving along the path to approval. The funding is being worked on. We have participation of easements from 4 property owners. They all signed on to the project which allows us to move forward with the project. It appears that we will be on time. We requested a 60 day extension which brings us to mid December. If the NJDEP responds with the 4 weeks, it will put us in position to advertise in September.

### **Wastewater Treatment Plant project**

Robb Arent reported that the project is moving along. The storage shed has been demolished and simultaneously the new DPW site is being excavated as well as the site for the clarifier at the sewer plant. The recycling center access has been changed. We have to use the construction entrance off Route 29. There were some delays in getting started. There had been a problem with some of the workers using foul language when speaking with one another. We have addressed that.

### **Sewer Ad Hoc Committee Report**

Robb Arent noted that the Sewer Ad Hoc Committee was formed by the Common Council in February of this year. The task was to review of the current method to determining fees and investigate and determine if there was a more equitable way to charge sewer fees. It was also very important to that committee that in addition to an equitable sewer fee method that we do something to conserve water. The Committee met biweekly for a span of four months. The Committee members are Jack Opdyke, Dorsey Reading, Seth A. Grossman, Jan Boulton, Jan Friedman, Adam Liebttag, former sewer commissioner, and Mark Howard. Currently we have a flat rate system based on sewer units. A copy of the power point presentation of the final report of the committee is attached to this set of minutes. He thanked the member of the committee for all their work.

Mayor Cooper opened the floor for questions on the presentation. Robert Haver asked what would happen if a plumber put something on his meter to count off usage? Mayor Cooper noted that we would rely on the water company to police it. Robb Arent commented that there is probably a state statute for violating utilities. Attorney Cruz stated that it is a criminal statute for theft of service. William Sullivan added that New Jersey American Water has software that notices increases and decreases in water usage. If something like that were to occur, they are interested in catching them. He added that one of the buildings that he takes care of had an usually high water usage, using 100,000 gallons in the month of June, and the building had a leak so he knows it works. John Mathieu thanked the committee for their hard work. He knows a lot of work went into it. As far as taking water, the utility companies are putting in smart meters. They can tell if there is a leak or back flow preventers in the system, etc. They are changing meters in Frenchtown. He received a notice. He added that he will put a meter on his well. Generally, access is provided to the Borough so they can read the meter if they so choose or you can rely on us giving the reading. Robb Arent commented that we have 20 some residents that are on wells. In those situations, they will have the option to continuing the current billing system or installing a flow meter. Based on what Montgomery Township is doing, they are allowing residents to self report with the right to verify it. He has already heard from some of the residents on wells that those residents will put in flow meters.

Kerry Lanterm of 37 Everittstown Road noted that the readings fall in the winter months and someone may go away for a week. What if the pipes freeze? Will you do adjustments? Mayor Cooper responded that he can safely say we are not that rigid. If you have a broken pipe, you have a bigger problem than an increase in your sewer rent. It is not going to be a problem. Mayor Cooper thanked the Sewer Ad Hoc Committee.

### **COUNCIL COMMENTS/COMMITTEE REPORTS**

Michele Liebtag reported that they started to have monthly fire meetings. The monthly meetings will be the last Monday of the month. They will talk about issues of importance with the fire department. Brad Myhre and she met with the Fire Department this past Monday and we talked about reconstituting the practice of submitting a monthly report to the Council. She received today the reports from January 2012 to June 2012. Michele Liebtag also reported that they are looking to audit the calls that Frenchtown handles with the Milford-Holland Rescue Squad so there is no double billing and to keep track of the calls. We are moving in the right direction.

William Sullivan noted that the big talk in town is the George Michael project. There have been some questions and criticism about our route, being that Railroad Avenue has been newly constructed. The timing is unfortunate. Public Work Manager, Mike Reino and the Police Chief Al Kurylka have looked over all the possible routes. Although driving on Railroad Avenue is not the greatest idea or situation for a new road, it is definitely the safest. Mike Reino and Al Kurylka are experienced with traffic in and out of the town. There will be approximately 600 trucks coming in, 20 to 30 trucks a day. Mike Reino will keep an eye out and make sure that they stay in the middle of road and not on the edge. The tracking pad has been adjusted. They will be staggered at the top of Sixth Street so they can come down. It was well thought out and every option was carefully considered. We do not anticipate any problems with the road. It was built well and it should easily handle the trucks. That is the safest possible route and safety should be considered above everything else. We can easily fix the road. Coming from Sixth Street will be a straight shot. The turning of the tires is what tears up the road. Every option was thought out and they are professionals. He thinks that safety has to be number one. We can always fix the road. People have had to sacrifice so that progress can be made. It will be a burden. In any project, we will all benefit from this. Any inconvenience is for property and personal safety. He has faith in the professionals. We have been doing construction in town for a long time and he does not perceive any situation that they have not already seen.

Robb Arent noted that Public Works has received a donation of a power sprayer. William Sullivan hopes the building here will be done. Mayor Cooper added that Robb Arent is the source of the power washer donation to the Borough. William Sullivan commented that he noticed the condition of the building and also the budget and thanked Robb Arent.

Brad Myhre reported that National Night Out is August 11<sup>th</sup> from 3-7 pm. It is a great event and he hopes the Council will come out and support it. The Police department has been working very hard. He thanked Chief and the Lieutenant for their hard work on this. He added that the Lieutenant has spearheaded National Night Out for many year. Each year it gets bigger and better. The kids in town will really enjoy it. There will be great rides, food, and entertainment. Everything is free.

Donations have come in and there will be free bicycles again this year.

Brad Myhre stated that he has been working with the Police Department and they activated CERT during the high temperatures and they were able to go out to the senior citizens' homes to see if they needed anything like prescriptions or if they did not have air conditioning help them get access to cooling facilities that were set up for the past couple of weeks.

Brad Myhre also reported that we just went through a CJS audit by the New Jersey State Police and passed with flying colors.

Cathy Leach reported that we are looking forward to developing a plan for our newly donated park. Someone suggested naming this new park "Sunbeam Park". Mayor Cooper commented that it is one of the earlier names of Frenchtown. Mr. Michael offered and he accepted on behalf of borough to go down there with his tree experts and they have removed the junk that grew up along the perimeter of that space including dead trees, dying trees, evasive trees and vines that were starting to kill the healthy trees. You can now walk the length of that property and see what kind of wonderful park that it will be for the town. The stone walls that form the river edge of that park are beautiful and the view of the river which you could not image a month ago can now be seen. Cathy Leach noted that when she walked it today, she noticed that they removed pieces of track as well.

#### **MAYOR'S COMMENTS**

Mayor Cooper noted that the Borough Council has received the 2011 audit. We will not take action on it this evening. At the September 5<sup>th</sup> Council meeting, we will all have to sign off on the group affidavit that we have reviewed the audit and we will adopt a resolution.

Mayor Cooper reported that the Planning Board met last week and we made an observation that we have not been putting minutes or agendas of the Planning Board on the Borough website. We will begin doing that right away. We have been apprised that there are a few mistakes on website which will be corrected. Let us know if you notice anything wrong and we will fix it.

#### **CORRESPONDENCE**

None addressed.

#### **DISCUSSION OF PERSONNEL – HAROLD JOHNSON**

Attorney Cruz stated that by way of background, Police Officer Harold Johnson is a probationary employee of the Borough of Frenchtown. The Borough's Chief of Police recommended that Mr. Johnson's probationary status be terminated. Section 2-21.10(h) of the revised general ordinances of the Borough of Frenchtown applies to these circumstances. Section 2-21 in general is that section of the ordinance that governs the Police Department. Section 2-21.10(h) provides that "Members of the Department serving in a probationary status, that is until such time as the Borough Council resolves the appointment to be permanent, may be removed from office or membership without charges or hearing and solely within the judgment and discretion of the Mayor and Council." That section of the Borough ordinance has been part of the Borough's governing law since at least 1982.

Section 2-21.10(h) is consistent with the generally accepted definition of a probationary employee namely that the purpose of the probationary period is to provide a trail period for the employee and for the Supervisor to observe and evaluate the employee's performance. An employee may be removed from a position at any time and for any reason prior to the completion of the probationary period. The ability to remove a probationary employee with or without reason or cause is the hallmark of the State of New Jersey's employment at will doctrine. Here Mr. Johnson's immediate Supervisor, the Chief of Police, recommended that Mr. Johnson's probationary status be terminated and that his employment with the Borough of Frenchtown end. I understand that the Mayor, Council President and Police Commissioner concur with that recommendation. Based upon the Chief's recommendation, I have prepared a resolution for your consideration. However, the Borough Council should decide if it desires to adopt the Chief's recommendation prior to any discussion of a resolution.

Mayor Cooper opened the floor for Council discussion. Brad Myhre noted that committee met with the Chief to discuss this at length. It was our decision based on the facts that were presented to us that we concur with the decision. Responding to William Sullivan, Attorney Cruz noted that under the ordinance that he sited to the Council, it is the recommendation of the Police Chief with or without cause. He has a probationary status and that probationary status is dependent upon first a recommendation by the Chief and then final action by the Council. Robb Arent stated that as a governing body, we bestow upon our department heads authority in management and no matter what our particular feelings toward an individual may be, it is important that we give deference to the input from the people we put in charge of those departments particularly in this case, the Chief of Police and then the liaison, the Police Commissioner. Mayor Cooper stated that it is not a question of bestowing authority, the authority of the supervisor is guaranteed by the rules and regulations of employment. Attorney Cruz stated that he does not want to confuse two things. The ordinance indicates that he may be removed from office or membership without charges or hearing and solely within the discretion of the Mayor and Council. However, as you correctly pointed out, the police chief's recommendation is really what you are acting on if you so choose to do so. The Borough ordinance is consistent with New Jersey law regarding probationary employees. There were no other comments or questions from the Council. Mayor Cooper asked the Borough Attorney to read the resolution. Responding to Brad Myhre, Attorney Cruz noted that Mr. Johnson specifically requested that this be done in public session this afternoon. The Borough Clerk received the Rice Notice signed by Mr. Johnson. He did request an opportunity to speak to the Governing Body and that was granted at the beginning and this is why it is in public session. The executive session has been converted to public session. Mr. Johnson requested to speak. Mayor Cooper responded that he apologizes in advance but he can not allow Mr. Johnson to speak at this point in the meeting.

On motion by Brad Myhre, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2012-89 as follows:

**RESOLUTION NO. 2012-89**

**WHEREAS**, Harold Johnson is a probationary Police Officer of the Borough of Frenchtown;  
and

**WHEREAS**, Police Chief Allan W. Kurylka recommended to the Mayor and Common Council of the Borough that probationary Police Officer Johnson not be hired as a Police Officer of the Borough of Frenchtown and that his probationary employment be terminated.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that:

1. Harold Johnson not be hired as a Police Officer and his probationary status terminated.
2. Harold Johnson return to the Police Department all Borough issued equipment and that Mr. Johnson be charged the replacement value of any equipment he cannot return.
3. The Chief Financial Officer calculate and make any payments due to Harold Johnson from the Borough of Frenchtown.
4. This Resolution shall take effect immediately.

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Warren E. Cooper, Mayor

Attest:  
August 1, 2012

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Brenda S. Shepherd, RMC  
Borough Clerk

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, a motion was made by Brad Myhre, and second by Robb Arent to adjourn the meeting at 8:45 pm. Motion carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk