

CALL TO ORDER

Mayor Warren Cooper called the meeting to order at 7:30 p.m. and stated that in compliance with the “Open Public Meetings Act” this Meeting was duly advertised and published in the Hunterdon County Democrat on January 12, 2012 and the Express Times on January 12, 2012; the Agenda has been posted at Borough Hall and distributed to the Courier News, the Express Times, the Hunterdon County Democrat, and the Star Ledger on April 4, 2012.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Robb Arent
Seth A. Grossman
Cathy Leach
Brad Myhre
Gerry St. Onge (arrived at 8:05 pm)

Absent from Meeting:

William Sullivan

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 7 members of the public were also present.

PUBLIC COMMENTS

Myrna Smith of Fourth Street thanked Brad Myhre for checking about skateboarding and calling her about it. Skateboarding is allowed in Frenchtown. It was nice to get a response and to have a responsive government.

Margaret Waldock of Second Street thanked the Mayor and other Frenchtown residents who showed up at the Freeholder meeting last night and voiced their support for open space tax which we all pay into. Most people realize that funding is critical to preserve Frenchtown greenbelt properties. It is also vital for Kingwood Township which surrounds the Borough’s greenbelt. We benefit from that tax. She thanked everyone.

Brett Cavanaugh stated that he is having an opening celebration and asked if there are any permits required. He added that it may spill out onto the sidewalk. The Council responded that no permit is required and welcomed him to town.

Skye Van Saun of Eighth Street commented that she is proposing that we have a public comment portion later in the meeting. It is hard to hear discussion and not be able to give input. Is that a possibility? Mayor Cooper responded that different towns do it different ways. Some do one public comment sessions on agenda items and then at end of the meeting for general topics. We have been feeling our way so far. We have been trying to keep meetings at a responsible time. Skye Van Saun added that having two meetings a month affords us more opportunity and she appreciates that. Mayor Cooper stated that very often, in his experience, the governing body does not respond during the public input. Seth A. Grossman added that he does a lot of work with government and

he feels it is wonderful that Frenchtown respects its citizens by having a public comment session up front. Otherwise, you would be there waiting to speak until the end, which to him is rude. He added that we are also willing to allow someone to speak outside of the public comment session. Council has not stopped anyone. We allow a lot of public comment and we are flexible. Most important is listening to what people have to say. Mayor Cooper stated that the Governing body should reflect the character of the community and by having this type of communication, we do that.

Skye Van Saun also commented that she saw the speed limit of Trenton Avenue on the agenda. When they repaved Harrison Street, they changed the speed limit on Harrison Street to 25 mph all the way. Responding to Skye Van Saun about state, county and municipal roads, Mayor Cooper responded that some roads we have control over. Robb Arent stated that we have very little control. There is a range mandated under state ordinance to keep people from setting speed traps. Brad Myhre stated that the County Freeholders had to approve the adjustment on Harrison Street. This ordinance for Trenton Avenue is not actually a change. It is missing from our ordinance book. Skye Van Saun asked if the Borough Council change the speed limit on Milford Road to 25 mph so that people think it is a real speed limit. That is what the police enforce anyway. She knows that there is a committee and she was asked to be on that committee and appreciates that but we will not be meeting until June. She added that there was a speed test done a few years ago that showed that a 25 mph speed limit was good for that test and then, she does not know what happened after that. Robb Arent stated that this issue has come up before and technically the speed limit should be 30 or 35 mph. We received special permission from the state to lower the speed limit on Milford Road when we were reconstructing it. There is one small portion of Milford Road that did not get completed. So we are still operating under the construction speed limit. Creek Road is 50 mph because of the distances between houses, etc. Mayor Cooper stated that we will have to delay a conversation on speed limits. He added that the ordinance is housekeeping.

Having no other public comments, Mayor Cooper closed the public comment session.

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.

On motion by Brad Myhre, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the minutes of the April 4, 2012 regular Council meeting and resolution #2012-52 as follows:

RESOLUTION NO. 2012 – 52

REFUND OF DUPLICATE PAYMENT

WHEREAS, both the homeowner and the mortgage company paid the real estate taxes for the first quarter of 2012, and

WHEREAS, the homeowner has requested a refund of the payment made by the title company at the time of refinancing, and

WHEREAS, the Tax Collector has received a request from the title company to return the overpayment directly to the homeowner.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a refund to Michael and Julie Hanley, 68 Trenton Avenue, Frenchtown, New Jersey, 08825, in the amount of \$ 1452.63.

Warren E. Cooper, Mayor

Attest:

April 18, 2012

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTIONS

Resolution #2012-49 - Budget Introduction

Mayor Cooper noted that the Administrative committee did not meet until Sunday and we did not get the budget back until this afternoon. There were very few changes. One thing we discussed was the court line item. We had over budgeted it. We used some of that money to fund a few line items per recommendations received. The remaining \$10,000.00 went into the capital account. We did not fund it prior. Brad Myhre stated that we did increase the line item for the natural gas allocation. Responding to Robb Arent as to item (e) of old business, Mayor Cooper stated that we will have to have a discussion in executive session. We are postponing the salary and wage ordinance introduction. The salary and wage line item does not mean it is provided. He would like to discuss the introduction of the budget. A motion was made by Brad Myhre and seconded by Seth A. Grossman, to introduce the 2012 Municipal budget, as resolution #2012-49. Mayor Cooper asked for any discussion. Robb Arent asked about the celebration of public events line item which was increased. Brad Myhre stated that part of it is for the National Night Out and part is for matching funds for the Lions Club to do fireworks. We do not know if we will do it. It all depends if finances can be raised. Mayor Cooper stated that it is a protective measure. If a group comes up with money and we want to match, it will be in the budget. Brad Myhre added that we did not have a match last year and could not do it. Having no other discussion, Mayor Cooper called a vote on the motion. The Mayor and Common Council approved by unanimous favorable roll call vote the 2012 Municipal Budget and resolution #2012-49 as follows:

**RESOLUTION 2012-49
MUNICIPAL BUDGET NOTICE
MUNICIPAL BUDGET OF THE
BOROUGH OF FRENCHTOWN,
COUNTY OF HUNTERDON
FOR THE FISCAL YEAR 2012**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2012;

BE IT FURTHER RESOLVED, that said Budget be published in the Hunterdon County Democrat in the issue of April 26, 2012;

The Governing Body of the Borough of Frenchtown does hereby approve the following as the Budget for the year 2012.

RECORDED VOTE:

AYES:	(Robb Arent (Seth Grossman (Cathy Leach (Brad Myhre (NAYS (
ABSTAIN ((ABSENT (William Sullivan (Gerry St. Onge

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, on the 18th of April, 2012.

A hearing of the Budget and Tax Resolution will be held at The Borough Hall on the 16th of May, 2012 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

**EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET
Year 2012**

General Appropriations for:

- 1. Appropriations within "CAPS"**
 - (a) *Municipal Purposes (Item H-1, Sheet 19)(N.J.S.A 40A:4-45.2)* 1,252,435.67
- 2. Appropriations excluded from "CAPS"**
 - (a) *Municipal Purposes (Item H-2, Sheet 28) (N.J.S.A. 40A:4-45.3 as amended)* 195,661.74
 - (b) *Local District School Purposes in Municipal Budget (Item K, Sheet 29)*
 - Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)* 195,661.74
- 3. Reserve for Uncollected Taxes (Item M, Sheet 29) - Based on Estimated 94.72 Percent of Tax Collections** 225,300.00

4. Total General Appropriations	(Item 9, Sheet 29) Building Aid Allowance 2011 for Schools- State Aid 2011	1,673,397.41
5. Less: Anticipated Revenues Other Than Current Property Tax (item 5, Sheet 11)	(i.e. surplus, miscellaneous revenues and receipts from delinquent taxes)	693,060.08
6. Difference: Amount To Be Raised by Taxes for Support of Municipal Budget (as follows)		
(a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)		980,337.33
(b) Addition to Local District School Tax (Item 6(b) Sheet 11)		

BUDGET MESSAGE

“CAPS CALCULATION”

N.J.S.40A:4-45.1 et. seq. “The Local Government Cap Law” places limits on municipal expenditures. Commonly referred to as the “CAPS”, it is actually calculated by a method established by the law.

In general the actual calculation works as follows. Starting with the figure in the 2011 budget for Total General Appropriations certain 2011 budget figures are subtracted; including the reserve for uncollected taxes, debt service, State and Federal aid, etc. Take the resulting figure and multiply it by 2.5% and this gives you the basic “CAP” or the amount of appropriations increase allowed over the 2011 Total General Appropriations. The Total General Appropriations may also be increased by 3.5%, if prior, to the introduction of the 2012 budget an index rate ordinance is approved by the governing body.

In addition to the increase allowed above, any increase funded by increase valuations from new construction or improvements is also allowed.

Also, the “CAPS” may be exceeded if approved by referendum. The actual “CAPS” for this municipality will be reviewed and approved by the Division of Local Government Services in the State Department of Community Affairs, but the calculations upon which this budget was prepared are as follows:

Total General Appropriations for 2011	\$1,665,567.00
Add: Cap Base Adjustment	
Adjusted Total General Appropriations for 2011	\$1,665,567.00
Less Exceptions:	
Total Other Operations	\$15,630.00
Total Public & Private Programs	\$38,623.00
Total Capital Improvements	\$60,000.00
Total Municipal Debt Service	\$144,540.00
Total Deferred Charges	\
Reserve for Uncollected Taxes	\$233,463.00

Total Exceptions	\$492,256.00
Amount on which percentage is applied	\$1,173,311.00
2.5% "CAP"	\$29,332.78
Allowable Operating Appropriations before Additional Exceptions per (N.J.S.A. 40a:4-45-3)	\$1,202,643.78
Add:	
Increase in Ratables from New Construction & Improvements Cap Bank	\$65,805.78
Maximum Allowable Appropriations After Modification	\$1,268,449.56

It is hereby certified that this is a true copy of the budget resolution introduced by the governing body on April 18, 2012.

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, Borough Clerk

Resolution #2012-53 – Resolution approving and seeking COAH/DCA approval of the Spending Plan

Attorney Cruz noted that this resolution is an amendment to the affordable housing spending plan. It proposes to utilize funds you have in your spending plan such as connection fees for affordable housing units. It was prepared by the Borough planner and he thought it was okay until earlier this afternoon when he realized that under the developer's agreement with River Mills at Frenchtown the developer is paying the sewer connection fees. He wanted to discuss this with the Borough Planner to make sure what is proposed in that spending plan is consistent with that developer's agreement. He recommended pulling the resolution from tonight's agenda until he discusses it with the Borough Planner. The Borough has the potential to lose those funds by the middle of June. He does not see any harm to wait until the next meeting to make sure that it is consistent with other agreements the Borough has in place. He noted that there are two things, the spending plan and an agreement. The funds have to be committed and the commitment would be with the developers of two separate properties. He noted that both developments are mentioned on page 2, third paragraph from the bottom of the spending plan. We want to be careful that it is not covered by the developer's agreement. Council agreed to table the resolution. Robb Arent noted that he has some recommendations.

Resolution #2012-55 - Resolution – Hunterdon County Open Space Taxes

Mayor Cooper noted that this is what Margaret Waldock was partly referring to. There was a special meeting of the Freeholder last night, a special hearing to discuss whether they would reduce the open space tax from 3 cents to 2 cents per \$100.00 of assessed value and how that money can be spent. They proposed to spend it to help pay back old debt that accrued based on older open space purchases and also for salaries for those engaged in acquiring open space for the County. A number of municipalities have passed a number of resolutions in support of leaving it the way it is and last night, the Freeholders made a decision to leave it at 3 cents but they will start using that money to pay off old debt and salaries, etc. The resolution is now a mute point.

Resolution #2012-56 Assistant Prosecutor.

Mayor Cooper stated that we are asking the Council to pass this resolution so that we have something in place in case our Prosecutor is unavailable. In this case, Mr. Weinstein is an assistant prosecutor in the County. On motion by Brad Myhre and seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2012-56 as follows:

R E S O L U T I O N #2012-56
PROFESSIONAL CONTRACTS

WHEREAS there exists a need for an Assistant Prosecutor; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, the Mayor and Common Council has determined that the contracts will not exceed the amount of \$17,500.00; and

WHEREAS sufficient funds are available in the 2012 Temporary Budget and will be made available in the 2012 Municipal Budget for the Borough of Frenchtown for such services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the following persons and/or firms for the year 2012:
 - a. Jeffrey Weinstein
2. This contract is being awarded as described above without competitive bidding as "Professional Services" as defined under the appropriate section of the Local Public Contracts Law because each of the above mentioned individuals is a member in good standing of his respective profession.
3. Notice of this action shall be printed in the April 26, 2012 issue of The Hunterdon County

Democrat.

Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Gerry St. Onge arrived at 8:05 pm

OLD BUSINESS

Kingwood Avenue sewer pipe

Brad Myhre reported that FEMA has completed all the documentation for our request to replace the existing tower for the sewer pipe. Under the next layer of approval, the money will be disbursed and we will be able to move forward. All of our FEMA reimbursement requests have been submitted. We did get an estimate for the creek bridge. He thanked Robb Arent for his help on that. Mayor Cooper noted that FEMA will reimburse us for 75% of the cost. The administrative committee put \$10,000 in to help. Robb Arent noted that we can get credit for our volunteer hours toward our 25%. Brad Myhre stated that we may do a pay through for the fire department. He added that normally the 25% is reimbursed through the State of New Jersey. New Jersey is not covering it this time. Mayor Cooper stated that we discussed putting the FEMA money in the budget. The recommendation from the Division of Local Government Services is that you would have to have a check in hand by adoption of the budget for them to approve it.

Borough Tax Liens/certain fees

Robb Arent stated that he was hoping to get a list from the Tax Assessor. Mayor Cooper noted that he asked Diane Laudenbach to give us more information. There were half a dozen properties on that list. The Race Street property with the environmental clean up by DEP is one, there are two or three that are state owed which he does not know why they are on the list and there is one additional property. Robb Arent stated that he wants to confirm that they are still on the list before we discuss it.

Alternate Fire Official

Gerry St. Onge reported that Jerry Hoffman had a conversation with our local zoning officer who is also a fire official.

Fire Prevention Official Salary

Mayor Cooper noted that we are going to refer that discussion to executive session.

Hole on Eighth Street property

Mayor Cooper asked Attorney Cruz if there is any reason to have this on our list of old business. We sent the property owner a request for status and have not received a response. Attorney Cruz stated that if it is a violation of the property maintenance code, there could be a consideration to issue a summons if it fits within the parameters of the code.

Frenchtownboro.com and borough email

Mayor Cooper stated that frenchtownboro.com is up and running. There are quite a few pages populated. Everyone on Council has been assigned an email address. He encouraged Council to use those email addresses so that your personal emails are not compromised should anyone submit an OPRA request to see them. It has come up in a number of conversations in email as to what can and can not be discussed and how it can be discussed. Generally, discussions which would evolve into something that might be discussed in public are discouraged. One way communication for example from the Mayor in reference to his memo on the agenda to Council and Brenda Shepherd is okay because he is not requesting a response. However, the rulings that he has seen discourages discussion back and forth that might be construed as approaching a decision. Attorney Cruz noted that the NJ Open Public Meetings Act is based on Florida Law. This particular law is the concept of sequential meetings. When you have a group of people participating in an email, it is a sequential meeting. When someone sends out an email and you have four people almost simultaneously responding, that is the potential for a quorum on an email. That is what the Gloucester County Prosecutor's were overseeing, the Open Public Meetings Act. The Prosecutor got involved in Gloucester County because there had been a discussion by email in one municipality regarding an ordinance. Eventually what the prosecutor said to this group of officials in one municipality in Gloucester County was that this was not permitted and that the Prosecutor would not fine them but was putting them on notice that in the future, this would be a violation. That decision was done in writing by the Prosecutor and it was disseminated throughout the state so that not only is this one particular municipality on notice but everyone effectively is on notice. You have to be extremely careful of having a meeting by email. Once four of you start chatting, it is a meeting. And, the public does not have an opportunity to participate in that or see what is occurring. It had been and it will continue to be his advice to the Mayor that in order to prepare for the meeting, you should know what will be discussed. It does not necessarily merit or need a response. The Mayor expands on the agenda and what items will be discussed. This is an area that we should be cognizant of. Robb Arent commented that when this expansion includes opinions and no one is given a chance to respond, he finds it inappropriate. As long as anyone sends me an email with their opinion about what will be discussed at a meeting, and he feels strongly enough, he plans on responding. Either everyone cuts it out or we keep going. Mayor Cooper responded that he does not believe that Robb Arent is entirely wrong about it and if his memo has been laden with opinion, he will restrain himself. Mayor Cooper added that the Gloucester County opinion was within the last year. Within the last few weeks, the Atlantic County Prosecutors came out with a different opinion. Some of these discussions are allowed. His recommendation to the Governing Body is that we still hold ourselves in line with what was disseminated throughout the state. Attorney Cruz commented that what this shows is that the law in this area is not clear. His advice is to not have a discussion through emails. It will raise at some point an issue that may not be in the best interest of the Borough. Brad Myhre noted that when he went to the League of Municipalities seminar, they recommended "just do not do it. Do not put anything out there that can be construed as a dialogue. Stay away from it altogether". Cathy Leach asked if it would be appropriate to ask for more information in an email for example the tax assessor reviewed the tax lien and she was not aware of it. Attorney Cruz stated that there is a difference in one person asking for information from another person such as the Clerk, CFO, etc. It is when you have a quorum of the group. It is when you hit "reply all". You then see one email and then three more pop up. That is a meeting. At a minimum, you should not be hitting "reply all". Limit it to exchange of information. Seth A. Grossman asked if when the Mayor sends out information, can you reply to three people? Attorney

Cruz stated that you have to be careful not to create a consensus because at the end of three emails to three people, you would have done it. At a minimum, reply should be in the singular. The Clerk does not make a decision. All emails should go to the Clerk and someone has to keep a record. One thing you may want to consider is some type of policy on how you use your emails. One of the things that is good with the website is that you have your own email account at the borough. Stop using personal emails and rely solely on the Borough one so all emails are in one place. Be judicious in the way you use emails. Once you get four governing body officials responding, you are having an exchange and shaping a decision. Whenever you have a meeting, you have to give public notice. This is done in two ways, an annual notice or a special meeting notice. Mayor Cooper recommended that we go back to the old way rather than using emails. It is a good idea to have an email policy. Attorney Cruz can provide us with a policy.

Robb Arent asked if the Borough resolved the Fred Lowe property issue. Mayor Cooper stated that the property is being affected by erosion caused by the flooding. We have now expanded our request and have asked the NJDEP to look at all the potential properties that were impacted. The DEP will be here tomorrow. Anyone who wants to joint us can meet at 10:00 am. We are addressing it.

ORDINANCES

Ordinance #711 – 2012 Salary & Wage Ordinance

Mayor Cooper noted that this item will be tabled to a future meeting. It requires an executive session to address some items.

Ordinance #712 – Amendment to the Fire Prevention Ordinance

Mayor Cooper stated that he spoke to Tina Zapicchi from the Division of Local Government Services and asked how we set up a special fund for fire prevention office. She responded that you can not because the fees have to go into the general fund. Any penalties that are assessed can be put into a designated fund. Attorney Cruz noted that Tina reviews the municipal budgets. Mayor Cooper noted that he asked further if we should set up the dedicate fund for penalties. She recommended waiting until we assess a penalty. There is no reason to act on that ordinance. We can agree to use the money collected as fees to fund that office. Responding to Robb Arent, Mayor Cooper noted that he only asked about the fire codes. Brad Myhre and Seth A. Grossman agreed with it. Mayor Cooper noted that we will prepare a resolution to that effect.

Ordinance #713 – Ordinance amending the Speed Limit on Trenton Avenue

Brad Myhre noted that the speed limit is posted the entire length of Trenton Avenue on both sides. This ordinance formalizes it in our ordinance book. This is a housekeeping matter to put it on the books. We are not changing anything. Robb Arent noted that he spoke to Chief Kurylka and it is the intention to extend it to 25 mph to the borough limit which includes State Route 29. Brad Myhre commented that it formalizes the 25 mile an hour section already posted. Gerry St. Onge commented that if there is a challenge, this would help beat a ticket. Brad Myhre noted that he would like to see if the NJDOT would bring the speed limit down gradually before you get to town. He will talk to the Chief further about it. He added that he reached out to the NJDOT and there feeling was that we are only addressing our local road inside the Borough. On motion by Brad Myhre, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the

Mayor and Common Council adopted Ordinance #713 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #713

**AN ORDINANCE TO AMEND CHAPTER 7 OF THE FRENCHTOWN CODE
ESTABLISHING A SPEED LIMIT OF 25 MILES PER HOUR ON TRENTON AVENUE
IN THE BOROUGH OF FRENCHTOWN**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown, in the County of Hunterdon, as follows:

Chapter 7 of the Code of the Borough of Frenchtown is hereby amended to add the following:

Section 7-29 Speed limits

That the speed limits for both directions of traffic along the following named street be established as follows:

<u>Name of Street</u>	<u>Location</u>	<u>Speed Limit</u>
Trenton Avenue	Between Bridge Street and Route 29 (entire length)	25 MPH

BE IT FURTHER ORDAINED THAT:

Regulatory and Warning signs shall be erected and maintained to effect the above designated speed limit as authorized by the New Jersey Department of Transportation.

This ordinance shall take effect upon approval by the Commissioner of Transportation, final passage and publication in accordance with law.

Warren E. Cooper, Mayor

Brenda S. Shepherd, RMC
Borough Clerk

COUNCIL COMMENTS/COMMITTEE REPORTS

Mayor Cooper reported that the past three months have been very active for the Governing Body. He wants to express his appreciation for everyone's patience and hard work. He thanked the

finance committee for their work on the budget. He added that one of the consequences of working so hard and committing to keep the meetings short is that often we were not able to get to Committee reports. He would like going forward to see if you could prepare a brief committee report so that they can be distributed in the packet. Cathy Leach has done that for tonight. Of particular interest are items that the committees have been unable to address or those items that need to be sent to another committee. Also, it would be helpful to know if anything a committee is working on will require an executive session so we can plan it ahead of time.

Mayor Cooper noted that he has been approached on a number of occasions by residents and Borough businesses who would like to hold committee events in Borough Hall. Council has given permission for events in the past and there is not an ordinance governing those uses. Attorney Cruz informed that Council that once you allow Borough Hall to be used for public events there are things you have to consider. How will you determine which events are allowed and which are not? Eventually, you will stumble over the first amendment. You have a limited facility. If that is the pleasure of the Council whether it be by resolution or ordinance, there has to be a clear policy on how the Borough building will be utilized. Once you open it, you are opening it to the community to do things you like or may not like. Brad Myhre noted that we do not have a lot of requests. We have been responsive on a case by case basis. He is okay with a case by case approval. There are clean up issues, food, etc. It would require more oversight and someone would have to be responsible for it. Mayor Cooper made an observation that we do not have a public venue for public gatherings. It might be nice to have a place for the community groups that are not committees, etc. to gather. This portion of the building goes unused a lot. If there is some guidance from other municipalities we would like to see that. Not having a policy may open us up for problems. It may be helpful to have a policy in place. Seth A. Grossman stated that we should have general guidelines. Do we want people selling items, etc.? Cathy Leach stated that a dedicated community center would be nice. It could fall under the downtown revitalization committee. Perhaps one of the committees could look into a plan to find a space for a community center. Brad Myhre added that in the mean time we take requests on case by case basis. Cathy Leach commented that the concern is if you say "no" to someone. Gerry St. Onge responded that it makes sense to assign it to the committee to look at. Brad Myhre recommended giving it to the building and grounds committee. Seth A. Grossman suggested keeping it in the administrative committee. Mayor Cooper asked Attorney Cruz to provide some guidance.

Mayor Cooper stated that on the same topic, several Frenchtown artists have offered to serve curators for a permanent revolving gallery of art by our local artists that would be housed here. We would have to have some type of agreement or liability waiver in place. He would like to know Council's thoughts on this. This building is open a lot and we do not necessarily have control over everything that is in here all the time. He would like input from Attorney Cruz and our insurance carrier. Robb Arent asked where he is talking about. He added that we have three large painting that we are waiting for buildings and grounds to hang since we started painting which will fill up these three walls. Mayor Cooper stated that he did not know that there was a decision to hang those paintings. Robb Arent stated that those paintings were donated to the Borough when the bank remodeled. It was a decision of this body to hang them here. If we could figure out a way to coordinate the wall spaces in the offices where more people actually go would be better. In there, a better eye could be kept on it. Seth A. Grossman stated that it is a good idea. It says something about Frenchtown as much as anything else would. Robb Arent recommended looking at a

proposal or concept. How will they pick the artists, how long would it run, etc.? We want to make sure we are not just getting a few artists using it as a show case for their art. We have to be careful.

Seth A. Grossman commented that he has been looking at the curtains. Can we do something about the curtains particularly if we are going to put art in here? Brad Myhre stated that we were going to get curtains done but ran out of money. Robb Arent added that the hope was that some of our local seamstresses would volunteer to make them if we got the material. These are custom length windows and it would cost us somewhere between \$800 to \$1,000 per window to have them made. Cathy Leach recommended putting the request on Frenchtownboro.com. Mayor Cooper added that it would be nice if we could power wash the exterior of the building along with the area coming up the steps. Brad Myhre stated that there are major issues to be resolved with this building. Building and grounds and street and road should set up a schedule with the Public Works Manager to execute these projects and we should ask buildings and grounds to report back on a schedule and have public works give us a time table as to when things could be accomplished. Seth A. Grossman asked if there needs to be protocols set for the art displays. Robb Arent recommended that we asked the community group to take the first stab at setting up protocols like Michael Flood is doing with the dog park, the Lions Club on the Community garden, etc. It is always easier to edit than to draft. Mayor Cooper commented that it is his sense that trying to organize artist into a group may be difficult.

PARKS/RECREATION

Cathy Leach reported that the Frenchtown Park Clean Up Day is scheduled for Saturday, April 28th from 9 am to 3 pm. We have to be out by 3:00 pm because someone booked an event starting at 3:00 pm. We have support from the PTO and the Lions Club to provide food for the volunteers that day. She has gotten feedback from several organizations that are willing to come help clean up, the PTO, some Elementary school families, the Boy Scouts, the Lions Club and some local residents. Prior to the Clean Up Day, the Shade Tree Commission and Mike Reino will be working together to get the big trees trimmed that way the dangerous work is out of the way when the children are present.

Mayor Cooper noted that after the Clean Up, a 12th Street resident Rick Epstein recommended that we have a community softball game. Everyone is invited to come that day and play as long as they do not play too hard. Bring a glove and maybe a bat and ball. The game will continue until no one wants to play any more. Players can come and go, men, women and children who might not think of themselves as athletes. Fierce competition is discouraged. Anyone giving their 110% should dial it back to 85%. There will be no umpires and pitching will be nice and easy. This is a “do not hurt yourself” softball game. It is a pick up game and is not sponsored by the Borough Council. Cathy Leach asked if there is a place where someone from the community can post something? That is where they would post it.

STREETS AND ROADS

Mayor Cooper stated that the Bridge Street project is going well. They paved the entire project today. They milled in one day and paved in one day. He is impressed with their work. An opportunity has come up to make some changes in the downtown parking. We are required by ADA to provide one handicap stall for every 25 space. We have identified a few spaces that might work. One is the present spot the police park in. Officer Murphy recommended that we move the

police spot up deeper into the intersection where there will no longer be a crosswalk and designated the old space for handicap. The other one is a new space just south of the National Hotel where there is a curb cut. It used to be a driveway and it is not being used as a driveway. We may be able to mark it as a handicap spot. We have handicap parking in the park and ride area. Brad Myhre stated that technically we count the one here at Borough Hall and there are some at the Citgo lot. But in the main downtown, we do not have handicap parking. As part of this project, we are now required to institute handicap parking downtown. Robb Arent noted that we refer to the park and ride as way over there but the downtown is only three blocks long. Seth A. Grossman added that we are adding handicap spots bring more to the downtown. Do we still need the handicap spots in park and ride then? Can we open a regular spot up there at the park and ride. Mayor Cooper noted that we are picking up a regular spot in the Citgo parking lot. The police have had a spot there that they do not feel is necessary any longer. We will pick up two more parking spaces where there use to be three on Race Street, by the Spinnery. We will net 3 regular spots, 2 handicap spots and lose one. Robb Arent asked if the handicap spot would be better closer to the spinnery then just south of the National Hotel? Mayor Cooper noted that the size of the handicap stall will be larger and we would lose the second spot in front of the Spinnery. Robb Arent commented that when we lost those spaces in front of the Spinnery, the biggest issue we heard was about the distance customers of the Spinnery had to walk. Mayor Cooper stated that there will be some cost associated with this for putting lines down and the handicap signs. He added that he received a call from Engineer Clerico and we are on target at almost the exact of the cost of the project.

Mayor Cooper noted that it is 9:00 pm and he would like to continue further so that everyone can bring us up to date. Council consented.

Mayor Cooper commented that we have been invited to a fundraiser on April 24th for Big Brothers Big Sisters "Bowl for Kids Sake". And, he also notified everyone about the ground breaking ceremony for the USDA for the new sewer plant also on the 24th. He has already invited former Mayor Ronald Sworen to be part of that because he has worked so hard to make that project a reality.

PARKS/RECRATION - Continued

Cathy Leach noted that she has sent letter to Home Depot and Lowes asking them to support our clean up project by donating plants, garden material, gloves, play sand, etc. She added that the trees will be trimmed in advance. Mike Reino has arranged for prison laborers to clean up debris along the river between the park and ride lot and the river.

Cathy Leach reported that she sent a draft of the lease agreement between Frenchtown Borough and Riverdogs to Kevin Appelget from the DEP for his review and comments on the conformity of the DEP requirements for Green Acres. He told her he only works 2 or 3 days a week and it may be a little while until he gets back to us. He did stressed that the area could not be lock because it must be accessible to the public for anyone who want to use it. She has passed it on to Riverdogs for consideration in its plans.

Ms. Leach also noted that the Frenchtown sign that was located at the Secret Garden Montessori garden on Harrison Street in front of Old Frenchtown Field has been damaged and has been sitting at public works for a while. He did find a resident volunteer willing to do the carpentry work to

replace the post for the sign. The Secret Garden group will touch up the sign. The post was cracked. She is not sure how it happened. She will make an effort to get the lumber donated. Robb Arent asked her not to forget our local resident Jack Opdyke for sand and lumber.

ECONOMIC DEVELOPMENT/DOWNTOWN REVITALIZATION

Seth A. Grossman noted that the Downtown Revitalization committee met a week ago for its first meeting. We have rescheduled our meetings for Thursday at 3:30 pm every other Thursday. That will start next Thursday. We just began the process. Councilwoman Leach is on the committee and a number of different people from around the town. We had six members show up. We have about a ten person group. Peter D'Costa from the National Hotel wants to be on the committee. We are still open to have people who want to joint. It is a community based planning process and we will be looking to see what is important and valuable to us and what we might want to manage. We are looking at everything from how the downtown is functioning as a built environment, the street scraping, the parking, signage, etc. and how it looks to our business customers. We are spending a lot of time on those types of ideas, theories and applications. Mayor Cooper asked Seth A. Grossman to write a few paragraphs on what the intent of the committee is. Seth A. Grossman stated that it can be taken out of resolution.

POLICE REPORT

Brad Myhre reported that the Police Department just completed a fire arms training course as part of their mandatory training.

Mr. Myhre also reported that we have been doing heavy enforcement on speeding, cell phones, etc. The volume of ticket activity is way up and they are doing a great job addressing many residents' concerns of speeding in the Borough. We are trying to target every area that has been brought to our attention including Everittstown Road. Residents had noticed an increase in the problem. Good job to the department on that.

Brad Myhre also noted that the Police Department is working on putting together on National Night Out. The Chief is working with the Fire Department on the "file of life" program. This program will be launched soon. File of life has been launched nation wide. Residents are able to get a pouch or pill container generally kept inside the refrigerator. They fill out a slip and put it in the pouch or container and the first responders know if there is a sticker on the window they can check to find out what prescriptions people are on. It cuts down response time as you are trying to ascertain information when there is an emergency. We are trying to institute this program particularly because we have a large elderly population. Gerry St. Onge noted that a resident, Jan Fisher, came up with the idea. She also organized the Friends of the Fire Department and invited the police department to participate in the project. Chief has been active in it. It will promote safety, etc. It is great public relations. Brad Myhre stated that it is great for the two departments to collaberate.

SEWER REPORT

Robb Arent reported that the 550 day window of construction has begun ticking. We should have the new plant completed in less than 520 days from now.

Mr. Arent also reported that from the ad hoc sewer advisory committee, we are on target to meet our June deadline. Our mandate was to look at how our sewer fees are charged and determine if

there is a more equitable way of collecting those and what that method may be. We are looking at options. We have begun drafting our report and as soon as a public report is ready, we will have a public hearing so that people can give their input on it before the report is presented to Council. The Committee has been tremendous and the input has been great. Responding to Mayor Cooper, Robb Arent noted that what they are doing is looking at it from the projections of the operating costs, the pool of money we need to collect and then working backwards to see if there is a equitable way of collecting that because people think they are being overburdened, whether it be an individual living alone, seniors, or commercial property owners. We have residents from different areas in town and different age demographics, commercial property owners so we are getting in different feedback. Councilman Grossman brought in an engineer from Montgomery Township, Gail Smith, who went through this process a year or two ago and she gave us some great insight into what they did and how they went about it and the hurdles they had to overcome. He feels it is crucial to get the word out to get the public involved. Attorney Cruz noted that if the entire council will appear, you will notice as a special meeting. If it is just the committee, get notice out to the newspaper and website. He recommended the Council to notice it as a precaution. Seth A. Grossman noted that the committee will give council the draft of the report prior to the public meeting. Mayor Cooper stated that if it is a public meeting, it is important that we notice it. Attorney Cruz stated that this will work its way into an ordinance and this body will hold a public hearing on that ordinance and will get a second look at it as well.

Mayor Cooper noted that he was at the construction meeting this morning and everything seems to be on target. So far the staging area has been worked out. There are some other issues with the archeological dig causing a few wrinkles. Mike Reino has been helpful in keeping everyone informed. The sale of items has created additional space.

Mayor Cooper also reported that there may be some funding issues. The closing on the NJEIT loan might be just outside of our need to make a payment for some of the work going on. We may have to use the USDA money one time first. Engineer Timothy Bradley will explain that to us. Robb Arent responded that he thought we were doing a Bond Anticipation Note to draw down on and then use USDA to pay off the BAN. Mayor Cooper noted that Bond Counsel, Robert Beinfeld, has it under his consideration now. Robb Arent noted that he will reach out to him.

RECYCLING REPORT

Gerry St. Onge noted that he spent half a day at school going to each classroom and talking about recycling. There is a whole program going on at the school to maximize recycling. 98% of what they throw always is paper. They will follow it up with an assembly that he is organizing with the Green Team and then they have a native American story teller who will be part of it to emphasize recycling tomorrow. They will announce the green fair events. We will recognize the school for creating the recycling bins which we started implementing around town. That was Bryan Davison's idea. Half the school painted the bins and they are beautiful. It is all an effort to promote green team, recycling in the school and the green fair event as well. Mayor Cooper stated that he was told by the contractor that unless there are weather issues, the stripping will be done Friday. There should be no interference from that point on for anything going on this weekend. Gerry St. Onge stated that Mike Reino will put out the recycling bins as soon as he can.

Gerry St. Onge stated that the other piece of news that he has is that his life has gotten complicated

recently in a good way. His business is developing nicely and he has an opportunity to expand. This is an opportunity that will take his business to a new level. That along with other challenges he has, focuses on the family, being very active with his church and serving on Council for 7 years. He has decided to stepped down on Council effective immediately. He will actively work to recruit others who would be interest in taken on the roll. He has thoroughly enjoyed being part of the Council and his volunteer service to the Community. He will continue to be active on the Green Team and the Green Fair Committee. He wants to stay on as a Friend of the Fire Department working with Jan Fisher and that activity which is all very positive. When he looks at all the things he has going on, he has to set priorities and this is what works for him. He appreciates working with the Council. It has been great and satisfying for him. I am still in town and will be active in the Community. Everyone thanked Gerry St. Onge for everything. Mayor Cooper stated that you have been a very effective and passionate member of the Council. You have a good reason to look back on your accomplishments with a great deal of pride. He thanked Gerry St. Onge for his service. Everyone thanked Gerry St. Onge and noted that he will be missed. Robb Arent noted that from a town's perspective it is sad news and you will be missed but on a personal basis, it is tremendous for you. Everyone applauded Gerry St. Onge.

BOROUGH CLERK REPORT

Borough Clerk noted that Mike Reino provided a memo in reference to removing the trees that are mainly dead at the DPW and the Recycling Center. Tomar wanted permission to take them down. He talked to the Shade Tree Commission and wanted to make sure Council did not have a problem with the removal of the trees. Mayor Cooper stated that these are trees that are mostly dead and have no practical value or importance to the Borough from the perspective of the Shade Tree Commission and they are in the way of progress. He wanted to make sure no one had a problem with it. Council did not have any issues with it.

BOROUGH ATTORNEY REPORT

Attorney Cruz noted that the third party lien holder on the Race Street property, that was the case dismissed about a month ago, has filed an appeal. The property is still owed by whoever owned it years ago. It is out of bankruptcy and the court has released the property. The third part lien holder was moving to foreclosure on that and the appeal on the claim to reimburse the payment on the lien. Responding to Seth A. Grossman, Attorney Cruz stated that that property should not be used. Mayor Cooper noted that one of the extra projects to the Bridge Street project is stripping a sidewalk connecting where Cathy Smith design is to Paddle Creek so that there is a designated walk area so that people do not walk in the street.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:26 pm on motion by Brad Myhre, seconded by Robb Arent and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk