

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 10, 2013 and the Express Times on January 10, 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 March 6, 2013.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Robb Arent
Seth A. Grossman
Michele Liebttag
Brad Myhre

Absent from Meeting:

Cathy Leach
William Sullivan

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 20 members of the public were also present.

PUBLIC COMMENTS

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

Michael Padovan, resident, property and business owner and co-chairman of the Frenchtown Downtown Revitalization Committee, thanked the Council for reinstating the committee. The importance is that we discovered many things in the process. A good example is Morristown, NJ. Morristown was rough and the transformation began with street lights, cobblestone, etc. It is a destination now. Beauty attracts people. It is inspiring. A better example is Frenchtown. Twenty-five years ago this town was a rough town. Council spent 1.2 million to put paver sidewalks in, etc. A lot of people bought Victorian homes and renovated them. It attracted more people. There is an opportunity to complete the work we started. There are so many good things happening. The Park and Ride now has lights. It is a safe attractive place for people to come. Downtown is the front door to the community. We need \$4,850.00 for our town engineer to come up with a design. We are asking for seed money. Street lightings are cozy and it helps define the downtown. Also, we would like to request a meeting with the administrative committee for the budgeting process. He thanked the Mayor and Council and all of those who came in support of this. Mayor Cooper responded that the administrative committee would be happy to meet with you.

Robert Haver, of 215 Harrison Street, stated that he came out tonight to say thank you to Mayor Cooper and Council President Myhre for listening to my concerns regarding the rally scheduled for Sunday and being responsive to his safety concerns and agreeing to move the venue. Thanks for moving it from the school. Mayor Cooper thanked Robert Haver for bringing it to our attention. It

did not occur to him that it would be a concern. He is glad they were able to make those accommodations.

Jonathon Perlstein stated that he is the owner of properties in town and author of the Shale Cliff development, which may be coming one of these years depending on the economy. In the mean time, he is pleased to have great tenants who pay the rent and he is glad to rent his lot for community needs. He is here tonight as the co-chair of the Downtown Revitalization Committee. He was asked to join the Downtown Revitalization Committee which is an important catalyst for change downtown. Frenchtown's downtown is a wonderful place and Frenchtown itself is a wonderful place. He believes it needs a little more effort to bring it to a polished version of itself without losing the character and charisma that it is famous for. Our committee is requesting Council to review the request for seed money to start the first step which is a schematic for the downtown, investigating lights, improving trash management and signage which is extremely important. There are other businesses that are on the fringe of the downtown, on Trenton Avenue, Harrison Street and Kingwood Avenue. People should be aware that these businesses are as accessible to the public. There should be a way of finding these businesses through signs. Signs will encourage pedestrians. He comes to town often and he see people looking at shops and architecture. He gets the sense that they are slightly disappointed because they wish there was a bit more to see in town. If we development a more comprehensive approach, they will be encourage to see more of the town. It will create a stronger sense of gravity downtown. Lighting is extremely important for the storeowners as well because it will make it more pleasant to shop and dine after hours. These are small things but the businesses and Frenchtown will benefit. We respectfully request a sit down with the administrative committee and look forward to working with the Council.

Diane Dalrymple, President of the Frenchtown Business and Professional Association, stated that she is in support of the Downtown Revitalization Committee project. Frenchtown is an awesome place to live, visit and play. She has been here sixteen years. She loves it here. We would like to see Frenchtown become a community where local people, business people and the community all partner together to find a common thread and strive to meet those goals. She feels that the business community would like to see the revitalization project come to fruition. Particularly, the people she has spoken to noted that lighting is a problem in the evening, signage is an issue and some of those are addressed in the project. If some of those are put into place, it would only mean positive things for Frenchtown. More visitors would come to town, the locals would come out and the businesses would stay open later. She is here in support of that and some of the association members are here as well. It is important to the business association and local residents. The Business Association would like to partner with the green team and the Community garden and other committees around town to help that happen. We want to all strive for the same goals. There is power in numbers. We will do anything we can to help that happen. She is also available to meet with the administrative council to make decisions on moving forward with the budget to see that happen. Robb Arent noted that there are still the remnants of a pumpkin in town and there are still Christmas ornaments in the flower boxes. Diane Dalrymple stated that they are working with the community garden. They do not have anything to put in the boxes yet but will have something in the next few weeks. Responding to Mayor Cooper, Diane Dalrymple stated that Seth A. Grossman and she have invited the community, the business community, the green team and the community garden to attend a

meeting at borough hall on March 28th at 6:00 PM. Seth A. Grossman will take the lead and help the businesses with some marketing ideas on how we can bring more visitors to town and on how the separate committees can work together toward that goal. Mayor Cooper stated that he respectfully requests that members of the safe streets and roads committee also be included. He thinks that your goals and their interest overlap and they may have things to contribute to the discussion. Diane Dalrymple asked for their contact information. She would be glad to send them an invitation.

Kathy Schettini who works for BlueFish located on Trenton Avenue stated that she was asked to participate as a member of the Frenchtown Downtown Revitalization Committee. She is here to express her support for the program. There are a lot of advantages. She appreciates the time that Seth A. Grossman and the committee has already put into it. She comes from a small town, Pittstown, that does not have a downtown. Not being a business owner but working for an owner of a company, she sees a lot of things and talks to a lot of people in town. There are a lot of concerns with the businesses themselves over the last couple of months. Business has been bad. Since she has taken over the shop 2 years ago, it has been the worst two months ever. She is not alone. She has talked to a lot of business owners and they have expressed disappointment and they did not know why they opened in January because they have spent more money on payroll than they made on sales. Her situation is different because she has a headquarter and has another location so she has more flexibility when it come to her sales. Her walk-in business has been awful. What is it? Is it the economy or was it the elections and people are afraid to spend money. It is all of those things. If we do not encourage people to come into town, we will not have business and none of us will be here. The Frenchtown Downtown Revitalization Committee is a very positive movement on the town's part. Frenchtown is absolutely one of the nicest towns and we have as much to offer as Lambertville, Clinton or New Hope. With that said, we would appreciate whatever you can do to help the businesses.

Councilman Brian Swingle from Flemington Borough asked if Council is looking to consider the Mayors against illegal guns resolution? Mayor Cooper responded that it is a discussion item on the agenda.

Councilman Brian Swingle commented that Flemington had the same discussion with businesses and revitalization and trying to bring back the community. It is a real struggle. Everyone is struggling to get by and everyone is doing so much to try to bring the community back. They hear the same thing from their businesses. It is a shame to have that conversation in all the things we have to normally consider in our day to day efforts as Councilman and Mayors with national issues. His personal opinion is that it is not a purview of municipalities to weight in on national issues particularly national issues with constitutional rights. The first amendment is as important as the second amendment. He finds himself here in your council chambers to defend the constitutionals rights of his constituents. He wishes it did not have to be the case but he is finding it more and more the case. More municipalities feel that they have to weight in on these issues. He is asking Council to consider the Supreme court side in McDonald vs. Chicago, in which they felt it was not appropriate for municipalities in that case. In some respects to pass resolutions that offer the same intent whether you are the one taking the right or advocating it, it is basically the same thing. Mayor Cooper stated that he hopes he stays to here the Council's conversation. Councilman Brian Swingle was not here at the last meeting. There was a request on the part of one member of Council that the

agreement that I signed be part of the Mayors again illegal guns group to be brought to Council so they could see and perhaps do something. It has not been his intension to bring it to Council because it was not presented to Council. It was presented to Mayors. However, he thinks that any discussion item that Council feels is appropriate will be brought to Council.

Jason Stravia, new resident of Frenchtown, stated that he will follow what Brian said. He does not see that our town should take a political position on it. He also wanted to say thank you for moving the location of the rally on Sunday. He appreciates that. He hopes that all voices can be heard in the discussion you will have. Being a former resident of New York City and a resident under Mayor Bloomberg, he has seen his policies and what his organization supports and how they effect the day to day. He does not see it as effect. He does not see that Frenchtown needs to through its hat in on one side or the other on an issue like this. He hopes that will be considered.

Bob White, resident of Milford Borough, thanked the Council for the blight property resolution. He is happy and thrilled to see the resolution on the agenda. This is something Flemington may be interested in as well. Something we brought up and something that Frenchtown is intimately familiar with and other municipalities throughout New Jersey is blight properties, where you frequently have non resident owners who simply abandon their properties. He is hoping to see the resolution pushed up to the state level so we can have a state discussion on the proper way to handle this. Frenchtown and Milford does not have the money. Hopefully, by getting enough communities pushing this, the State will take action on it.

Cathy Suttle from the Hunterdon Land Trust, stated that she is here to talk about a natural asset of the community, the Frenchtown preserve. We have talked to Council before about the project. Frenchtown preserve was acquired in 2006 and the Hunterdon Land Trust helped with the preservation. It is in the hands of the state parks department. The Land Trust put a management plan together for properties along the river. The State Parks Department does not have money to create an access. We got \$9,000.00 to mark trails and put in a kios for the Frenchtown preserve. We have not done the parking access yet. We went through a number of iterations on it. The Parks department wanted to put in a parking lot at Route 12 and Horseshoe Bend Road. The State department determined that it was to close to the Nishisakiwick Creek. We moved it around the bend on Horseshoe Bend. Horse trailers can drive through this location. The lot was big enough that we needed a Hunterdon County Soil Conservation permit at a \$1,000.00 fee. She is here tonight to ask Council for up to \$2,000.00. We have a gap in funding because of the cost of the permits. We may not need all of it depending on the cost of excavation. Frenchtown was the first Borough to sign onto the memorandum of agreement with the State and the Hunterdon Land Trust Alliance. We are all committed to the project. She asked Council to consider the request. Brad Myhre stated that the Borough is certainly sympathetic. You have been at this since 2009. He asked Cathy Suttle if she thought Kingwood Township would be receptive to splitting it with the Borough? Cathy Suttle responded that it is in Frenchtown but she could ask them. Michele Liebttag asked if there is the ability to use open space fund for that cost? Cathy Suttle responded that we have not approach the County. Frenchtown had a remainder of a national recreation trails grant that it did use from 2005 that transferred to this project already. We have funding from two wild and scenic grants and the State is providing the gravel. Mayor Cooper noted that the Borough is still working on the budget and the time for your request is good. We will be discussing it with the Council. Brad Myhre added

that we are invested in this project. Mayor Cooper stated that there is support for this. Cathy Suttle stated that she will contact Kingwood. Robb Arent asked if hunting season could be posted on the kios? It would be nice to know when it is safe to go up there. Cathy Suttle noted that we can post hunting season since the season is expanded. The State parks has put in for a grant to be used for the area from the new parking area to the trail head and it should accommodate horses. Mayor Cooper thanked Cathy Suttle.

Andrew Dawson, from Holland Township, do not want to divert attention to the issues brought before you, the beautification projects, revitalization project and the access to the preserve which are all great things. He would like to speak about the resolution on mayors against illegal guns. He has come to this town for 20 years. He has come to the restaurants and bookstores and revitalizing town would be great. He would like to provide background information for the Council to consider when discussing the resolution. FBI statistic for the last twenty years has shown a dramatic drop in gun violence in this country, 50%. Mass shooting such as the Sandy Hook incident has peaked in the 1990s and has gone down year after year. You may not think so because the media trumpets these events because they want you to read their newspapers but using statistics, these events have dropped since the 1990s. Other countries that have succeed in banning or severely restricting guns have seen large rises in violence in their countries, all sorts of assaults, rapes, murder, the opposite of the intended effect. He would like to address the Constitutional issues, talking about guns and restricting them. The constitution's 2nd amendments stated that you have a right to keep and bare arms. This is not a privilege. The difference between a right and a privilege is a right you are born with. A privilege is something the government grants you such as a driver's license. The right to keep and bear arms is not a privilege. Many people talk about it and ask why do you need a large capacity magazine. That is incorrectly stating the case. In fact, you do not have to have a need to exercise your right. New York has three newspapers. Nobody says why do you need three newspapers or nobody says why do you need a warrant to arrest someone. Why do you need to have do process? Because these are rights, not privileges. He would also like to address the language that is used. The way they frame the discussion as in the laws they want to pass, they say they are common sense. They are not. In fact, he is irritated with the implications that he finds against these resolutions or new law proposals. They are insensible and have no common sense. This sort of resolution is uncommonly non-sensible from his point of view. It does not address the root causes of gun crime in this county. It would increase gun crime in this county because it would disarm the law abiding citizens in this country. Only law abiding citizens obey laws. Criminals, by definition, do not obey the laws. It would not be effective by any new gun laws. He thanked the Council for their time.

Bill Tinsman from the Frenchtown American Legion noted that they have submitted an application for a social affairs permit. He wondered if in the future, Council could look at this permit. It has gone to the Police Department. We always have to come before the Council. In years past, it was only looked at by the Mayor and signed off by the Chief of Police. We are finding a lapse in time to get the paperwork to the state. It is a two month process because of the way it is falling this month for this particular event. He wondered if it could be handled like it was in the past. Brad Myhre stated that the Mayor would sign off if there was a tight deadline and send an email to Council to see if there were any objections. We were meeting monthly at the time. Responding to Mayor Cooper, Clerk Shepherd noted that the applications have always come through Council. It is required to have

Council approval. Mayor Cooper stated that going forward, he does not believe you will have problems like you had in the past because this Council meets twice a month. We will work with you if there is an emergency situation. Brad Myhre stated that there are certain events each year that you do so at the beginning of the year, you can let us know when the events will be so we are prepared to put it on the agenda. Mayor Cooper recommended that the Legion send a calendar of events at the beginning of the year so we can respond quickly when you get the paperwork to us. Robb Arent commented that the application was just submitted on February 25th. Getting it to us late is not our issue, it is a planning issue. Mayor Cooper stated that we will work together.

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.

Mayor Cooper requested that the minutes of the 2/20/13 regular meeting be removed from the consent agenda.

Robb Arent requested that item (c) under presentation of vouchers be removed from the consent agenda.

On motion by Robb Arent, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda to pay the bills list dated 3/6/2013 except for the Animal Control Trust Account bills.

Robb Arent asked why the Borough would be paying a bill to the State Department of Health and Senior Services for animal control. Clerk Shepherd stated that we are required to file a monthly report to the State of New Jersey on the number of dog licenses issued each month. On motion by Robb Arent, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to pay the bills for the Animal Control Trust Account on the bills list dated 3/6/13.

On motion by Brad Myhre, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the minutes of the regular meeting dated February 20, 2013 as amended (as to page 7, line 6 from the bottom of paragraph 1, sentence should read: There was FEMA money out there for grants., as to page 8, line 8 from bottom of paragraph one, sentence should read: If we will give them more money, consider changes to its charter concerning membership, and as to page 8, line 2 from bottom of paragraph 2, sentence should read: Robb Arent asked about the CERT bus.)

RESOLUTIONS

Resolution #2013-27 – blight properties

Mayor Cooper noted that we were asked to consider a blight properties resolution which was brought to us by a resident of Milford where they have tried to move this forward as you heard earlier from Bob White to get some assistance legislatively from the state level from our elected officials to make mortgage holders responsible for taking care of buildings in disrepair. We were asked to bring this to our Council. A motion was made by Michele Liebttag to approved resolution #2013-27. The motion was seconded by Seth A. Grossman. Mayor Cooper opened the discussion on the motion. Seth A. Grossman stated that what comes to mind is Sky Van Saun's concerns about the property on Eighth Street across from her house where a hole was dug on the commercial property in preparation for a possible sale. It was contaminated and the property owner walked away. It is a safety and health issue. Only the state legislature can give us more authority. He expressed concern for holding the mortgage company responsible because they are not responsible. That needs to be clarified. Could you put a lien on the property if you cleaned it up? He would like to see more remedies. This is positive but he would like to see some sort of sense of what do we mean by going after mortgage holders. He would also like to know what is meant by blight. He does not think it will stop the blight. Brad Myhre stated that one of the things that happens is when the mortgage company forecloses on a home and they are vacated, the property sometimes becomes blight. That is what is meant by holding the mortgage company responsible. Mayor Cooper noted that in the fifth whereas also says many local municipalities, including the Borough of Frenchtown, lack financial resources and personnel to properly investigate such properties, to notify the property's title-owners and / or mortgage holders of code infraction(s), and prosecute them and that is part of what the remedies are. These are the remedies that this would seek. Seth A. Grossman stated that it may have some authority but how do you justify it. Mayor Cooper stated that his understanding of this resolution is that it supports an effort to go forward to get legislatures to look into this issue more clearly and possibly come up with a remedy. If that effort is successful, a lot of municipalities and County will get together and ask the legislature to take a look at it because it is a big problem. Legislatures will figure it out themselves. This resolution is asking us to sign on to have the legislatures to look into it. Attorney Cruz stated that there is already a law that exists that holds a mortgage company that is foreclosing on a property liability for maintaining a property. The main issue is personnel. Many mortgages are held by National Banks and to try to get the national bank's property management department to pay attention to a specific property requires a lot of effort. The important thing in this resolution is that they are asking for funding for that person to track down the bank and make arrangements to the bank to come in and do the work. Part of the legislation already exists. It is very labor intense and there is a lack of funds on the municipal side. You already have under the home rule act the authority to adopt property maintenance codes. There is no new legislation need for that. It already exists. There is a provision in the existing law that allows municipalities, if they have ordinance that mirrors the state law, to place a lien on the property for work that is done as a result of a violation of the property maintenance code. There is also the potential for the Uniform Construction Code to be triggered by the building inspector. There are a lot of mechanisms that are already in place. This resolution deals with the question of funding. Will a resolution accomplish that? That is the purpose of the resolution, to let the legislatures know you need assistance in this particular area. Seth A. Grossman stated that he is for the resolution but would like it to be stronger and as practical as possible. He is willing to sit on a task force with other municipalities to look into the laws we already have. There are things we can do now. Mayor Cooper asked the Council to address this resolution and see what we can do with surround municipalities in the future. Mayor Cooper called a vote on the motion. The Mayor and

Common Council approved by unanimous favorable roll call vote Resolution #2013-27 as follows:

BOROUGH OF FRENCHTOWN
RESOLUTION NO. 2013-27

WHEREAS, the residents of Frenchtown Borough and the Frenchtown Borough Common Council recognize that various properties within the Borough have degraded to such an extent that these properties are a blight to neighboring residents and businesses, and have the potential to endanger the safety, health, and well-being of those living, working, and travelling adjacent to such properties; and

WHEREAS, the condition of these subject properties, if left unaddressed, may lower the taxable value of those specific properties and those surrounding properties; and

WHEREAS, many of these subject properties have title owners can not or will not maintain their properties or rectify local and State code violations; and

WHEREAS, the Common Council of the Borough of Frenchtown knows that other municipalities are plagued by properties in similar conditions existing within Hunterdon County and throughout the State of New Jersey; and

WHEREAS, many local municipalities, including the Borough of Frenchtown, lack financial resources and personnel to properly investigate such properties, to notify the property's title-owners and / or mortgage holders of code infraction(s), and prosecute them; and

WHEREAS, the Borough of Frenchtown Common Council deems it imperative that legislation be adopted including provisions whereby:

- Mortgagees of such properties assume responsibility for maintaining them to ensure the safety, health, and well-being of those living, working, and travelling nearby; and
- Mortgagees, during foreclosure action, be required to conduct periodic inspections of such properties and remediate all violations of the New Jersey Building Code and local ordinances.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of March, 2013 by the Borough of Frenchtown in Hunterdon County, State of New Jersey, that:

1. The Borough of Frenchtown seeks the creation, adoption and implementation of legislation ensuring that the mortgagee of any property found to be in disrepair or in contravention of both local ordinances and the New Jersey Building Code is to be declared the responsible party in the repair and remediation of any condition violating either the New Jersey Building Code or local ordinances; and
2. The Borough of Frenchtown additionally further seeks the creation, adoption and

implementation of appropriate legislation which would mandate that the mortgagee of any property, which is subject to foreclosure proceeding, conduct periodic inspections of each such property and to timely remediate any and all continuing violations of the New Jersey Building Code and local ordinances; and

3. A certified copy of this resolution shall be forwarded to Governor Chris Christie, Senator Michael Doherty, Assemblyman John DiMaio, Assemblyman Erik Peterson, the Clerks and Mayors of all municipalities within Hunterdon County, the Hunterdon County Freeholders, and the New Jersey State League of Municipalities.

This being submitted at the Council meeting held on Wednesday, March 6, 2013.

CERTIFICATION

I, Brenda S. Shepherd, Municipal Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Frenchtown Borough Common Council at the Council meeting held on Wednesday, March 6, 2013.

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2013-28 - Mayors against illegal guns -

Mayor Cooper stated that it is not written in a formal resolution and he does not want us to consider as a resolution. It was requested at the last council meeting that council see the statement of agreement that he signed as Mayor against illegal guns. Perhaps someone would want to introduce it as a resolution for Borough Council's consideration. Brad Myhre supports the Mayor's opinion in taking this position for himself. He would personally not be in favor of the resolution that outlines some of the positions in here. He has dealt with this in his capacity at work sitting through the law and public safety committee hearing in Trenton where the legislature rushed through 24 bills, many which they had not read and a lot of them were duplicate efforts and containing serious flaws such as defining an assault rifle which would have included a boycott's 22 which has a 12 round clip that they use at their camps which would have been considered an illegal fire arm. It needs to be thought through and we need to have a conversation about mental health before we start putting more regulations on law abiding citizens. Michele Liebttag commented that it is noting illegal point in every bullet point. She would like more clarification on ammunition magazines as to whether that is already illegal or not. Brad Myhre stated that New Jersey already has a 15 round limit. There is legislation on the state level that would limit it to ten. Michele Liebttag stated that their list does not specify it. Does it change from state to state? Mayor Cooper stated that it is part of the effort to make it the same. Michele Liebttag noted that the other points are illegal already. Brad Myhre noted that New Jersey has the most stringent gun controls laws in the Country and so does Connecticut. If you go to neighboring states, the laws are much different. In New Jersey, you need a permit for

every pistol you buy and you can only get one a month. If you go to Pennsylvania, you can buy multiple guns so it differs from state to state. We have strong laws here. Unfortunately, no matter how many laws you have, criminals are not going to follow the law. Good law abiding hunters, sportsman, etc. will follow the laws. He does not think for our State we need additional laws. If you look at all these tragedies, unfortunately there seems to be clear connection between mental health issues and violence and that should be our focus. We need to make an investment in that capacity. Michele Liebttag added that our focus should also be safe schools. Seth A. Grossman stated that as long as we have our chief approving permits, we have a right to discuss issues. When it comes to constitutional issues, it is up to the supreme court to determine what is a right and a privilege. In the evolution of technology let alone society where in the 17th century, an automatic weapons was taking a shot and throwing you gun at the person. Now we have multiple clips and we do not have to do that anymore. We have to weight these things. Violence in general is something communities have to deal with and when violence occurs with weapons. Mental health is not a criminal offense either. We have to discuss these things openly and protect people's rights and privileges at the same time. Mayors are faced with a tremendous dilemma and they are talking about illegal guns and willing to understand what defines illegal and what does illegal mean. We were discussing the legality of blight. We will constantly be discussing these things. He is convinced that we will come up with solutions. Mayor Cooper stated that the item before us is whether anyone on Council would like to take the intent or content of the agreement and move it as a resolution. Brad Myhre stated that he personally does not want to but he thinks it is absolutely fine that the Mayor takes this position and that he is involved with it. Michele Liebttag stated that she does not know enough about the points listed and does not feel comfortable with it.

Resolution #2013-29 – Resolution opposing S2364/A3553

Mayor Cooper stated that this resolution is opposing proposed legislation that is intended to provide an opportunity for registered voters to have more time for voting. There have been proposed changes from the document that we have in front of us. Michele Liebttag has provided copies of the current version of the bill showing the changes. It is different then what was originally put out. When the League of Municipalities put the alert out, these changes had not yet been proposed. He asked that we table the motion. Some of the concerns raised in the former version of the bill were addressed in the amendment and there is not a direct fiscal impact on the Borough. There is no need for concern at this point. Under the new version of the bill, there will be three polling places in Hunterdon County to be determined by the Board of Elections and will be based on voter registration density and geographic location within the County. She does not think Frenchtown will be a location. Responding to Mayor Cooper, the Council agreed to table this resolution. Mayor Cooper stated that after reading the changes, if anyone from Council wants to bring it further, let Brenda Shepherd know. Brad Myhre stated that it is his understanding that the Hunterdon County Clerk is opposed to the bill.

Resolution #2013-30 – Resolution authorizing final payment and final change order for the Nishisakawick Creek

Mayor Cooper noted that this resolution reflects changes that have already been discussed. Our engineer has signed off on the project. Attorney Cruz stated that he has reviewed the maintenance bond and it is acceptable. Mayor Cooper added that this was a phenomenal effort and he hears from elected officials all over the County that this is an astonishing accomplishment. He wants to give

credit to everyone involved along the way, particularly Linda Peterson and William Burr who worked very hard to get the DEP to get through this at a pace no one thought we could. Robb Arent recognized the Mayor for getting the property owners' approvals. On motion by Robb Arent, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-30 as follows:

RESOLUTION No. 2013-30
Authorizing Final Payment and Final Change Order for the
Nishisakawick Creek – Stream Bank Restoration Project
Frenchtown Borough, Hunterdon County, NJ

WHEREAS, the Borough of Frenchtown has contracted with Kalogridis Contracting, LLC to perform stream bank repairs along Nishisakawick Creek in the amount of \$286,855.00;

WHEREAS, the Borough and NRCS-USDA have entered into a grant agreement for NRCS-USDA to fund a portion of the project costs (82.5% total);

WHEREAS, the Borough Council approved Change Order No. 1 at its December 26, 2012 meeting, which adjusted the contract amount to \$311,730.00;

WHEREAS, the Borough Engineer has advised the Borough Council in a memorandum, dated February 26, 2013, that there is a need for a final change order for the landscaping live stakes which were required to be planted in Area No. 4 by NJDEP, and also to adjust the contract quantities to reflect the final as-built quantities;

WHEREAS, the Borough Engineer has confirmed that this work is less than 20% of the original contract amount and also that NRCS-USDA will pay a portion of this amount (82.5% total) in accordance with the original grant agreement;

WHEREAS, there will be an increase to the contract quantities which, in turn, results in a final adjusted contract price of \$314,916.00 (this amount includes Change Order No. 1),

WHEREAS, the Chief Financial Officer has certified the availability of funds for this change order; and

WHEREAS, The Borough Engineer has notified the Borough Council and the appropriate municipal officials that this project has now been satisfactorily completed via memorandum, dated February 26, 2013; and

WHEREAS, the Borough Engineer and Borough Attorney has reviewed Maintenance Bond No. 015038880 issued by Liberty Mutual with respect to this project and found same to be satisfactory as to form, substance and execution;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Frenchtown Borough

as follows:

1. It approves the Final Change Order to Kalogridis Contracting, LLC in the amount of \$3,186.00 increasing the total amount of the contract to \$314,916.00.
2. It hereby acknowledges that this project has been satisfactorily completed, and accepts and approves same.
3. It authorizes the appropriate municipal officials to pay the balance due on the contract in the amount of \$40,180.20.
4. It hereby accepts Maintenance Bond No. 015038880 issued by Liberty Mutual, in the amount of \$47,237.40.
5. It hereby releases the Performance Bond issued with respect to this project.

ADOPTED: March 6, 2013

I, Brenda S. Shepherd, Municipal Clerk of Frenchtown Borough, do hereby certify this to be a true copy of a resolution adopted by the Borough Mayor and Council at a meeting held on March 6, 2013.

SEAL

Brenda S Shepherd, Borough Clerk
Frenchtown Borough

NEW BUSINESS

Approval of Raffle Application for Courthouse Quilters monthly raffle

On motion by Seth A. Grossman, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the raffle application 2013-03 for the Courthouse Quilters monthly raffle.

Approval of Social Affairs permit for the Frenchtown American Legion for March 17, 2013 from 5-10pm

On motion by Michele Liebttag, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Social Affairs permit for the Frenchtown American Legion for March 17, 2013 from 5-10pm.

Creek Road Repair

Brad Myhre reported that Creek Road had a wash out which is bad particularly by New Dame just above Frenchtown Park. We are working with FEMA to get federal reimbursement on that because we believe some of the damage was related to some of the trees that came down along the stream bank from Hurricane Sandy. It will be a costly repair to do it right. We are looking at \$100,000.00 worth of damage for that portion of the road. He met with William Burr, Mike Reino and a mitigation officer from FEMA and toured the site. The bank at certain points is literally adjacent to the road. There is nothing left. That repair will need to happen sooner rather than later. The hope is that we will get money to restore it to pre Sandy conditions. FEMA will give us money above and beyond to do the proper repair so that we are not just dumping in fill and then it washes out. There is severe damage, more than we expected. We submitted a cost estimate that will be going out to FEMA tomorrow. The new cost estimate breaks down the pre Sandy estimates plus the cost estimate for mitigation above and beyond. He believes by next week we can sign off on the agreement and that will go to FEMA for approval. He does not know when we will get the money back. It may be six months to a year so we might have to plan some other strategy to fund it in the short term until we get money.

Hunterdon County 300th Anniversary

Mayor Cooper noted that on April 3rd, the Council's first meeting in April, Cindy Yard, County Administrator, will be here to give us a rundown on the what the plans are for the 300th Anniversary and to discuss Frenchtown's role in that endeavor. She has already reached out to him regarding the placement of banners across Bridge Street and organizing village walks across the County.

Sandy Hook Ride – March 10th

Mayor Cooper noted that he got an email on February 28th asking if Frenchtown would be willing to be a host stop on the way for this group of cyclist coming from Newtown, CT on their way to Washington DC to promote legislation to address gun safety. Frankly, he thought it was a good idea. He sent an email to Kate Nugent, President of the Frenchtown School Board, Dave Bailey, Principle, and the Chief of Police where they had asked to have their stop. He did not hear back from Kate Nugent quickly but both the Principle and the Police Chief though it was a good idea. He sent everyone on Council the email sequence. In the interest of time since they were asking for it for this Sunday, he gave his approval for this to happen. Since that occurred, you heard Robert Haver refer to his concerns. Those concerns were that by holding this stop in front of the school, we were inadvertently possibly making a target of the school for people opposed to these cyclists. He was concerned that some gun advocates might end up targeting the school. No one would want that. Brad Myhre stated that he thinks that Robert Haver was worried that the attention would attract anyone not just advocates, something that neither of us had considered. He quickly got in touch with someone in CT. to change the location. They were willing to change the location when he spoke to them at 10:00 o'clock last night. This gives us the opportunity to discuss tonight alternative locations for this event. Robb Arent asked if we discuss alternative locations or if we actually do this or not? Mayor Cooper stated that you can turn the discussion into whether or not we do this. Robb Arent asked who these people are and what is there political position? Brad Myhre stated that there was a press release in the Hunterdon Democrat. There were 4 points. Mayor Cooper stated that they are interested in getting legislation to enhance the mental health laws, to make mandatory criminal background checks, prohibit the sale of military style assault rifles and to upgrade certain

crimes to a federal level. Mayor Cooper stated that his impetus for agreeing to this was multi-level. First of all, in his opinion, any discussion about gun safety is a good discussion. He does not think it is appropriate to eliminate the opportunity for anyone to bring an idea that might help protect us citizens, and keep our children and adults safe. We do not have to vet a request like this to determine that we agree 100% with the group's intention to promote a discussion about gun safety and to promote a discussion that might further push the federal government to take these things seriously. Secondly, despite the fact that New Jersey has the toughest gun laws in the Country, and as much as we are the Borough of Frenchtown, we are the County of Hunterdon, the State of New Jersey and the United States of America. We have an allegiance and responsibility to all those entities when we take an Oath of Office for example. He thinks it is not inappropriate to discuss things that have more than a local interest.

Mayor Cooper added that Congressman Lance has spoken about introducing legislation that would fund mental health efforts to the tune of \$200,000,000.00. It is Congressman Lance's opinion that it would go a distance to help address the gun safety concerns. He is glad to here it will be a conversation that our elected officials take up. As a reporter, he has been covering this issue as a reporter for the Hunterdon County Democrat and the Messenger Gazette and nj.com. He has had many discussions with Prosecutor Kearns and many school officials through out the County. This is not a discussion about taking anyone's gun rights away. This is a discussion about enhancing the safety of our communities. Anyway we can do that would be an appropriate topic of conversation. Lastly, with regard to this particular group, Mayor Cooper stated that he is not getting on a bicycle and riding 400 miles for anything. He respects these people for what they are doing. The fact that they have decided to do this out of respect, concern and in the memory of the victims of the Sandy Hook shooting, he respects that. He thinks that as a community of souls, we need to respect that and that is another reason why he thought it was a good idea that they stop here, to show that respect. Mayor Cooper added that the last reason for doing this is because recently he covered the police unity tour which attracted hundreds of uniformed officers riding from somewhere in New York State to Washington DC to honor other law enforcement officers who had fallen in the line of duty due to guns. Everyone thought it was a great idea. No one asked them if there intention was to strip guns out of the holsters of citizens who have the right to bear them. He feels the same way about this group. They have the right to do this. He thinks we should honor and respect them for doing it. Those are the reasons that he agreed to it.

Robb Arent stated that he is absolutely appalled that you as Mayor would take it upon yourself without consulting Council to just endorse this on behalf of the Borough. This is not a gun safety discussion. Gun safety discussion is NRA's Eddy the Eagle Program, teaching children gun safety. It is hunter safety programs. When you start talking about restricting guns, that is control. Mayor Cooper stated that there are 4 items on there agenda. He asked Robb if he was willing to dismiss 3 because he does not agree with 1. Robb Arent responded in the affirmative. Seth A. Grossman stated that a bunch of mayors have signed this not speaking on behalf of the Borough. We all have equal voices as does the Mayor and any other citizen. Being a mayor does not make you a more important citizen. An eighteen year old has the right to vote. Seth A. Grossman stated that the accusation is not accurate. The Mayors have rights, the Mayors have Mayor Councils and Coalitions and Associations and they are going to make certain statements. Responding to Seth A. Grossman, Mayor Cooper stated that this group will ride through town, stop somewhere and he assumes that

there will be people who come out to support or argue against it. Robb Arent stated that they are welcome to come, they are welcome to stop but that does not mean that we as a Borough Council have to endorse it. The way he read the email, it is an endorsement by Frenchtown to have these people stop. Just because someone gets on a bicycle and rides does not mean we have to honor it. If it was a Klan ride through Frenchtown, we would not support them whether they are on a bicycle or not. Brad Myhre stated that he does not personally agree with all the objectives of this group. He does respect their right to the first amendment just like he would for any other group because he believes in the constitution like all of us do. He does not necessarily say that he is in support of their objectives but he thinks they have the right to say what they want to say. If they want to stop in Frenchtown, that is fine if they do not want to stop, that is fine too. We are not endorsing this as a governing body but if they want to stop and utilize one of our public places, he personally does not have an objection to it. Robb Arent stated by accepting the invitation, we are endorsing it. Instead of saying, you have the right to stop. We are not going to stop you. It is different than saying that is great, come on. Michele Liebttag stated that she is looking for clarification. We had the fellow from the Milford Historical Society come here to request the re-enactors using Borough property for the reenactment encampment. We asked for all of these items to be produce including insurance. Does this group have all those same items produced? Mayor Cooper responded that they produced them when they were asked by the school. They initially wanted to use the facilities of school. They provided all items needed by the school. They decided that they did not need to use the school facilities. After the conversation with Robert Haver last night, it gave me the opportunity to bring the discussion up about where this body would allow them to meet, if it wants to take a position on where. He wanted to give this body an opportunity to do that. Michele Liebttag stated that she agrees with Robb Arent in that if it is something coming into Frenchtown, we should know about it in advance. If we are officially sponsoring, then we move it through like we have done all the other events. If we are not officially sponsoring it, we need to make sure that they provide all the items required. Now that we have a location to use and discussing it as a Council, we need to make sure those items are there if they want to use Frenchtown Field or Frenchtown Park. She agrees there is a 1st amendment right to freedom of speech and we should not restrict people coming through but they should go through a process of providing the necessary items required. We turned the other group down because they did not provide certain items. There should be an equal standard that applies to everyone and it should be brought to Council for approval. Robb Arent added that it is like the Pilgrimage walk that comes through once a year. Mayor Cooper stated that part of the problem was that we did not get the request until last Friday and they want to be here this Sunday. Seth A. Grossman stated that he supports Michele Liebttag's comments. We may be pressured for time. The American Legion came at the last minute. They may have been stalled for some reason and we do not know that. There has to be an executive decision made. We need to be fair about things. He understands Robb Arent's concerns if he thought something was not fair. We should be as close to our protocols as possible. On the other hand, there will be some instances that the Mayor as the executive officer might have to make an executive decision and we should respect that to a certain degree. Robb Arent responded that it should not be a political issue. In looking at the email, it states that it is a great opportunity for Frenchtown. Perhaps the Borough can co-sponsor the event and they are all signed by W. Mayor Cooper stated that he did not get a response back from anyone. Robb Arent commented that we were asked not to respond to emails but when you start talking about the constitution, the first amendment, second amendment, and the right to abortion, etc., they are hot political issues and it is something as a Council that we should not be endorsing on one side on

behalf of the Borough when there is obviously a division. As a mayor you can sign the mayoral thing and we can disagree with it but as a mayor, you are allowed to take that position as mayor but he does not think that committing the Borough to something on guns is appropriate. It is a political issue. Mayor Cooper noted that he believes he copied everyone on Council as soon as there was something solid to say anything about. The school approved it and he went further to make sure the Police Chief was on board. The fact that the location changed last night makes it something it was not before and that is why he brought it to Council today. Brad Myhre stated that he spoke to the Police Chief about logistics and because of the change of venue, the Police Chief said that they are planning on coming here, he wants to work to make it a peaceful and calm event for everyone. His recommendation is that logistically the best spot is to direct them toward Old Frenchtown Field. They ran it by Robert Haver and he was okay with it if it was in the field as long as they are using the field and not use the school in the back of a photo. Responding to Mayor Cooper, there is a push back for using the Borough Park because it still gives image of children and playground equipment. They prefer an open field with no backdrop that would be related to children. As to the park and ride, they would be taking up parking. It does not constitute Council endorsement. It is making this work for everyone. Responding to Robb Arent, Mayor Cooper thinks they were planning on coming through Frenchtown even if we did not accept their invitation. Robb Arent noted that we are incurring cost for extra police. Brad Myhre asked that for the sake of the parents, that the organizers do not take any photos using the school as a backdrop.

NJ Planners Association Tour

Mayor Cooper noted that last year, Frenchtown was honored by the New Jersey Chapter of American Planner Association with Frenchtown being designated as one of New Jersey's greatest places. At that time, he mentioned that they wanted to hold a tour of Frenchtown. That date has been set for April 20th at 10:00 a.m. He will be meeting with Betsy McKenzie and Randi Eckel on the 15th of March to help set a route. They want to see what made Frenchtown worthy of the designation. He has reached out to former Mayor Ronald Sworen and asked him to join us. He said he would. Seth A. Grossman stated that we have done great planning in the last year. The revitalization, green team and other committees have done some good planning. We should give the Association a dossier of all that. He added that Dominikija Prostack is the one who put an application together and took leadership of that and it was successful. It is important to point out.

OLD BUSINESS

Dog Park

Seth A. Grossman noted that he received an email from Micheal Flood and there is confusion about what is going on. The River Dogs group that is sponsoring the dog park is confused about what is going on with the dog park. He mentioned to him that the infrastructure committee is looking at the possible space where there is an open location at the sewer plant. He did not know that. He suggested that he talk to Councilwoman Leach, parks commissioner, about that. We need to make some effort to be clear about this otherwise we will have confused and upset people. They put so much into the process. Mayor Cooper stated that it is his understanding that Cathy Leach was going to give a report. She has missed the last two meetings.

Kingwood Avenue Sewer Pipe project

Mayor Cooper noted that we discussed this earlier in the meeting.

River Mills

Mayor Cooper noted that this item will be discussed in executive session.

Board of Health

Mayor Cooper stated that he is hoping to have the Director of the division of Health from the County here on the 20th to talk about that process and the relationship with the County.

Identified last seat on the environmental commission.

Mayor Cooper noted that we have identified the last full seat on the Environmental Commission, Cree Lafavour. She will be coming in to get sworn in.

COUNCIL COMMENTS/COMMITTEE REPORTS

Michele Liebttag wanted to let everyone know that she reached out to Rivernet Computers to ask them to update the 2013 recycling calendar because it had not been changed and to highlight the two County clean up days. The hazard waste clean up day which is this Saturday at the Route 12 complex, and there is a computer and electronics collection day on Saturday, April 13th. They have been added to the website.

Seth A. Grossman stated that he will sum up for the infrastructure committee. There was a report sent to Council from Mike Reino. In reference to the Downtown Revitalization committee, he added that he appreciates those who came out tonight to support the revitalization committee. Michael Padovan and Jonathon Perlstein are the co-chairs of that committee. Those meetings are scheduled for the second and fourth Thursdays at 3:30 pm at Borough Hall. William Burr also attends those meetings at no charge. If indeed he is hired to do this work that we have been talking about, he would have to attend the meetings.

Seth A. Grossman stated that there is a meeting sponsored by the Frenchtown Business and Professional Association on the March 28th at 6:00 pm. It is a planning and marketing coordination meeting. We asked Diane Dalrymple to invite the green team, safe streets and road committee, the Lions club, etc. He will help to facilitate it.

Seth A. Grossman stated that Mike Reino brought up an idea of things that often happen with municipalities. He wants to do a swap with Lebanon Borough for us to get salt from Lebanon and for us to do work for them in return. Brad Myhre stated that we received an email on it. There was no consensus at this point because there were more questions on it. Brad Myhre added that we thought the attorney should review it.

As to Buildings and Grounds, Seth A. Grossman commented that we are looking at renovating this room particularly looking at the curtains. There might be a chance to take care of it at a fairly reasonable price. Mayor Cooper asked Seth A. Grossman to send an email with the information to the administrative committee.

As to Public Works, Seth A. Grossman stated that they do not have a computer system. He asked Mike Reino to look into it. Mayor Cooper asked Seth A. Grossman to remind Mike Reino that we are meeting here on Friday with other department heads at 2:30 pm to talk about computers. We are

having a consultant from the League of Municipalities to discuss it at no charge.

Seth A. Grossman stated that Cathy Leach is putting together a park clean up.

Brad Myhre stated that there is a written report from Police Chief in the Council packet.

CORRESPONDENCE

Brad Myhre noted that there is a correspondence from Jan Fish in reference to the Vial of Life. Mayor Cooper stated that the email was sent to him and he thought it was important to copy it to Council.

EXECUTIVE SESSION – Property Acquisition-Frenchtown Bridge Street LLC, Block 14 Lot 52 and Litigation – Harold Johnson

Mayor Cooper noted that the Council will need to go into executive session to discuss property acquisition, Frenchtown Bridge Street LLC, Block 14 Lot 52 and for Litigation – Harold Johnson. 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 9:25 pm to discuss property acquisition, Frenchtown Bridge Street LLC, Block 14 Lot 52 and for Litigation – Harold Johnson. And Resolution #2013-31 as follows:

RESOLUTION #2013-31

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. Property acquisition – Frenchtown Bridge Street LLC. – Block 14 Lot 52
 - b. Litigation – Harold Johnson
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: March 6, 2013

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

The Council came out of Executive Session at 10:37 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by Michele Liebttag, and second by Brad Myhre to adjourn the meeting at 10:37 pm pm. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk