

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 May 1, 2013.

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
Michele Liebttag
Brad Myhre
William Sullivan

Absent from Meeting:

Attorney Jeff Lehrer, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 2 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.

Diane Dalrymple, President of the Frenchtown Business Association and Chairperson of the Farmers Market noted that at the last meeting, we requested a 22 day permit for the Farmers Market. She has filled out the Frenchtown Activity Form which is signed by Chief Kurylka. She also enclosed a sketch of the market with a clear indication of the entrance and exit and where the off street parking will be to fulfill the ordinance that says subject to the provision of adequate parking, the control of traffic and sanitary facilities. We will have trash receptacles and removal. She was asked to bring this to tonight's meeting so that the 15 day permit could be approved and then the ordinance changed to have it for 22 days. Mayor Cooper noted that we have that on the agenda to discuss tonight as well as the change in the ordinance. The 15 day permit will take us to September. Diane Dalrymple stated that it would be 7 days short. Mayor Cooper asked what arrangements were made for trash receptacles. Diane Dalrymple stated that Michele Liebttag is investigating that with Republic Services. The fee for the market will be \$70 per month to provide 2 or 3 yard receptacles. Michele Liebttag responded that it will be a 2 to 3 yard receptacle that is a \$70.00 per month fee. It is considered an additional municipal receptacle so that is why it is only \$70.00 per month. We will need to figure out how they reimburse the Borough if it is charged to us. Diane Dalrymple stated that they will work out the details. Responding to Michele Liebttag, Brenda Shepherd noted that it has been done before. We are normally billed monthly and they can reimburse the borough.

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.

On motion by Brad Myhre, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the minutes of the April 17, 2013 regular meeting, the bills list dated 5/1/2013 as attached to this set of minutes and Resolution #2013-40 and Resolution #2013-41 as follows:

RESOLUTION NO. 2013-40

TEMPORARY BUDGET APPROPRIATIONS

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the 2013 Temporary Budget Appropriations be raised by the statutory one twelfth.

Warren E. Cooper, Mayor

Attest:

May 1, 2013

Brenda S. Shepherd, RMC
Borough Clerk

Resolution no. 2013-41

Tax sale redemption

Whereas, **the Tax Collector has been paid by J. Marchitto to redeem Tax Sale Certificate No. 12-004 in the amount of \$928.20 on Block 29, Lot 4, and**

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 check payable to US Bank Custodian for PRO Capital I, LLC., 50 S. 16th St., Philadelphia, PA, 19102, in the amount of \$928.20.

Warren E. Cooper, Mayor

Attest

May 1, 2013

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION

Resolution #2013-42 – 2013 Budget Introduction

Mayor Cooper noted that there are changes to the budget numbers discussed chiefly based on recommendations from the Council. Going forward from sheet 4, under general revenues, after all was said and done, Mayor Cooper commented that Auditor Warren Korecky said that although we were under the spending limits we had exceeded the levy cap by \$10,759.00. Mayor Cooper added that rather than me trying to decide where cuts would be made, we add another \$10,759.00 from surplus to cover the difference. That is an option for us to discuss tonight. On the same page, we added \$1,500.00 to the municipal court's anticipated revenues to offset the \$6,500.00 for the sewer budget. There are no other changes until sheet 9, we had the numbers for the Delaware Valley Municipal Alliance grant, etc. Auditor Korecky noted that one will offset the other. You will vote with those numbers in there. He will provide a new copy of the budget to include the Delaware Valley Municipal Alliance at \$18,400.00, the body armor grant at \$1,025.39, the open space at \$12,766.62, the recycling tonnage grant at \$2,919.98 and clean community grant at \$4,000.00. Mayor Cooper noted that the next change is on the summaries at sheet 11 with the difference of \$10,759.00. As to the appropriations, the next change is on Sheet 12, under Borough Council salary and wage, it shows \$5,000.00 and should be \$6,000.00. He recommending making the salary and wage \$6,000.00 and the other expenses at \$5,000.00, reducing it by \$500.00 from original recommendation. Under employee group health on Sheet 14, it has been modified to \$89,000.00 after we adjusted for contributions from the employees. At Sheet 15A under public works salary and wages, we adjusted this to include another \$5,000.00 to accommodate what we are not paying out of sewer wages now. We could not remember where the road opening money was put. Sheet 17 includes the changes under summation of totals. As to the grants on sheet 24, Mayor Cooper stated that you will recall that there was a discussion and agreement to contribute \$1,000.00 to the Hunterdon Land Trust toward the parking lot for the 150 green acres tract. Robb Arent noted that we discussed the possibility but did not agree to it. Mayor Cooper stated that he is recommending that we take it from the open space green acres program line item listed on sheet 24. That line items is \$12,766.62. Responding to Brad Myhre, Mayor Cooper noted that we have used that money in the past to pay debt bond service. Responding to Robb Arent, Mayor Cooper stated that this figure has

not changed in the past several years. We have the bond debt service for the 150 acre parcel and Old Frenchtown Field. He understands that the field will be paid off this year. Brad Myhre stated that he believes that the figure covers the 150 acre parcel. Brad Myhre recommended taking some money from the Environmental Commission line item to put toward the \$1,000.00 for the parking lot. Mayor Cooper commented that the main initial charge to the Environmental Commission is to create a natural resource inventory. If we were to do it all at once, it would cost us between \$15,000.00 and \$20,000.00. The commissioners will do a lot of the leg work but putting it together requires professionals to do the mapping. \$2,500.00 seems sufficient to get that done. Robb Arent asked what is the likelihood that we will do fireworks this year? Brad Myhre stated that we are hoping to do fireworks this year after National Night Out. He commented that generally we put up half the amount for fireworks. The cost for fireworks is around \$5,000.00. In the line item for \$5,000.00, we also pay for the Halloween parade and Memorial Day parade and provide \$1,500.00 for National Night Out. Mayor Cooper stated that if we do not get someone else to pay for the other half of the fireworks, it will not happen. Brad Myhre recommended that we take \$500.00 from the environmental commission line item toward the \$1,000.00 for the parking lot since the investment has already been made for that property. Robb Arent responded that for a municipality this size, the Borough is kicking in \$13,000.00 per year for that land. Mayor Cooper stated that he understands that it was part of the agreement when the land trust put the packet together for us to acquire that piece of property. It had nothing to do with the issue of the parking lot. Robb Arent stated that a \$13,000.00 per year contribution for having that open space is more than adequate. He does not believe that we should go deeper because they misjudged how much it would be to put in a parking lot. Mayor Cooper responded that his recollection was that it was not so much a misjudgment on how much it would cost but that the NJDEP would not allow the parking lot where it was originally proposed. It had to be relocated. The new location exceeded their anticipated expenses. Michele Liebttag stated that it was a change to the original plan and that is where the additional expense came in. Mayor Cooper noted that on Sunday, the Environmental Commission is holding a special meeting to tour the new park and start doing some inventory of birds, trees, plants, etc. They will be meeting at the new parking lot. Mayor Cooper asked what the Council's pleasure is on the contribution to the new parking lot. Robb Arent stated that the Council should take two votes, the first one is "do we want to give them the money" and if we do then we can look for the money. A motion was made by Robb Arent and seconded by Cathy Leach to determine whether the Borough should find \$1,000.00 out of the budget to make a contribution to the Hunterdon Land Trust Alliance for the unanticipated additional cost for permits to create the parking lot for the 150 acre park. Mayor Cooper opened the floor for Council comments. Brad Myhre stated that the Council asked the Hunterdon Land Trust Alliance to see if Kingwood Township would split the difference with Frenchtown. The original over expenditure was \$2,000.00. Robb Arent commented that the fact that we are paying \$13,000.00 a year to acquire it is a big chunk out of the budget for a piece of land that we do not know when it is safe to go up there and not get shot. We are paying for 150 acres that we can not really use and a parking lot that he does not know how you get to the trail head. Brad Myhre noted that the parking lot is up Horseshoe Bend Road. They are going to clear the area from there to the trail head. They are behind schedule with that. Cathy Leach stated that to improve it to allow public access is part of the parking lot cost. Mayor Cooper stated that a "yes" vote means we fund the \$1,000.00 and a "no" vote means we do not fund the \$1,000.00. Having no other Council discussion, Mayor Cooper called the vote on the motion. The motion carried by favorable roll call vote.

Vote on the Motion:

Ayes: Cathy Leach, Michele Liebtag, Brad Myhre and William Sullivan

Nayes: Robb Arent and Seth A. Grossman

Abstain: None

Mayor Cooper stated that the motion carries. He asked "Where do we find the money in the budget?" Brad Myhre recommended that we take \$500.00 from the environmental commission line item. Cathy Leach stated that the other \$500.00 can come from parks. Responding to Michele Liebtag as to the open space money, Brad Myhre stated that he believes we should continue to use that money for debt service. Mayor Cooper added that the \$12,766.62 is fully expended each year. A motion was made by Brad Myhre and seconded by Seth A. Grossman to cut \$500.00 from the Environmental Commission line item and put \$500.00 into the parks line item for the \$1,000.00 expense to come out of the parks line item. Responding to Mayor Cooper, Warren Korecky noted that his concern is the fact that you are giving money to a non-profit group. Attorney Lehrer noted that you can not give non profit organizations money. Warren Korecky stated that if they are doing service work for Frenchtown, it would not be a problem. Brad Myhre stated that there is a maintenance agreement for the 150 acre park dated in 2009, and he believes that the Hunterdon Land Trust Alliance are stewards of the park. William Sullivan stated that we give \$ 1,000.00 to the Delaware Valley Athletics Association to buy topsoil to improve our property. Attorney Lehrer stated that you are improving the park. It will benefit the public property. There is no issue with that. Mayor Cooper called a vote on the motion. The motion carried by unanimous favorable roll call vote.

As to sheet 10, Brad Myhre asked about the FEMA funds unappropriated in the amount of \$15,567.28. Auditor Korecky stated that it is money that could not be utilized from Hurricane Irene. Brad Myhre asked about the FEMA money from Hurricane Sandy. Warren Korecky stated that if you get the money, you can anticipate it. Brad Myhre stated that during Hurricane Irene, it knocked out the sewer line support and we filed with the state. That was a reimburseable expenses. That was our biggest number for reimbursement but we never had the money to fix the pylon. Warren Koreckly stated that there is \$42,000.00 from FEMA dedicated for that purpose. Brad Myhre stated that we had a wash out on Creek Road from Hurricane Sandy which we will have to address as well. That expense is over \$100,000.00. If we needed to do it in the near future, do you bond it and then anticipate a 75% reimbursement. Warren Korecky responded in the affirmative.

Robb Arent asked where we factor in the money we get from Lambertville's code enforcement? Warren Koreckly stated that it may be a refund to the appropriation. He will ask Diane Laudenbach about it.

As to the Sewer budget, Mayor Cooper noted that it is as was discussed and as set forth on Sheet 31. Mayor Cooper noted that the sewer salary and wages was reduced by \$6,500.00. Robb Arent thanked the Council.

Brad Myhre asked Warren Korecky what his assessment is on the overall budget and the fiscal

health versus where we started last year? Warren Korecky commented that the Borough did very well. The surplus was up substantially this year and the percentage of tax collection increased. We did not have to do a deferral this year. It was tougher this year getting to the tax levy cap but we had to do it leaving about \$62,000.00 in surplus. At the end of the year, you were up \$280,000.00 which was quite well from last year. Delinquencies are down and the percentage of tax collection is up. The percentage of tax collection is up to 94.2% as opposed to 92% last year. Mayor Cooper asked where should the municipality be aiming for in tax collection for a municipality our size with the commercial and residential properties. Auditor Korecky noted that the municipality has substantial liens here on personal property which is not too common. You should not have as many liens. It is quite unusual for a place this size. There are still some liens out there. For a municipality of this size and a budget of \$1,000,000.00, you should be in the 97 or 98 percentile in tax collections for a levy that small. It is a matter of how much do you want to enforce the liens. Mayor Cooper stated Diane Laudenbach could not be here tonight but offered to stand by her phone in case there are questions for her. On motion by Robb Arent and seconded by William Sullivan, the Mayor and Common Council approved the 2013 municipal budget as amended and resolution #2013-42 as follows:

**RESOLUTION 2013-42
MUNICIPAL BUDGET NOTICE
MUNICIPAL BUDGET OF THE
BOROUGH OF FRENCHTOWN,
COUNTY OF HUNTERDON
FOR THE FISCAL YEAR 2013**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2013;

BE IT FURTHER RESOLVED, that said Budget be published in the Hunterdon County Democrat in the issue of May 23, 2013;

The Governing Body of the Borough of Frenchtown does hereby approve the following as the Budget for the year 2013.

RECORDED VOTE:

AYES:	(<i>Robb Arent</i> <i>Seth A. Grossman</i> <i>Cathy Leach</i> <i>Michele Liebtag</i> <i>Brad Myhre</i> <i>William Sullivan</i>	NAYS (
ABSTAIN	(ABSENT (

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 1st of May, 2013.

A hearing of the Budget and Tax Resolution will be held at The Borough Hall on the 5th

of June, 2013 at 7:30 pm at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET
 Year 2013

General Appropriations for:

1. *Appropriations within "CAPS"*
 - (a) *Municipal Purposes (Item H-1, Sheet 19)(N.J.S.A 40A:4-45.2)* 1,326,348.00
2. *Appropriations excluded from "CAPS"*
 - (a) *Municipal Purposes (Item H-2, Sheet 28) (N.J.S.A. 40A:4-45.3 as amended)* 208,164.99
 - (b) *Local District School Purposes in Municipal Budget (Item K, Sheet 29)*
 - Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)* 208,164.99
3. *Reserve for Uncollected Taxes (Item M, Sheet 29) - Based on Estimated 94.72 Percent of Tax Collections* 236,000.00
4. *Total General Appropriations (Item 9, Sheet 29) Building Aid Allowance 2012 for Schools- State Aid 2012* 1,770,612.99
5. *Less: Anticipated Revenues Other Than Current Property Tax (item 5, Sheet 11) (i.e. surplus, miscellaneous revenues and receipts from delinquent taxes)* 764,575.27
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)* 1,005,937.72
 - (b) *Addition to Local District School Tax (Item 6(b) Sheet 11)*

BUDGET MESSAGE

**LOCAL UNIT HEALTH BENEFITS PROGRAM IMPACT –
 CHAPTER 2,P.L.2010**

Effective May 21, 2010 or on the expiration of any applicable labor agreement in force on that date, all employees must contribute a minimum of 1.5% of their current base salary towards their health benefits costs. This contribution is required of all employees who are members of any state or locally administered retirement system.

Projected Group Health Insurance Costs – 2013	101,000.00
Projected 2013 Employee Contributions	(12,000.00)
Net Group Health Benefits Appropriated – 2013	89,000.00

1977 APPROPRIATIONS "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 2012 budget for Total General Appropriations certain 2012 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 2.0% and this gives you the basic "CAP" or the amount of appropriations increase allowed over the 2012 Total General Appropriations. The Total General Appropriations may also be increased by 3.5%, if prior, to the introduction of the 2013 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 2012	\$1,673,397.00
Add: Cap Base Adjustment	
Adjusted Total General Appropriations for 2012	\$1,673,397.00
Less Exceptions:	
Total Other Operations	\$ 5,000.00
Total Public & Private Programs	\$15,105.00
Total Capital Improvements	\$10,000.00
Total Municipal Debt Service	\$150,056.00
Total Deferred Charges	\$15,500.00
Reserve for Uncollected Taxes	\$225,300.00
Total Exceptions	\$420,961.00
Amount on which percentage is applied	\$1,252,436.00
2.5% "CAP"	\$43,835.26
Allowable Operating Appropriations before Additional Exceptions per (N.J.S.A. 40a:4-45-3)	\$1,296,271.26
Add:	
Increase in Ratables from New Construction & Improvements Cap Bank	\$ 404.14 \$29,960.19
Maximum Allowable Appropriations After Modification	\$1,326,635.59

It is hereby certified that this is a true copy of the budget resolution introduced by the governing body on April May 1, 2013.

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, Borough Clerk

ORDINANCES

Ordinance #724 – Cap Index Ordinance (Introduction)

On motion by Brad Myhre, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Mayor and Common Council approved the introduction of Ordinance #724 as follows:

ORDINANCE #724

CALENDAR YEAR 2013

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Frenchtown, in the County of Hunterdon, finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$18,786.54 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Frenchtown, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Frenchtown shall, in accordance with this ordinance and

N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$43,835.28 and that the CY 2013 municipal budget for the 3.5% be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: 5/1/13

I, Brenda S Shepherd, Municipal Clerk, hereby certify that the above ordinance was introduced on May 1, 2013 at the regular Council meeting of the Frenchtown Borough Common Council.

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #725 – An ordinance regulating the salary & wage of the officials and employees of the Borough of Frenchtown for the year 2013 (introduction)

Brad Myhre noted that the one question we had was for the recycling coordinator at \$9.00 an hour. Clerk Shepherd responded that it has been at that rate for the last several years. Michele Liebttag commented that we currently have someone signing our report but doing it as a service to Borough. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #725 as follows:

ORDINANCE #725

**AN ORDINANCE
REGULATING THE SALARY & WAGE
OF THE OFFICIALS AND EMPLOYEES
OF THE BOROUGH OF FRENCHTOWN
FOR THE YEAR 2013**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. All prior Salary Ordinances of the Borough of Frenchtown are hereby

repealed.

2. The following salaries for the year 2013 are hereby established for the following designated officials and employees of the Borough of Frenchtown:

Borough Clerk/Licensing Official/	
Assessment Search Officer Certified	\$ 55,723.62
Registrar-----	\$ 2,411.28
Deputy Registrar -----	\$ 204.00
Deputy Registrar (Certified) -----	\$ 605.88
Tax Assessor-----	\$ 8,573.10
Collector of Taxes -----	\$ 13,243.68
Tax Search Officer-----	\$ 711.96
Collector of Sewer Rents-----	\$ 6,125.10
Chief Financial Officer-----	\$ 9,465.60
Asst to Collector of Taxes/Sewer----	\$ 520.20
Chief of Police-----	\$ 73,868.40
Police Patrolman-salaried-----	\$ 58,579.62
Mayor -----	\$ 6,000.00
Zoning Officer-----	\$ 3,215.04
Secretary Planning/Zoning-----	\$ 10,115.34
Code Enforcement Officer-----	\$ 1,607.52
Library Clerk -----	\$ 8,792.40
Fire Marshall-----	\$ 5,000.00
Board of Health Secretary -----	\$ 1.00
Shade Tree Secretary -----	\$ 348.84
Sewer Treatment Operator-----	\$ 66,444.84
CPWM Stipend-----	\$ 1,020.00

The following hourly rates are hereby established:

Deputy Borough Clerk-----	\$ 18.87
Full-time Police Patrolman OT Rate	\$ 42.24
Full-time Police Patrolman (COPS) -	\$ 19.04
Full-time Police Patrolman(COPS)OT\$	28.56
Police Patrolman (Part-time Senior)	\$ 20.63
Police Patrolman (Part-time 1 yr exp)\$	19.29
Police Patrolman (Part-time new)----	\$ 18.00
Public Works Mgr-----	\$ 27.60

Public Works Senior-----	\$ 19.98
Sewer Dept. Maint. A -----	\$ 37.74
Sewer Dept. Maint. B-----	\$ 21.00
Sewer Dept. Maint. C-----	\$ 27.49
DPW Class A -----	\$ 15.30
DPW Class B -----	\$ 13.00
DPW Class C- CDL -----	\$ 11.75
DPW Class D – non-CDL-----	\$ 9.00
Deputy Fire Inspector -----	\$ 8.00
School Crossing Guard-----	\$ 10.00
Police Assistant -----	\$ 12.86
Clerical Class A -----	\$ 15.00
Clerical Class B -----	\$ 12.00
Clerical Class C -----	\$ 8.00
Recycling Coordinator -----	\$ 9.00

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

Warren E. Cooper, Mayor

Dated: _____

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #726 – A n ordinance regulating the salary & wage of the officials and employees of the joint municipal court of the Delaware Valley for the year 2013 (Introduction)

Mayor Cooper noted that this ordinance represents an increase of 1.5%. On motion by Robb Arent, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #726 as follows:

ORDINANCE #726

**AN ORDINANCE
REGULATING THE SALARY & WAGE
OF THE OFFICIALS AND EMPLOYEES
OF THE JOINT MUNICIPAL COURT OF THE DELAWARE VALLEY
FOR THE YEAR 2013**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. All prior Salary Ordinances of the Joint Municipal Court are hereby repealed.
2. The following salaries for the year 2013 are hereby established for the following designated officials and employees of the Joint Municipal Court:

Municipal Judge-----	\$	22,945.44
Court Administrator -----	\$	34,122.45
Deputy Court Administrator -----	\$	10,732.78
Prosecutor-----	\$	7,105.00
Public Defender -----	\$	1,333.34

The following hourly rates are hereby established:

Violations Clerk-----	\$	57.20 per court session
Bench Log and Recording -----	\$	57.20 per court session
Clerical Assistant-----	\$	6.51 per hour

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

Warren E. Cooper, Mayor

Dated: _____

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #727 – An ordinance amending article III, titled “general regulations”, section 301, subsection “O”, titled “temporary uses” of the land use ordinance of the Borough of Frenchtown, County of Hunterdon and State of New Jersey (Introduction)

Mayor Cooper stated that this is the ordinance that Diane Dalrymple was speaking to. Under item 1 of section 301, subsection "O", you will notice that farmers markets is underlined and 25 days is the second change. He noted that farmers market was not included in there before. We received a suggestion from the planning board attorney that we may want to make the 25 day change specific to farmers markets. Mayor Cooper recommended that we leave out farmers markets and return the 25 days to 15 days and then add at the end of the paragraph, farmers markets sponsored by non-profits shall be permitted for a period of no more than 25 day. Attorney Lehrer noted that you would have to repeat the rest of the language "in any calendar year with the permission of the Council and subject to the provision of adequate off-street parking and control of traffic, noise, glare, dust and sanitary facilities". Cathy Leach asked about the sanitary facilities. Diane Dalrymple responded that they have the Borough park across the street. Attorney Lehrer stated that you can make the ordinance amendment simpler by putting after no more than 15 days in parenthesis, farmers markets may be permitted 25 days rather than repeating the rest of the language again. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #727 as amended as follows:

ORDINANCE #727

AN ORDINANCE AMENDING ARTICLE III, TITLED "GENERAL REGULATIONS", SECTION 301, SUBSECTION "O", TITLED "TEMPORARY USES" OF THE LAND USE ORDINANCE OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

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

Section 1. Article III, titled "General Regulations", Section 301, Subsection "O" titled "Temporary Uses" is hereby amended as follows:

Item 1 - Fairs, carnivals, circuses, bazaars and farmers markets sponsored by non-profit organizations shall be permitted as temporary activities only for a period of no more than fifteen (15) days (provided; however, that farmers markets may be permitted 25 days) in any calendar year with the permission of the Council and subject to the provision of adequate off-street parking and control of traffic, noise, glare, dust and sanitary facilities.

Section 2. Severability. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC, Borough Clerk

NEW BUSINESS

Approval of Coin Toss for Frenchtown Fire Department on 5/4/12 and 5/5/13

Cathy Leach noted that we had a request for a coin toss for the cheerleaders and asked what the status of that was. Brad Myhre noted that the police chief is in communication with them. He has not heard anything further on it. Mayor Cooper noted that the Fire Department is requesting approval for a coin toss. Brad Myhre asked if they got County approval. Michele Liebttag stated that the Fire Department is next door and she will go find out. Cathy Leach informed the Council that the park clean up will be occurring on May 4. Michele Liebttag returned to the meeting and noted that Chief Hoffman stated that they submitted an approval request to the County a month ago and have not heard back. Brad Myhre commended that Chief Kurylka does not care as long as they wear their vests. Robb Arent stated that technically, they need approval from the County freeholders. Attorney Lehrer recommended that the motion be subject to County approval. On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council approved the Coin Toss for the Frenchtown Fire Department on 5/4/12 and 5/5/13 subject to County approval.

Approval of the Frenchtown Farmer's Market plan

On motion by Seth A. Grossman, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Frenchtown Farmer's Market plan for 2013 as presented.

Approval of Annual Upper Fifth Street Block Party for June 1st from 4-9pm

Mayor Cooper noted that we received a request for the annual block party on Upper Fifth Street for June 1st. Brad Myhre stated that they do it every year. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the annual Upper Fifth Street Block Party for June 1st from 4-9pm.

Sewer Service Area redefined

Mayor Cooper reported that we received the communication forwarded to us from Planner McKenzie from Ken Bogen, the County Planner. The sewer service area needs to reflect a new overlay that the NJDEP is using instead of the old overlay that was used to determine the future sewer service area even though we already had approval for that. We are now going to be responsible to accommodate the new landscape 3.1 as opposed to landscape 2.1. Some species based habitat changes are wood turtles and in one lot wood turtles and bald eagles. The three properties are Block 16 lot 9, where the water company building is on the western side of the park off Everittstown Road, Block 16 Lot 13 which is the Borough Park and Block 17 Lot 2 which is the

Thompson land, a 64 acres piece of property off Ward Street. Mayor Cooper noted that he spoke with Ken Bogen yesterday who said that lots 9 and 13 are irrelevant because the Water Company will not develop their property and we will not develop the park. The issue is the Thompson Land parcel. This does not render the Thompson Land property as undevelopable. It makes it unlikely that the property could be developed and any structures tied into the sewer plant. It would have to be developed with septic systems. Responding to William Sullivan, Mayor Cooper stated that the new overlays have habitat specific concerns such as wood turtle and bald eagles. The concern is the disservice to the land to put piping through. We do not have to approve it although at some point we will have to. Brad Myhre stated that he has a problem with taking away someone's right to hook up to sewer especially without their approval. He does not know if they have been notified. Attorney Lehrer asked if the removal will impact any plans for the Borough that the Borough had for these parcels or the private property owner. He added that Elizabeth McKenzie's response is that it is zoned residential and that they are not areas where we want to see development anyway. Mayor Cooper stated that it is coming out of the Planning Board. His understanding is that there was some long range consideration of trying to create a greenbelt buffer around the town trying to limit development on the outskirts of town and that the property was one identified as a potential purchase to create the greenbelt. Mayor Cooper added that Ken Bogen said there is a way around this. Municipality and/or the property owner can appeal it and seek an exclusion. Attorney Lehrer noted that there is a form you fill out and submit it. We need municipality participation in that process. Mayor Cooper stated that Ken Bogen said it will take eight months or better. He does not know what the consequences are for not adopting this right away. Attorney Lehrer ask if it is possible for Ken Bogen to talk to Council about the ramification of not doing it. He does not know the answer.

Brad Myhre commented that he thinks the Planning Board and Council need to come to an understanding as to a long term vision for the economic success of the town. Frenchtown will need ratables if they want to continue to have services. There was a comment earlier this evening about debt service on the 153 acres. Robb Arent stated that he is not sure the Planning Board is in sink with the Planning Board Chairman on the requirement for green space because the make up of the Planning Board has changed in the last 2 years and it has never been discussed. Attorney Lehrer stated that his sense is that in order to disprove that which the County is trying to demonstrate, the private property owner would have to do his own environmental analysis to say that those types of species are not prevalent or do not exist. Mayor Cooper stated that we have to make sure at the very least that the property owner is apprised of this. Responding to Cathy Leach, Mayor Cooper stated that the proposed changes are to the future service area and not the DEP. Attorney Lehrer stated that it requires municipal endorsement and consent to it because the County is now responsible for the sewer service areas and issues and they are asking for municipal consent. Mayor Cooper stated that the municipality can say no but they are in a position to approve or disapprove our sewer service area. At the very least, we want to make the property owner aware of it and give the property owner an opportunity to respond. Seth A. Grossman stated that with the construction of the new sewer plant, this is not the time for us to restrict usage. We will be hurt by that. He would be against approving it if we did not have to do it. We should be trying to encourage the use of our sewer system because we have that capacity. Robb Arent added two things from an environmental perspective, one, there is no way they will get permission from the state to put in septic systems. Mayor Cooper stated that we are already discussing the expectation that the properties on the hill are going to want to tie into the sewer system. Robb Arent added secondly, from his discussion with the

experts on wood turtles based on where we were trying to put in the sewer plant, you do not have wood turtles if they can not walk to water. No turtle will walk down that hill to get to the creek. Mayor Cooper stated that Attorney Lehrer's suggestion is a good one and he will ask Ken Bogen to address the Council at the next meeting. Similarly, we want to make Thompson Land has been apprised of the problem so they can come to Council as well.

Steep Slope Ordinance

Mayor Cooper reported that the steep slope ordinance is another item that came to us from the NJDEP. Planner McKenzie made adjustments to the ordinance. We have asked based on Attorney Cruz's recommendation for Engineer Burr to take a look at it. No action will be taken tonight. Whatever we decide will go to the Planning Board for a determination of consistency with the Master Plan and then it will come back to us.

OLD BUSINESS

Dog Park

Cathy Leach reported that there is nothing new on the dog park.

Kingwood Avenue Sewer Pipe project

Mayor Cooper reported that we are waiting for the budget to be adopted.

Creek Road Project

Brad Myhre reported that FEMA has submitted the project for us and he provided a copy of that to Brenda Shepherd. We will get 75% reimbursement. It is around \$130,000.00 for the repair.

Vultures on Kingwood Avenue

Mayor Cooper reported that there are not as many vultures now. He believes it is because of seasonal migration. We are still working on it. One of the members of the environmental commission came in tonight and informed me that he was doing bird surveys in that area and noticed three dumpsters that are regularly left open or overflowing in that area. Trash in the park is also a problem. Cathy Leach stated that it has not been a problem recently. Mayor Cooper commented that we may not have to worry about the vultures until the fall.

Planners Tour

Mayor Cooper reported that the Planner's Tour went very well. We had 25 planners from around the State. We walked around town. Planner Elizabeth McKenzie, Architect Chris Pickell, Councilman Seth A. Grossman and former Mayor Ron Sworen were in attendance. Former Mayor Ron Sworen gave a historical perspective. Also, Jonathon Perlstein and Dorsey Reading met with us and talked about their projects. We convinced them that they were not wrong about Frenchtown being a great place in NJ.

Recycling

Michele Liebttag noted that we have an issue at Horseshoe Bend Road at Route 12. Republic Services regularly forgets their recycling. Mayor Cooper called Republic about it. We will continue to monitor it.

Michele Liebttag noted that she went to the SWAC meeting last night. They have launched a new website through the County and they are asking for notices for posting. She gave them the Green Fair "save the date" notice. They are looking to publicize through a sticker that will be on the front of the Observer and Democrat the 3rd week of May.

Michele Liebttag reported that they have the dates for the next round of recycling programs. The Hazardous Waste Day Clean Up is Saturday, July 13th and the Electronics Day is Saturday, October 12th. It is on the County website. They are asking municipalities to link to the website or include the information on the municipal website. They will be sending booklets to the municipalities for those who do not have access to the website. We are also exploring options of shared services. There are 9 communities in Hunterdon County that have subscription services. We are trying to hold a meeting with haulers to talk about a joint contract for negotiating power.

Mayor Cooper stated that we had our first recycling center opening on Saturday. Michele Liebttag stated that she was surprised to see that announcement on Facebook. We were under the impression that it would be May. She had talked to Mike Reino about it and was surprised by that. He also made a request for a date change for the next recycling day since it is Memorial Day weekend for two reasons, the April 27th date may have not been circulate to everyone because only 12 people showed up and the other is that we have the option of pushing the next date to May 17th or June 1st instead of Memorial Day. Cathy Leach stated that there are five Saturday's in June and if we have it May 17th it would be 7 weeks until the next recycling day. The Council agreed to June 1st. Mayor Cooper stated that we will put the announcement on the Borough website and Facebook. He added that since DPW will be moving to the new building, Mike Reino will be around more often and will not prevent people from coming during the week. Mayor Cooper stated that he thinks the Green team is talking about some type of training so they could cover a second Saturday a month. Michele Liebttag noted that Attorney Cruz had some concerns from an insurance coverage perspective with volunteer coverage. Mayor Cooper stated that he understands but as a small town if we do not take advantage of people who want to volunteer for things, the expense to do things will continue to accelerate. If people want to volunteer, we should let them. Michele Liebttag stated that she did speak with Attorney Cruz about it and he had the same push back as we did with the pedestrian bridge volunteers. He recommended that until we get a definitive answer from the insurance company we should be cautious about it. She noted that it is good that Mike Reino will be around more often and we can utilize hours during the week. Brad Myhre noted that at one time Frenchtown had volunteers at the recycling center and he is not sure how they did it then. We should have an insurance company waiver. Cathy Leach noted that before, they would unlock the gates and residents went in on their own. Robb Arent stated that there is a difference between manning the recycling center and building a bridge. There would be more liability. Michele Liebttag stated that if Public Works is going to be there during the week, she would like to talk to Mike Reino to formalize specific times it will be open during the week so that people will know it is available. Attorney Lehrer noted that if the Borough is in a JIF, many times they do cover the volunteers. Mayor Cooper stated that we will check with the insurance company.

Animal Control Officer

Mayor Cooper noted that the Council knows that he has been talking with an animal control officer going back and forth. Initially, she said she would not cover a municipality for less than \$5,000.00.

However, she is softening on that and we may have a proposal for the next meeting. She may not do anything this year. Brad Myhre asked if she would be able to supplement the current coverage that we have with Hunterdon Humane. Mayor Cooper commented that it should be part of the proposal.

Fire prevention

Mayor Cooper reported that we wanted to put \$4,000.00 of revenue into the budget. Initially we only had \$1,300.00 in receipts. Auditor Korecky originally objected to putting in the \$4,000.00. Mayor Cooper provided the Council with a printout from CFO Diane Laudenbach of the deposits made last year and commented that the way it was divided up into the budget, it did not appear that we collected the \$4,000.00. There is one quarter we have not received yet from last year. We are closely covering the expenses for that department.

COUNCIL COMMENTS/COMMITTEE REPORTS

Mayor Cooper reported that good news came in today from Engineer William Burr. The NJDOT approved Frenchtown's request for funding in the amount of \$150,000.00 to do road repair for Horseshoe Bend Road. It becomes bitter sweat for Engineer Burr because this project is the one that Engineer Clerico had put together for Frenchtown. We had planned to do it with Kingwood but Engineer Burr said he did not see Kingwood on the list. We will finally get the road fixed. Mayor Cooper commented that one resident calls him every 5 or 6 weeks about Horseshoe Bend Road since he was elected.

Brad Myhre reported that in your packet there is an update in the Chief's report. If you have any questions, you should talk to the Chief directly. Brad Myhre read a letter from John Bach as attached to this set of minutes. Mayor Cooper noted that the police have been covering the beginning and end of school hours for awhile. The Chief has also been there himself.

Brad Myhre noted that Patrolman Kelly came up with a sketch to redesign the patch for the police department. There is no reason to change it since what we have works but Patrolman Kelly came up with it and Brad Myhre offered to bring it to Council since Patrolman Kelly took the initiative. He passed out the design to the Council.

Seth A. Grossman reported that the Downtown Revitalization Committee met last Thursday. It was the official first meeting with the engineer. The Frenchtown Business and Professional Association contracted with Maser Consulting, Engineer William Burr, to do a street scape design and a cost estimate. This is a group working on the designs and plans. These plans will be brought to the community a number of times so it will be what the community wants so when it comes to the Council it will be vetted properly. There will be something set up at the Green Fair and National Night out. It may take most of the summer to do this. He does not know exactly when it will be completed.

Seth A. Grossman also reported that Bonnie Pariser has agreed to do the drapes for the meeting room. He met with her. William Sullivan also wants to be part of the process of picking the drapes. Bonnie Pariser will look into what her ideas will be and then we will all meet to go over those ideas. William Sullivan noted that the colors that were originally picked were authentic period colors. Seth A. Grossman stated that they will present it to Council to make the final decision. Robb Arent

recommended that you check with the Borough employees who are in this building on a regularly basis.

Cathy Leach reported that the park clean up is this Saturday, May 4th, from 9 am to 1 pm. Sarah Ruppert has been doing most of the organization. We had a mulch delivery today for the playground area and Mike Reino and Mike Roden brought over the regular mulch for the planting areas. Food will be provided.

Michele Liebttag commented that as to the County's 300th anniversary celebration, she ran into a group that organizes half marathons. They have a lot of creative ideas. She knows we are shopping around for a Frenchtown sponsored event so maybe we could plan an event where we can partner with Milford.

Robb Arent reported that the sewer plant is progressing. If you recall, last year we formed the sewer advisory committee that made a recommendation on future billing. There will be issues coming up as we bring the sewer plant on line. People have asked about reconstituting that committee on an advisory capacity without a specific mandate like the last time to continue to get public input. Mayor Cooper stated that he would like to reconstitute the sewer advisory committee under the direction of the sewer commissioner Robb Arent. Council consented.

CORRESPONDENCE

Brad Myhre brought the American legion liquor license correspondence to the Council's attention and the Bike Ride through town.

Borough Attorney's Report

Attorney Lehrer noted that COAH met today by the Governor's mandate. COAH was constituted for the first time in a long time and voted 4 to 1 to direct the executive director to notify those communities who have not used their Affordable Housing Trust money over the 4 year period. If you have not committed for expenditure of the Affordable Housing trust fund money over that 4 year cycle, you may find that it is being forfeited to the state. It is estimated at over 140 million dollars that may be forfeited to the state. Mayor Cooper stated that the Borough took care of that over 7 months ago.

EXECUTIVE SESSION – Litigation – Harold Johnson

Mayor Cooper noted that the Council will need to go into executive session to discuss Litigation – Harold Johnson. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into Executive Session at 9:05 pm to discuss Litigation – Harold Johnson and approved Resolution #2013-43 as follows:

RESOLUTION #2013-43

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. 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: May 1, 2013

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

The Council came out of Executive Session at 9:12 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by Robb Arent, and second by Michele Liebtag to adjourn the meeting at 9:12 pm. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk