

CALL TO ORDER

Mayor Warren Cooper called the special meeting to order at 7:30 a.m. and stated that in compliance with the “Open Public Meetings Act” this Meeting was duly advertised and published in the Express Times and the Hunterdon County Democrat on August 22, 2013; 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 23, 2013.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Seth A. Grossman (by phone)
Cathy Leach
Michele Liebttag
Brad Myhre
William Sullivan

Absent from Meeting:

Borough Clerk Brenda S. Shepherd was present for the meeting. One members of the public was present.

APPOINTMENT TO FILL VACANCY ON COUNCIL & OATH OF OFFICE

Mayor Cooper reported that we received from the Chairman of the Frenchtown Republican County Committee, Ron Sworen, the list of 3 candidates they supplied pursuant to the law, Howard “Jack” Opdyke, Geoffrey Stanley and John DenBleyker. Brad Myhre thanked all three candidates for their interest in the spot. Jack Opdyke served on our Sewer Rate Advisory Committee, Geoffrey Stanley is an active member of the Shade Tree Commission and John DenBleyker is Vice-Chairman of the Planning Board. After conversations, we thought that Jack Opdyke would be the best candidate to fill the spot given his experience as a small businessman and also a project manager particularly with the new sewer plant and Robb Arent’s vacancy having someone down there to help us oversee that project. Brad Myhre made a motion to nominate Howard “Jack” Opdyke to fill the vacancy on Council. William Sullivan seconded the motion. Mayor Cooper opened the floor for Council discussion. William Sullivan thanked Geoffrey Stanley. He has become a very reliable member of the Shade Tree Commission. He is on the Delaware River Toll Bridge Commission. He wishes him well in his future endeavors. He has been a reliable member of the community and he would like to work with him someday. William Sullivan added that he believe Jack Opdyke will be a great fit for our needs at this time with the construction of the sewer plant. Mayor Cooper noted that Geoffrey Stanley has run for Council and he believes he is on the ballot in November. John DenBleyker has been doing a stead fast job on the Planning Board and we appreciate his interest in serving. Having no other discussion, Mayor Cooper called for a vote on the motion. The Mayor and Common Council approved the nomination of Howard Jack Opdyke to fill the vacancy on Council by favorable roll call vote. Mayor Cooper noted that Jack Opdyke was unable to be here this morning. He will contact Brenda Shepherd to take his Oath of Office.

PUBLIC COMMENTS

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

Victor Gilardi III, licensed operator for the Wastewater Treatment Plant here in Frenchtown, noted that he got a phone call last night asking what is going on in Frenchtown. The person said he read an article in the paper that said the Borough is possibility going out for RFP to operate the plant with a private contractor. Victor Gilardi stated that he told him he was not sure what is going on. He asked for some clarification as himself and Gerry Case are concerned for their positions. Victor Gilardi noted that for Gerry Case's 30 days, he has given Gerry Case off Mondays and Fridays for the rest of the year which will give him 3 day work weeks. He is scared he is losing his job. Victor Gilardi stated that he is scared as well. He asked Council to give them clarification as to if they are going to have a job past the 31st of December or what the future is for them. Mayor Cooper stated that personnel issues are not discussed in public session especially discussing something for someone who is not here. Mayor Cooper added that no RFP was approved by this Council at this time but it was under discussion and it may come up for discussion again. It was a proposal from Robb Arent who is no longer on Council and the status has to be discussed by Council to make a decision to move forward. As far as any individual jobs, employees of the Borough will be given plenty of notice if there will be a change in the status. Mayor Cooper stated that you can tell the person who call you the same thing you were just told or you can give me the person's number and I will call. Responding to Victor Gilardi as to whether they still have a job working here, Mayor Cooper responded in the affirmative and thanked Victor Gilardi for doing that job. Right now we do not have a sewer commissioner. He would recommend that when we decide moving forward who the sewer commissioner would be, the proper approach is to discuss this with the sewer commissioner because they will be the communication channel to Council. Michele Liebttag asked where the article was in the paper? Victor Gilardi did not know but added that this individual knew a lot about Frenchtown and the sewer. He knew there was a meeting this morning and stated that he would go down and check into it. Victor Gilardi added that he had a discussion with the Mayor and Robb Arent before and was told what the plans were. He does not know if that is still the case. He met on a Monday and was told that as of December 31st he was finished and if he wanted to stay to teach the new person to take over the operations, he could stay another year longer. Mayor Cooper responded that a side bar conversation you had with Robb Arent is irrelevant because Robb Arent is no longer on Council. Responding to Victor Gilardi, Mayor Cooper stated that if you were told that your job would end December 31, 2013 and you would be given an opportunity to continue, that is not true. You misunderstood. Brad Myhre suggested that once we have new sewer commissioner, a sit down takes place with the sewer committee and the sewer department. Mayor Cooper agreed and added that we need to clarify any misunderstandings between you, Gerry Case, Robb Arent and myself. There was no such decision made.

Victor Gilardi reported that the contractor has poured the floor of the concrete pad for the oxidation ditch. That has been completed. He understands that there was a subcontractor hired to build the operations building. There are two different companies doing the two different jobs at the same time. Hopefully, it will be completed by January or by spring. It is a tight area to work in. Victor Gilardi reported that the plant is passing all the tests.

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

OTHER BUSINESS

Resolution #2013-69 – Payment to Clerk to cover additional elections for 2013 which will be reimbursed by the State

Mayor Cooper stated that this resolution would authorize the money that the Governor will reimburse the municipalities to pay the Clerk for the special elections this year. On motion by William Sullivan, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2013-69 as follows:

RESOLUTION #2013-69

Pursuant to the Governors Commitment to Reimburse, Authorizing an Additional 15 Hours of Pay at a Rate of \$40.00 Per Hour for Brenda S. Shepherd, Borough Clerk, to Cover the Additional Elections for the Year 2013

WHEREAS, Governor Christie signed an executive order adding two additional elections for the year 2013 to be held on August 13th and October 16th; and

WHEREAS, the State Division of Elections will be reimbursing all additional expenses related to conducting these additional elections; and

WHEREAS, Brenda S. Shepherd, Borough Clerk, will need to work an additional 15 hours total to perform these duties in addition to her regular hours on those days.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, approves the payment of 15 additional hours of pay at a rate of \$40.00 per hour to cover both of the additional Senate Elections.

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Warren E. Cooper, Mayor

Wastewater Treatment Facility Project

Mayor Cooper reported that we have been told that the project is running 120 days behind schedule. He met with the contractor and Engineer Tim Bradley on Monday. We are to meet again this coming Monday to discuss the problems and potential solutions further. As to the additional subcontractor that Victor Gilardi just referred to is action that Tomar has taken to attempt to move the project along and catch up on some time. There is still some difficulty with the DPW building

which has not yet come on line fully. The aspects of this issue will be discussed in executive session. Mayor Cooper noted that the agenda does not show that the Council will take any action when we come back from Executive Session. There will be further discussion of the Wastewater Treatment Facility project after we come back from Executive Session. Clerk Shepherd noted that the meeting notice for this meeting advertised in the newspapers does say that action may be taken after executive session.

EXECUTIVE SESSION - Contract Negotiations – Tomar Construction LLC.

Mayor Cooper noted that the Council will need to go into executive session to discuss contract negotiations - Tomar Construction LLC. On motion by Brad Myhre, seconded by Michele Liebttag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into Executive Session at 8:00 am to discuss contract negotiations – Tomar Construction LLC and approved Resolution #2013-70 read by Mayor Cooper as follows:

RESOLUTION #2013-70

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Frenchtown in the County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Contract Negotiations – Tomar Construction LLC.
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

Borough of Frenchtown

By _____
Warren E. Cooper, Mayor

Dated: August 23, 2013

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

The Council came out of Executive Session at 8:12 am.

OTHER BUSINESS

Mayor Cooper noted that about two years ago, it is his understanding that Council met in a one day planning session, a retreat, during which the Council discussed a number of issues and plans that it had for moving the Borough forward. One of which was the need for a Borough Administrator. That idea has come up several times since and he thinks we have had general approval of the notion. The problem of funding the position has always been the stumbling block. Mayor Cooper stated that he thinks the difficulties we are having with the sewer project is emblematic of problems we stumble over as a Borough and he thinks that the potential costs that the taxpayers will incur just in that project alone justifies us being more aggressive to find a way to fund a Borough Administrator. The Administrative Committee has been talking about ways to go forward and make the Borough Administrator's position a reality. He is not asking Council to take action today. However, you have before you a job description that would go into the ordinance book and an advertisement that we would place seeking applicants for the position. If we were to bring someone in to fill that position now, Mayor Cooper would recommend that that person first and predominant effort ought to be spent toward getting the Wastewater Treatment Project under control for us. It turns out there is also money in the budget and in the loan package to pay for such services to the extent that whoever we brought in was to be spending time and effort on that project that would justify us having that funds for that person's salary. He would recommend that we take advantage of that and move forward to bring someone into the Borough to serve our needs as a Borough Administrator. Brad Myhre stated that in general when we discussed the position, he thought the way we might lead into a part time position so we did not have to pay benefits. In addition to the break down in the project of the sewer plant, which he is upset about it and what they are proposing is unreasonable, there are numerous human resource break downs that go on in this Borough where things are not addressed in a proper manner which exposes us to litigation. As we move forward on how we want to delivery services whether it is through consolidation, or reassignment through the Borough, we need someone who can implement that on a day to day basis. It is great we come up with ideas here, but we are not on the ground everyday and we are not watching things to make sure it happens in a seamless manner. It is wonderful that everyone puts in that time as a part time Council. There is only so much that everyone can do and at the end of the day, things seem to be becoming more complex with the requirements from the State, the FEMA reimbursement process has become

cumbersome with online surveys, etc. We are kidding ourselves to say everything is working right now in the day to day operations. Mayor Cooper added that more and more of the burden is being placed on Brenda Shepherd and it is inappropriate and unfair. We have come to rely on Brenda to do things that perhaps we should not have as a result of not having someone to handle some of these other problems with Administrative matters. Michele Liebtag stated that we all have these ideas of how we want to see Frenchtown move forward and this position will help whether it is through getting grant moneys, it will help take us in some more positive directions. That is important to know. Brad Myhre added that it will help develop financial plans for the town such as 5 year plans, and where we want to go with that, help improve our bond rating and debt service especially with other projects coming on line such as developments. Someone needs to manage that. William Sullivan noted that each of our department performs incredibly well but there is no one they can go to when they have a problem with another department even if it is just a perceived problem. Many times the problems are not problems at all. They are doing their jobs and they are doing their jobs well. In the five years he has been here, that has been the problem, everyone is working separately and there is nobody to turn too when they have a problem outside of there. It is amazing that it runs so smoothly without a true head. Cathy Lech commented that she agrees that we should have an administrator. It sounds to her that we expect a lot from this person and it sounds like a full time position. She is already hearing a full time load. Seth A. Grossman added that he is very hardened to have this conversation. A number of us on Council have talked about this for a few years. Municipal government is more sophisticated than 100 years ago. He is hearing that there is unanimity about exploring it. We all realize it is a challenge but it is a good challenge to figure out. He is very supportive of this dialog and conversation and hopefully having a result that can move us toward more professional management. You can count on me for that conversation and to help move forward with this. He believes we will find a way to make this happen. Mayor Cooper commented that there is a lot of agreement to make this work whether we need full time or part time. There is the perception that a small municipality would be overburdened by a full time administrator which is why we initially talked about part time. What we need is someone part time who would serve full timish until we get caught up. Whether you are a small municipality or large municipality, everyone has to go through the same steps with regard to what government imposes on us. If everyone is inclined to do this, he would ask everyone to be ready to take action at the September meeting. Seth A. Grossman stated that he does not think a Council meeting is the place to debate this and he thinks that Administrative Committee should to meet to discuss this and put forth a concept or plan. Mayor Cooper stated that this is coming from the Administrative Committee. It has been a long time in discussion among the three of them and we met with outside people and gotten outside advice and we are at the point where we are seeking to have Council make discussion. Seth A. Grossman asked about the funding resource. Mayor Cooper stated that the funding resource is key. Seth A. Grossman stated that we can do this. We bring in 12 million dollars of public funds. He added that Council President Myhre has talked about revenue enhancement item. Mayor Cooper stated that we will take action at the September meeting.

Mayor Cooper noted that we had set up the September meeting for the 4th and that falls on Rosh Hashanah. When they did it last year, he did not think it was a big deal for him to miss the meeting but this particular meeting because of the problem at Wastewater Treatment Plant and the issue with a borough administrator, he asked council's consideration to move the meeting to Thursday the 5th. On motion by William Sullivan, seconded by Michele Liebtag and carried by favorable voice vote,

the Mayor and Common Council approved to move the September 4th meeting to Thursday, September 5th at 7:30 pm at Borough Hall.

Michele Liebttag reported that she wanted to bring everyone's attention that we are moving recycling to Saturday, September 7th vs. August 31st. She will let Dave Cahill know to put something on the website.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by Brad Myhre, and seconded by Michele Liebttag to adjourn the meeting at 8:28 a.m. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk