

MINUTES OF SPECIAL COUNCIL MEETING HELD SEPTEMBER 24, 2004

A Special Meeting of the Borough of Washington, Warren County, New Jersey was held in the second floor Council Chambers of the Borough Municipal Building at 9:00 P.M. on Friday, September 24, 2004 for the purposes of discussing the amendment of the Termination Agreement of the Borough Manager or the appointment of an Interim Manager.

Roll Call: Present: Van Deursen, Wagner-Glaser, Bertoline, Doty, Housel, Giaimis, McDonald.

Absent: None

Also Present: Alan M. Fisher, Borough Manager and Attorney Steve Farsiou.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1972, Chapter 231 have been satisfied in that adequate notice of this meeting has been sent to the official newspaper of the Borough of Washington and posted on the Bulletin board of the Borough Municipal Building stating the time, place and purpose of the meeting as required by law.”

Mayor Van Deursen led the group in the Pledge of Allegiance.

Mayor Van Deursen read a statement before she opened the meeting up for Council discussion. The Mayor then asked for discussion by members of the governing body.

It was moved by Deputy Mayor Wagner-Glaser and seconded by Councilman Charles T. Housel to amend the Termination Agreement to allow the current Borough Manager to continue to serve until the end of the year or until a suitable replacement is found, whichever occurs first.

Roll Call Vote: Ayes: Housel, Van Deursen & Wagner-Glaser
Nays: Bertoline, Doty, Giaimis & McDonald
Abstention: None

Motion failed.

Mayor Van Deursen requested that the council members who voted against this motion to come up with an alternative plan of action.

Councilman Housel questioned whether the conditions existed to warrant approval of an emergency appropriation by the Department of Community Affairs. The Borough Manager and Attorney both indicated that no one could answer that question except the Department of Community Affairs.

Councilman Housel asked what would happen if the Council did not appoint an Acting or Interim Manager. The Attorney advised the Council that they needed to appoint a Temporary, Acting or Interim Manager in accordance with the September 15th letter from Municipal Attorney Richard P. Cushing.

Councilman McDonald asked if anyone had reviewed the Budget to Actual Expenditure Reports. Deputy Mayor Wagner-Glaser stated she had and that there was very little available to move around. She added that it might be 5% or approximately \$20,000.00, but any little unexpected problem could change that picture. The Borough Manager stated he did not have enough information available to either confirm or deny that statement.

Councilman McDonald indicated that Patriot Consulting has people available to provide Interim Manager services. Councilman Giaimis stated that an emergency appropriation would be required. Deputy Mayor Wagner-Glaser expressed her doubts about the votes being available for an emergency appropriation.

Deputy Mayor Wagner-Glaser discussed the interview process and where the Borough was at in this process.

Councilman McDonald indicated that Patriot would need about \$1,000.00 per week for someone to work twenty hours. Deputy Mayor Wagner-Glaser indicated that with all the projects currently outstanding, twenty hours per week was not enough time. Councilman Giaimis stated that other employees can do the list of jobs that the Borough Manager had presented to the Mayor and Council this evening and stated the current Borough Manager was micro-managing the Borough. Deputy Mayor Wagner-Glaser disagreed and pointed out that each local government is unique and even if a qualified manager was brought in, they would not be familiar with the projects and conditions here in the Borough of Washington.

Mayor Van Deursen indicated that not allowing the current Borough Manager to continue to work while he is being paid by the Borough until the end of the year was fiscally irresponsible and she was not going to vote to pay anyone else to do the job while the manager stayed home and played with his television remote control.

Deputy Mayor Wagner-Glaser indicated the Council had to make a decision. The Borough Council agreed to pay the manager until the end of the year and he should be allowed to serve until a replacement is hired. She added that the Borough Manager has indicated he is looking for another position and if he finds a suitable position, he will take it. Councilwoman Bertoline commented that she would believe it when she sees it. She stated that she did not know the Termination Agreement would tie the Council's hands but other people might have. Councilwoman Bertoline accused the subcommittee of foot-dragging in order to keep the manager here until the end of the year. Deputy Mayor Wagner-Glaser disputed that and pointed out that the subcommittee moved right away and there was no foot-dragging on the subcommittee's part.

Councilman Giaimis stated he wanted to stick with the current Termination Agreement language and saw no need for changes to the agreement.

Councilman McDonald wanted a commitment for an emergency appropriation if there were not enough funds to transfer on November 1st. Mayor Van Deursen stated that the current majority could transfer any funds they wanted to after November 1st without

her approval. She added that if the Manager were to accept an appointment in another community, she might very well support an emergency appropriation.

Councilwoman Bertoline asked if the Manager would be willing to place in writing that he would not accept an offer for reappointment in the Borough of Washington anytime in the future. The Manager indicated he was not going to sign any such document.

Councilwoman Bertoline stated it appeared the Council was deadlocked. She asked the Attorney what will happen legally come October 1st if the governing body fails to appoint an Acting/Temporary/Interim Manager. The Attorney stated that a judge could order the council to make a decision.

Councilwoman Bertoline suggested that the governing body freeze all non-operating funds and not allow any expenditures without prior council approval. The Borough Manager expressed concern about how anyone would define “non-operating funds.” Councilman Housel stated that such a freeze would be impractical and the governing body would be micro-managing the municipality.

Councilwoman Bertoline stated it appears the discussion is going nowhere. It was moved by Councilwoman Gina Bertoline to adjourn the meeting. Councilman Charles T. Housel seconded the motion. All voted in favor of the motion.

The meeting adjourned at 9:45 p.m.

Marianne Van Deursen, Mayor

Alan M. Fisher, Deputy Clerk