

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH
SPECIAL MEETING
COUNCIL MINUTES – March 13, 2007.**

The Special Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Higgins, Turner, Oakley, Van Deursen, Housel, Woykowski, Cioni
7 Present

Also Present: Richard P. Cushing, Esq., Municipal Attorney
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

EXECUTIVE SESSION

It was moved by Oakley, seconded by Higgins, that Council go into Executive Session.

Roll Call: Cioni, Van Deursen, Turner, Housel, Oakley, Higgins, Woykowski

Ayes: 7, Nays: 0
Motion Carried

RESOLUTION 92-2007

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the

Borough of Washington, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - Personnel

It was moved by Turner, seconded by Higgins that Council go out of Executive Session and back into Open Session.

Roll Call: Housel, Woykowski, Cioni, Turner, Higgins, Oakley, and Van Deursen

Ayes: 7, Nays: 0.
Motion Carried.

OLD BUSINESS

Resolution 81-2007 – Authorizing the Transfer of Reserve Appropriations

Resolution 81-2007 was moved on a motion made by Housel, seconded by Oakley and adopted.

RESOLUTION # 81-2007

RESOLUTION AUTHORIZING THE TRANSFER OF

RESERVE APPROPRIATIONS

WHEREAS, various charges have been made to accounts other than were deemed appropriate; and

WHEREAS, N.J.S.A. 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made by not less the 2/3 vote of the full membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the succeeding year; and

WHEREAS, it is recommended the charges and the appropriate budget amount be transferred to the proper accounts retroactive to December 31, 2006; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appropriation transfers are hereby approved:

<u>TRANSFER FROM:</u>	<u>TRANSFER TO:</u>	<u>AMOUNT:</u>
Social Security Other Expenses	Borough Clerk/Elections Salaries & Wages	\$26,061.90
Total Appropriation Transfers		\$26,061.90

Roll Call: Housel, Higgins, Turner, Oakley, Cioni, Woykowski, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried

Resolution 95-2007 Authorize Mayor and Clerk to Sign Separation Agreement

Resolution 95-2007 was moved on a motion made by Higgins, seconded by Housel and adopted.

RESOLUTION
95-2007

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE AGREEMENT BETWEEN THE BOROUGH OF WASHINGTON AND RICHARD J. SHEOLA

WHEREAS, an Agreement has been negotiated between the Borough of Washington and Richard J. Sheola regarding his termination of employment with the Borough.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute the Agreement between the Borough of Washington and Richard J. Sheola.

Roll Call: Woykowski, Housel, Higgins, Cioni, Oakley, Turner, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried

At this time Mayor Van Deursen read a prepared statement.

The Borough of Washington and Richard Sheola announced that Mr. Sheola will leave his position as Manager for the Borough of Washington. Mr. Sheola will continue his duties through March 16, 2007. Thereafter, he will be on administrative leave for 1 week and then, in accordance with New Jersey statues he will receive 3 months severance pay and the balance of his unused vacation time.

Both parties described the parting as amicable. Mr. Sheola stated: I have been with the Borough for a little over 2 years and I felt it best to pursue new opportunities that are available to me. Mayor Van Deursen said: Rich is a nice guy and tried hard as Manager, but the Borough felt that it was time for a new direction.

The Borough will hire a temporary manager on a part-time basis while it interviews candidates for the position. Mayor Van Deursen said: The Borough of Washington is going through a renaissance with many exciting projects including the Downtown Streetscape Project, the Mid-Block Crosswalk, enlargement of the downtown parking lot and the Van Cleef project. In addition, developers are beginning to look at many old industrial sites in the town. The Borough is looking for a vibrant manager who can help guide the Borough down this exciting path.

At this time the Mayor entertained a motion to re-enter executive session. Motion was made by Higgins, seconded Housel and adopted.

RESOLUTION 92-2007

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey as follows:

1. The public shall be excluded from the remaining portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows:
 - Personnel

It was moved by Higgins, seconded by Oakley that Council exit executive session and re-enter open session.

Mayor Van Deursen entertained a motion to adopt Resolution 93-2007. A motion was made by Higgins, seconded by Turner and adopted.

RESOLUTION 93-2007

WHEREAS, the Mayor and Council of the Borough of Washington have determined to

retain a municipal recruiting service to assist the governing body for the purpose of interviewing, selecting and hiring a Borough Manager; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection, and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

1. That a contract be awarded to Jersey Professional Management, 23 North Avenue East, Cranford, NJ, without competitive bidding in accordance with the requirements for extraordinary, unspecifiable services of N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because of the complexities of recruiting suitable candidates for key municipal and county government positions; the need for a thorough grasp of duties required of various public employees; special skills required to prepare job descriptions, and necessity to utilize an agency having substantial expertise, training and thorough knowledge of local municipal affairs as well as a proven reputation of recruitment of qualified employees for local government services.
2. Jersey Professional Management has been in existence since 1988, and for over 17 years has served over 300 New Jersey Municipalities, Counties and School Districts, and the principals are extremely knowledgeable in recruiting for local government positions.

BE IT FURTHER RESOLVED that for the reasons indicated above and for the services to be provided, Jersey Professional Management shall be paid a sum not to exceed the amount of \$10,500, plus the direct cost of advertising the position of Borough Manager; as outlined in Jersey Professional Management's proposal letter dated March 7, 2007, and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute an appropriate agreement with Jersey Professional Management.

BE IT FURTHER RESOLVED that the Municipal Clerk shall publish a notice of this contract award in the Official newspaper of the municipality as required by law.

Roll Call: Housel, Higgins, Cioni, Turner, Woykowski, Oakley, and Van Deursen.

Ayes: 7, Nays: 0
Motion Carried

A motion was made by Higgins, seconded by Turner to adopt Resolution 94-2007.

RESOLUTION 94-2007

WHEREAS, the Borough Council has appointed John N. Corica, an Associate of the firm of Jersey Professional Management, as the Acting Borough Manager to serve in this capacity at the pleasure of the Borough Council or until a permanent Borough Manager assumes the position; and

WHEREAS, there exists a need for specialized and qualitative services for temporary municipal administrative services and overseeing various Borough functions that requires expertise, extensive training and proven reputation in this field of endeavor; and

WHEREAS, John N. Corica has extensive experience, training and proven reputation in the area of municipal administration and has offered his services as an Associate of the firm of Jersey Professional Management; and

WHEREAS, the maximum amount of the contract in question is \$33,000, and sufficient funding is available and has been certified as evidenced by the Borough Finance Officer's Certification attached hereto; and

WHEREAS, it is important that the person serving as the Acting Borough Manager have the legal authority granted in the Code or Ordinances of the Borough of Washington, as well as the liability protection offered to employees of the Borough of Washington; and

WHEREAS, the agreement with John N. Corica provides that he will be paid a nominal salary to serve as the Acting Borough Manager and the firm of Jersey Professional Management will be paid on an hourly basis (\$10 on payroll and \$85 on voucher) for his services, plus a one time placement fee of \$1,000; and

WHEREAS, the designation of John N. Corica of Jersey Professional Management as a management consultant, is specifically designed and intended to be a temporary appointment and contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the contract with Jersey Professional Management meets the statute and regulations governing the award of said contracts, as per the attached Certification.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Washington as follows:

1. The Mayor and the Clerk are hereby authorized and directed to execute the attached agreement with Jersey Professional Management for management consultant services.
2. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Services" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public

Contracts Law because the services requested are specialized municipal administrative consulting services that require expertise, substantial experience and proven reputation in the multi-faceted aspects of overseeing municipal functions. These qualifications require an individual whose background includes substantial experience and training in administration, finance, budget and purchasing, personnel, State and federal grants, management and oversight of municipal employees and general government administration and governmental relations. Knowledge and familiarity of applicable Borough and State laws and regulations are also required. John N. Corica has satisfied all of these requirements, and his services are required to permit the Borough to maintain critically important managerial oversight and administrative services pending the commencement of services by a duly appointed Borough Manager. Precise specifications are not feasible because the services are multi-faceted and dependent on evolving day to day operational needs of the Borough, emergent needs and unanticipated matters that will require the services of the management consultant. Likewise, it is not possible to delineate the specific knowledge or tasks required of the person providing this assistance since this will vary according to the work being undertaken. In general, this work is common to most developing communities of comparable size and structure to the Borough of Washington. These factors as well as critical time constraints in securing the immediate services of an Acting Borough Manager do not permit the formulation of precise specifications.

3. Funding shall be paid from budget account Mayor and Council/Administrative and Executive in an amount not to exceed \$33,000, at the rate of \$95 per hour (\$10 on payroll and \$85 on voucher), plus a one time placement fee of \$1000.

4. A notice of this action shall be published in the official newspaper authorized to publish notices for the Borough of Washington.

Hearing no further business to come before Council, it was moved by Oakley, seconded by Turner that the meeting be adjourned at 10:00 p.m..

Ayes: 7, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Kristine Blanchard, RMC Borough Clerk