

July 3, 2013

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 June 5, 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 Liebtag
Brad Myhre
William Sullivan

Absent from Meeting:

Attorney Paul Rizzo, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 8 members of the public were also present.

PUBLIC HEARING**Ordinance #728 – An ordinance to provide for the purchase of five replacement doors for the Police Department and Municipal Building for the Borough of Frenchtown**

The Mayor and Common Council approved to open the public hearing on Ordinance #728 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #728 by favorable voice vote.

PUBLIC COMMENTS

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

Diane Dalrymple from the Frenchtown Business and Professional Association thanked the Council for allowing her to present this evening. She added that as you probably know that there have been recent complaints from a few town residents regarding the number of sandwich boards used by our businesses to advertise their business locations, their products and services. As a result, the Planning Board is more strictly enforcing the provisions of ordinance 302 which deals with signs. This ordinance in the past has not been strictly enforced in Frenchtown and sandwich boards have become an effective way and safe way for the town's businesses to advertise. They are especially important for our businesses that are off the beaten path especially Harrison Street and Front Street, Trenton and Kingwood Avenue and a portion of Race Street. Our businesses have taken steps to insure that these signs do not impede foot and vehicle traffic. Until recently, we were unaware of any complaints. Once the Business Association was informed of these complaints, she immediately visited the member businesses and followed up with an email to let them know how they could become more compliant with the ordinance and what they needed to do to apply for permits. Last week, she spoke to the Planning Board during the public comment session to raise some of these

concerns and while the Planning Board was very receptive to our members who sought and received sign permits, she was informed that the Association was not allowed to seek variances on behalf of its members but that in fact, each business needs to do that themselves. That being said, the Association believes that Ordinance 302 is outdated and no longer reflects the realities of our thriving downtown. It is the Association's belief that strict enforcement of this ordinance could have a negative impact on its member businesses and would not be beneficial to the town as a whole. Accordingly, we ask that the town Council permit the Association to offer at its August 21st meeting a proposed amended Ordinance 302 for the Council's consideration and vote. If the Council would be receptive, the Association would draft an amended ordinance that we believe would better balance the interest of the businesses and the foot traffic in town. We can provide the amended ordinance a week before the August 21st meeting so that the Council and the Borough Attorney can go over it. So we wanted to put this forward and thank you for hearing the presentation and that no matter what approach is taken, we want to work as a community with the town Council and Planning Board and hope that we would take a measured and fair approach to our request. Cathy Leach informed Diane Dalrymple that there is no meeting scheduled for August 21. The next Council meeting is August 7.

Mayor Cooper stated that it is his understanding was there were two complaints, not several from residents. He also does not know if they were from residents or not. It is his understanding that he heard a number of times that the complaints were from residents which may or may not be true. Responding to Diane Dalrymple, Mayor Cooper stated that the complaints indicated that the signs were in the wrong place and they were blocking access on property that were not strictly that of the business. In addition, your request while we appreciate you sharing it with Council, that request for an ordinance amendment would end up having to go before the Planning Board for their input. They will meet at the end of the month and it would be a right approach to go before the Planning Board to seek that kind of change. Our role is with the Governing Body. In regard to issues involving the Municipal Land Use Law, that is purview of the Planning Board. We take their guidance seriously. Attorney Rizzo noted that the Planning Board would make recommendations and this body would or would not adopt. Seth A. Grossman commented that the Business community and planning board would come up with something. We could have other groups look at it as well. The Business community is more than capable of sitting with the planning board. You would interface with the Planning Board Chairman, Randi Eckel. Mayor Cooper noted that Diane Dalrymple was at the Planning Board meeting and there were already discussions about a number of issues with the existing ordinance some simply because they had not come up and were not addressed. There have already been some discussions about taking a look at that ordinance. The process has begun. Diane Dalrymple stated that she appreciates it and will work together to resolve our ultimate goal to make it safe for everyone and bring more business to town. Robb Arent added that one of the thoughts is if it is an area we want to pursue, we would want to get input from the Business Association. We are looking for a stop gap until the downtown streetscape design comes in with the signs. The thought is instead of every business having their own sandwich board on the corners, there would be one uniform sandwich board directing to the stores down each way. If they were Borough signs, ordinance 302 would not apply. We must consider liability issues of having Borough sandwich boards out there. Responding to Mayor Cooper as to the conversations with Planning Board Attorney Guliet Hirsch, Planning Board Chairman Randi Eckel stated that some of the issues that came up in the request to the planning board were a request for 120 day extension to comply with the ordinance. The Planning Board Attorney informed Randi Eckel that there is no such thing as a 120 day extension under the Municipal Land Use Law so our hands are tied on that. The Business Association is also interested in applying for a variance that would cover all the business. According to the interpretation of our Attorney, that would mean the business association is acting as an

Attorney and each business would have to apply for a variance individually. There was a third question about outdoor displays, holiday displays, which is already in the ordinance. The Planning Board does not have much to say about that, the approval is given by the Borough Council. Randi Eckel noted that she asked the Planning Board Attorney about the idea of sandwich board signs on each corner that would be semi permanent. This would allow us to come up with a temporary wayfare system until the Downtown Rivalentization Committee and the association get a plan in place. It is not the intent of the Planning Board to make it difficult for all the businesses in town. We have to deal with the sign ordinance and when someone one comes before us with a sign or an outdoor display application, we do and have consistently applied the ordinance to all the businesses in town over time. Two residents placed complaints to her involving offsite signs, that signs were not in front of the businesses they were advertising, and signs that were not allowed according to our current ordinance for various reasons and the preponderance of them. There was also a concern about the number of signs at the corner of Bridge and Harrison Streets. There were three different sandwich board signs up at that corner at that time. Randi Eckel noted that she is waiting to hear back from our Planner, who is on vacation this week, to see if she had any other ideas about sign boards and directional system. The Board Attorney liked the idea that the sandwich boards be under the purview of Council. Borough Attorney Rizzo stated that if someone trips and falls or blocks the view, the Borough could have an exposure in that sense. You have a tort claims act which makes it more difficult to sue the town which has to be something more than simple negligence so the exposure, while it is there, is limited. He can not think of a reason that you could not post the signs as a town, if the town deems it necessary. Seth A. Grossman noted that the Downtown Revitalization Committee is looking at public signage and not private signage. Private signs for businesses are the purview of the Planning Board. We could be asked to take a look at it. But, we have a mechanism for this issue resolved through the Planning Board process. When we look at ways we can make our public signs better, whether it be sandwich board or any type of wayfinding system, we will see how it comes up with this specific issues. We are looking to enhance the street scape. Cathy Leach noted that wayfinding signs service the public, for the public good. Responding to Robb Arent, Seth A. Grossman noted that wayfinding signs were part of the Downtown Revitalization Committee report as mostly a public function. Robb Arent noted that the private business can not do wayfinding signs because of ordinance 302. Mayor Cooper noted that it is not the function of the Downtown Revitalization Committee, as Seth A. Grossman intended to say, to make recommendations with respect to private signs of the individual businesses. It is only for the wayfinding or navigational signs. Responding to Diane Dalrymple, Robb Arent commented that there are two options; look to see what you would do to amend ordinance 302 and also have the Business Association, as a body, consider what their thoughts would be on a uniform sign for wayfinding as opposed to changing ordinance 302. Mayor Cooper recommended that she discuss with Randi Eckel the best approach to that and how all this gets paid for.

Skye Van Saun of 35 Eighth Street, Nichol Adams of 33 Eighth Street and Holly Lowe of 24 Eighth Street, stated that they have two items; one about the block party and the other of most concern is about the truck traffic, eighteen wheelers, getting worse on Eighth Street from Milford Road since there are little ones on the street. The trucks are turning on to Eighth Street from Milford Road just missing the parked vehicles and then turning in front of the school and make deliveries across from the school. We could not understand why it was getting worse. She talked to the Borough Clerk about it. And, she understands that before they redid Harrison Street, it had "no through traffic except local deliveries". The "except local deliveries" sign no longer exists. The other problem is that there is no Ninth Street because the school is there. As she recalls, Two Buttons had an Eighth Street address and people would drive up and down Eighth Street and when she was working in her yard, people would ask where Two Buttons is. The police are pulling these people over. If the truck

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traffic was all going down Milford Road or coming from Milford and if they go down Harrison Street to make their deliveries, they would only be passing the field on the one side. She spoke with the truck driver who said that he does not want to go down Eighth Street and he has been delivering here for 20 years and no one ever bothered him before but he got pulled over and was told to go down Eight Street or he will get ticketed. She thinks that the sign needs to be put back and the police needs to be notified. Mayor Cooper noted that Skye Van Saun mentioned it at the Safe Streets and Roads committee meeting and unfortunately Chief Kurylka is away on training and we did not address it. Brad Myhre noted that either way they go they will transgress in front of the school. Skye Van Saun stated that either way, it is half way in front of the school. If they go straight down Harrison Street they are not turning into a whole other lane or crossing another lane because the truck has to go so wide. She asked the truck driver what way was easier and he responded that Harrison Street was easier. Brad Myhre commented that he believes there is a weight restriction. Nichol Adams proposed that they take a left onto Harrison Street which is what they use to do and either way they will go in front of the school. She added that it is one truck after the other on Eighth Street. Holly Lowe added that Eighth Street is smaller compared to Harrison Street. Sky Van Saun noted that on Sixth Street there is a sign that says "no through traffic" when one side of the street is commerce. Mayor Cooper stated that it is something we will have to look at and address it. He thanked them for bringing it to the Borough's attention.

Having no other comments, 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.

Resolution #2013-48 was removed from the consent agenda.

On motion by Robb Arent, 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 June 5, 2013 regular meeting, the bills list dated 7/3/13 as attached to this set of minutes and Resolution #2013-59 as follows:

Resolution # 2013-59

Resolution Approving Accurate Abstracts electronic "look only" inquiry access to the Tax Collectors' tax and/or utility records of the Borough of Frenchtown via Vital Communications

WHEREAS, Accurate Abstracts has requested permission for electronic "look only" inquiry access to the Tax Collectors' tax and/or utility records of the Borough of Frenchtown via Vital Communications; and

WHEREAS, Accurate Abstracts agrees to use this information for the sole purpose of providing tax search information to the title industry; and

WHEREAS, Accurate Abstracts agrees to protect the information obtained and to not re-sell or re-distribute this same information or make available to a third party except as needed for the purposes of providing information for tax search to the title industry; and

WHEREAS, the cost for electronic “look only” inquiry access will be incurred by Accurate Abstracts and there will be no cost to the Borough of Frenchtown; and

WHEREAS, the electronic “look only” inquiry access to the Tax Collectors’ tax and/or utility records of the Borough of Frenchtown via Vital Communications for Accurate Abstracts requires permission from the Borough of Frenchtown.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the Borough of Frenchtown hereby grants Accurate Abstracts permission for electronic “look only” inquiry access to the Tax Collectors’ tax and/or utility records of the Borough of Frenchtown via Vital Communications; and

BE IT FURTHER RESOLVED that the Mayor of the Borough of Frenchtown be authorized to execute the Agreement between Accurate Abstracts and the Borough of Frenchtown containing the conditions listed above for the electronic “look only” inquiry access to the Tax Collectors’ tax and/or utility records of the Borough of Frenchtown.

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on July 3, 2013, by the Mayor and Council of the Borough of Frenchtown in the County of Hunterdon in the State of New Jersey.

Brenda S. Shepherd
Borough Clerk

RESOLUTIONS

Resolution #2013-60 – Loan Resolution

Mayor Cooper reported that this is a requirement and we were asked to do this because we are at the point in which we have spent all the money from our sources for the Wastewater Treatment Plant project and in order to move to the next funding source. Robb Arent explained that we used the loan proceeds and now we can accept the million dollar grant money. On motion by Robb Arent, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-60 attached to this set of minutes.

Resolution #2013-61 – Capital Budget Amendment

Mayor Cooper stated that this resolution is an amendment to the capital budget specifying some of the places where we agreed to spend money including the new finance program at \$9,000.00 and the new computers for the Borough offices, finance department and DPW. On motion by Seth A. Grossman, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-61 as follows:

RESOLUTION #2013-61

WHEREAS, the Borough of Frenchtown, County of Hunterdon, New Jersey desires to amend the 2013 Capital Budget of said municipality by inserting or correcting an item therein shown in the original Capital Budget as adopted on June 5, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Frenchtown of the County of Hunterdon as follows:

Section 1. The 2013 Capital Budget of the Borough of Frenchtown is hereby amended by inserting thereto a Schedule to read as follows:

AMENDMENT NO. 1
 CAPITAL BUDGET OF THE
 BOROUGH OF FRENCHTOWN
 NEW JERSEY

Projects Schedules for 2013
 Method of Financing

<u>GENERAL PROJECT</u> <u>BONDS</u>	<u>EST.</u>	<u>BUDGET</u> <u>COST</u>	<u>CAPITAL</u> <u>APPROP.</u>	<u>IMP. FUND</u>
Purchase of computers For Administration offices & Finance program	\$12,000.00	-0-	\$12,000.00	\$0
Purchase of five replacement doors for the Police Department and Municipal Building	\$ 9,700.00	-0-	\$ 9,700.00	\$0
Downtown Streetscape Design Plan	\$ 2,425.00	-0-	\$ 2,425.00	\$0

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown do hereby certify that this is a true copy of the Resolution passed at the meeting held on July 3, 2013.

 Brenda S. Shepherd, RMC
 Borough Clerk

ORDINANCES

Ordinance #728 – An ordinance to provide for the purchase of five replacement doors for

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the Police Department and Municipal Building for the Borough of Frenchtown (Adoption)

On motion by Seth A. Grossman, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #728 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE 728

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF FIVE REPLACEMENT DOORS FOR THE POLICE DEPARTMENT AND MUNICIPAL BUILDING FOR THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$9,700.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRENCHTOWN IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of the ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Frenchtown, New Jersey. For the said improvement or purposes described in Section 2, there is hereby appropriated the sum of \$9,700.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Borough of Frenchtown hereby authorizes the replacement of the doors for the Police Department and the Borough Hall building for the Borough of Frenchtown.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Borough of Frenchtown, but rather a capital expense and the Borough of Frenchtown's estimated cost of said work, acquisition or improvement is \$9,700.00.

Section 4. The sum of \$9,700.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$9,700.00 from the Capital Improvement Fund of the Borough of Frenchtown for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 6. This ordinance shall take effect immediately upon adoption according to law.

Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #729 – Steep Slope Ordinance (Introduction)

Mayor Cooper noted that this ordinance has come from State and has gone through our Planner and the Planning Board and has now come to us for adoption. These are amendments required on the existing ordinance. You can see the amendments as indicated by the underscores and strike outs. 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 #729 as follows:

ORDINANCE NO. 729

AN ORDINANCE AMENDING THE STEEP SLOPE REGULATIONS IN THE LAND USE ORDINANCE OF THE BOROUGH OF FRENCHTOWN IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY TO AMEND THE REQUIREMENTS APPLICABLE TO SLOPES OVER FIFTEEN PERCENT (15%) PER N.J.D.E.P. REQUIREMENTS FOR APPROVAL OF THE WASTEWATER MANAGEMENT PLAN

It is hereby ordained by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, as follows:

Section 1. Section 310 of the Land use Ordinance, entitled Steep Slope Development Requirements, is hereby deleted in its entirety and substituted with the following:

Section 310. Steep Slope Development Requirements.

A. The following requirements shall apply to the subdivision or development of any lot or tract in the R-1 zone districts:

1. The applicable provisions of Sections 401 and 203 of this Ordinance relating to minimum lot sizes, dwelling unit densities and impervious surface coverage for permitted nonresidential uses shall be modified as follows:

a. The boundaries of the tract that is proposed to be subdivided or developed shall be superimposed over a topographic map of the area (at two foot contour intervals) prepared and certified by a licensed land surveyor from an actual field survey. A steep slope analysis showing each of the slope classes listed below shall be delineated on the subdivision plat or site plan. The percent of the area within each slope range indicated below shall be multiplied by the corresponding development factor:

<u>Percent of Tract Area</u>	<u>Slope Range</u>	<u>Development Factor</u>	<u>Product</u>
	(0% - 10%)	x 1.00	=
	(+10% - 15%)	x .70	=
	(+15% - 20%)	x .20	=
	(+20%)	x 0.00	=

b. The sum of the products resulting from the multiplication of the percent of the total tract area within each slope range by the corresponding development factor shall be the developable tract area.

c. The developable tract area shall be divided by the required

- minimum lot size for the district, in the case of a subdivision, to determine the permitted number of lots in the subdivision.
- d. The developable tract area shall be multiplied by the maximum permitted density of residential development or, in the case of a nonresidential development, by the maximum permitted impervious surface coverage to determine the number of dwelling units or square footage of impervious surface coverage (for a nonresidential development) permitted to be developed.
2. In areas with slopes of fifteen (15) percent to twenty (20) percent, no more than fifteen (15) percent of such areas shall be developed and/or regraded or stripped of vegetation, and a drainage plan shall be submitted indicating that the development, regrading or stripping of vegetation in such areas will not increase runoff from the site over predevelopment conditions.
 3. In areas with slopes of twenty (20) percent or more, no development, regrading or stripping of vegetation shall be permitted.
- B. Notwithstanding the above, redevelopment of an existing developed lot of record at the time of the passage of this Ordinance may be permitted in the R-1 district and shall be exempt from the above provisions as long as the redevelopment is limited to the footprint of the existing impervious surface areas on the lot.
- C. Variances in accordance with the requirements of N.J.S.A. 40:55D-70c from Sections 310.A.2. and 3. And 310.B. hereinabove shall only be granted by the Planning Board to prevent extraordinary hardship to the property owner; to achieve a compensatory net environmental benefit; or to otherwise promote the public health, safety and general welfare.
- D. The following requirements shall apply to any development or redevelopment for which construction of any improvement is proposed on a slope of 15 percent or more regardless of the nature or extent of the improvement:
1. A lot grading plan which indicates the proposed driveway plan and profile and other site grading information relating to the proposed improvement(s) shall be submitted for review and approval by the Borough Engineer. Such plan shall also provide for the proper protection and stabilization of all disturbed areas consistent with the design techniques established by the Soil Erosion and Sediment Control Standards adopted and amended by the New Jersey State Soil Conservation Committee.
 2. The Borough Engineer shall verify that the proposed driveway design is capable of providing access for emergency vehicles and equipment under all weather conditions

Section 2.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Warren Cooper, Mayor

ATTEST:

Brenda Shepherd, RMC
Borough Clerk

Ordinance #730 -- Capital Improvement Ordinance – Kingwood Avenue Bridge Sewer Support Project (Introduction)

Mayor Cooper noted that we need to adopt this ordinance in order to go forward with the replacement of pylon that got swept downstream during one of the floods and holds the sewer line under the bridge on Kingwood Avenue. We received \$47,000 in FEMA reimbursements. The remaining funds will come out of the sewer capital improvement fund. Responding to Seth A. Grossman, Mayor Cooper stated that the pylon was incorporated into a portion of the creek project. Brad Myhre stated that the old pylon did not have a footing and the new one will. Robb Arent added that FEMA only replaces it to what it was before the storm and Brad Myhre worked to get it upgraded. Brad Myhre stated that if we wanted to do a different set up, they would not pay for it. 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 #730 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #730

AN ORDINANCE TO PROVIDE FOR THE KINGWOOD AVENUE BRIDGE/SEWER SUPPORT PROJECT FOR THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$42,750.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND AND \$47,250.00 FROM THE RESERVE FOR FEMA REIMBURSEMENTS

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRENCHTOWN IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of the ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Frenchtown, New Jersey. For the said improvement or purposes described in Section 2, there is hereby appropriated the sum of \$42,750.00 from the Sewer Capital Improvement Fund and \$47,250.00 from the Reserve for FEMA Reimbursements, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Borough of Frenchtown hereby authorizes the repair of the Kingwood Avenue Bridge/Sewer Support Project for the Borough of Frenchtown.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Borough of Frenchtown, but rather a capital expense and the Borough of Frenchtown's estimated cost of said work, acquisition or improvement is \$90,000.00.

Section 4. Amounts not exceeding \$19,262.00 in the aggregate for engineering costs are included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The sum of \$90,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating the sum of \$42,750.00 from the Sewer Capital Improvement Fund and \$47,250.00 from the Reserve for FEMA Reimbursements of the Borough of Frenchtown for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 6. No debt of any kind is authorized for this undertaking.

Section 7. This ordinance shall take effect immediately upon adoption according to law.

Warren E. Cooper, Mayor

Date

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #731 – Capital Improvement Ordinance – purchase of computers and finance program (Introduction)

On motion by Seth A. Grossman, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #731 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #731

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF COMPUTERS FOR THE ADMINISTRATIVE OFFICES AND THE PURCHASE OF THE FINANCE PROGRAM FOR THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$12,000.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF

FRENCHTOWN IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of the ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Frenchtown, New Jersey. For the said improvement or purposes described in Section 2, there is hereby appropriated the sum of \$12,000.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Borough of Frenchtown hereby authorizes the purchase of computers for the administrative offices and the purchase of the finance program for the Borough of Frenchtown.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Borough of Frenchtown, but rather a capital expense and the Borough of Frenchtown's estimated cost of said work, acquisition or improvement is \$12,000.00.

Section 4. The sum of \$12,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$12,000.00 from the Capital Improvement Fund of the Borough of Frenchtown for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 6. This ordinance shall take effect immediately upon adoption according to law.

Warren E. Cooper, Mayor

Date

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #732 – Capital Improvement Ordinance – engineering for the downtown streetscape design plan (Introduction)

Mayor Cooper noted that the Engineer estimated the design plan would cost \$4,850.00. The Business Association offered to split the cost with the Borough and we included it in our budget this year. On motion by Seth A. Grossman, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #732 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #732

AN ORDINANCE TO PROVIDE FOR THE ENGINEERING OF THE DOWNTOWN STREETScape DESIGN PLAN FOR THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$2,425.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRENCHTOWN IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of the ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Frenchtown, New Jersey. For the said improvement or purposes described in Section 2, there is hereby appropriated the sum of \$2,425.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Borough of Frenchtown hereby authorizes the engineering of the Downtown Streetscape design plan for the Borough of Frenchtown.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Borough of Frenchtown, but rather a capital expense and the Borough of Frenchtown's estimated cost of said work, acquisition or improvement is \$2,425.00.

Section 4. The sum of \$2,425.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$2,425.00 from the Capital Improvement Fund of the Borough of Frenchtown for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 6. This ordinance shall take effect immediately upon adoption according to law.

Warren E. Cooper, Mayor

Date

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Approval of Bastille Day event on July 13, 2013 sponsored by the Frenchtown Business and Professional Association

Mayor Cooper noted that this is something that has been done since 1789. Responding to Cathy Leach, Diane Dalrymple noted that he discussed the event with Chief Kurylka and they will hire two police officers. Harrison Street will be closed from 10:00 am to 6:00 pm. On motion by Cathy Leach, seconded by Brad Myhre, and carried by favorable voice vote, the Mayor and Common Council approved the Bastille Day event on July 13, 2013 sponsored by the Frenchtown Business and Professional Association.

Authorize Mayor to sign contract with Matt Hubert for Police and Borough Hall Doors

On motion by Seth A. Grossman, seconded by Brad Myhre, and carried by favorable voice vote, the Mayor and Common Council authorized the Mayor to sign the contract with Matt Hubert for the Police and Borough Hall doors.

Rescheduling of the October 16th Council meeting due to the special elections

Mayor Cooper reported that the special election day called by the Governor coincides with the October 16th Council meeting. We need to find a different time and date. Around this time of year, we usually make use of the second meeting. The fourth Wednesday of the month is the Planning Board meeting. Robb Arent stated that the Clerk is here sixteen hours on election day so we may not want to have it the day before or the day after the election. Brad Myhre stated that depending on the business in October, we may not need the second meeting in October. The Council agreed to discuss it later.

New Jersey League of Municipalities Convention

Mayor Cooper announced that the New Jersey League of Municipalities Convention is November 12th through the 15th. Mayor Cooper added that in November of last year, we agreed to pay for one night if someone wished to attend and if you want to stay a second night, you would pay out of your own pocket. We did not do it last year because of Superstorm Sandy. Brad Myhre recommended the same approach for this year. Cathy Leach noted that the Borough budgeted for it.

Congratulations graduates

Mayor Cooper stated that it has become a long time tradition that the Mayor read the names of the graduates from the Frenchtown Elementary School and the Delaware Valley Regional High School Frenchtown graduates into the record. Mayor Cooper read the names of the graduates as attached to this set of minutes.

Approval of Coin toss for Frenchtown Fire Department on 7/13-7/14

Mayor Cooper noted that this request is the dates of the Bastille Day celebration. Michele Liebttag noted that Chief Kurylka has no problem with it as long as the County approves the paperwork. She added that the County approved it yesterday at the Freeholder meeting. Brad Myhre stated that it is generally from 8 am to 4 pm. Robb Arent commented that he has always been opposed to them piggy backing on the Frenchtown Business and Professional Association festivals. 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 Frenchtown Fire Department on 7/13-7/14 with Robb

Arent opposing.

Approval of Upper Eighth Street block party for July 27, 2013 with raindate of July 28, 2013

On motion by Brad Myhre, seconded by Michele Liebtag, and carried by favorable voice vote, the Mayor and Common Council approved the Upper Eighth Street block party for July 27, 2013 with a rain date of July 28, 2013.

Approve and authorize the Mayor to sign the Administrative Agent Contract between the Borough of Frenchtown and Barbara A. Walsh, LLC

Mayor Cooper stated that the Borough has to do something to have in place an agent for our COAH responsibility. We have a unit in the DeSapio complex that needs to be rented. The former administrative agent has retired. Brenda Shepherd did a search to replace the administrative agent and Barbara Walsh is the only one who was available. We may have to search for someone else in December as Ms. Walsh's insurance expires and she is not yet sure she will continue. This will hold us over for now. A motion was made by Brad Myhre and seconded by Cathy Leach to approved and authorize the Mayor to sign the Administrative Agent Contract between the Borough of Frenchtown and Barbara A. Walsh, LLC. Mayor Cooper opened the floor for Council discussion. Robb Arent stated that he does not want to vote on a contract he has not seen. Attorney Rizzo noted that it is the same contract as you previously had. There were some very small points that were amended and he removed one line that did not make sense. He spoke with Ms. Walsh and they agreed to remove it. She will be paid \$190.00 per hour. Mayor Cooper stated that it will be paid out of the COAH funds. Robb Arent expressed concern that the contract does not have a "not to exceed amount". There is no idea how much we will spend. He remembers one time we had a contract that included a certain number of hours for marketing, a certain number of units, when the units became available and he is not certain what this person is going to do for us. He has never heard of this person. We usually have a not to exceed amount in the contract. Mayor Cooper noted that this is a modified copy of the agreement this council approved in the past. The modification did not take any of those out because they were not in there. Because we have an open unit that we need to fill at this time, there is pressure to go ahead to accept the contract. Given the fact that this woman has been certified to do this, she believes that she is under constraints that are stronger professionally in our attempt to propose a contract. Attorney Rizzo stated that he can approach her after the meeting and discuss an amendment to the contract to put a cap on it. He can not tell you if she will agree to it but if you want him to do that he can do that. Brad Myhre stated that we are forced with the mandate by the supreme court of New Jersey and we have to comply with it whether we like it or not. Mayor Cooper stated that Brenda Shepherd told him that she put in some time trying to find an Administrative Agent and there were others we could choose from but this was the only person who would do it because we have so few units. There is very little financial incentive. The woman is almost willing to let her insurance dictate whether or not she will continue because she can not make enough to pay those bills. Seth A. Grossman stated that he is willing to go with the Mayor's recommendation. Having no further discussion on the matter, Mayor Cooper call a vote on the motion. the Mayor and Common Council approved and authorize the Mayor to sign the Administrative Agent Contract between the Borough of Frenchtown and Barbara A. Walsh, LLC carried by favorable roll call vote.

Vote on the motion:

Ayes – Grossman, Leach, Liebtag, Myhre, Sullivan
Nays – Arent

Abstain – None

PUBLIC COMMENTS

Mayor Cooper opened the public comments to Richard Vanselous. Richard Vanselous of 22 Ward Street apologized for interrupting the meeting. He has been living here for 53 years. He complained that Hilltop, Chestnut, Maple, and Ward Street are total disasters. Danny Carr does not want to call the guys from the road department to come up because he is afraid they will make big ditches and complete destroy his landscaping after doing my front yard now. He thinks the Borough should get a grant and take care of some of these roads. On the corner of Maple Avenue and Hilltop Avenue, there was a deep hole in the road. He called the police and they put a cone there and call the road department. The road department came up and instead of taking the pipe out that the gas company destroyed, they cut the drainage off and now it is a lake. Mr. Hartpence years ago put a drain on the corner of Hilltop and Maple. The road department filled the hole in with stone instead of taking the pipe out and replacing sections. They cut the drainage off altogether. Now they are working in front of my house after they did Chestnut. He had it all fixed up nice and takes pride in keeping our place looking nice and it is not working out with the road department. The road department does not know what they are doing. They have a big outrigger that they put down on people's property and they take their backhoe and they dig up a ditch and make a big hole on people's properties instead of putting in a pipe and then they move on to the next property. Mr. Vanselous stated that he has worked in construction for 41 years for the telephone company and he know what an outrigger can do to people's property. You put a plank or piece of plywood to stop from going into the grass. All that needs to be done to that road is build it up in the middle. The rain will go to the side. All they want to do is dig out the ditches on both sides. Mayor Cooper stated that he wants to first acknowledge that there is a problem. The solution is not nearly as easy or as obvious as you may think and certainly not as easy as we hoped. Mr. Vanselous asked Mayor Cooper to come to his house and take a ride with him. Mayor Cooper stated that he will do that. He added that he will explain why this is a problem. Mr. Vanselous ask who gave the road department permission to go up there or the gas company. Someone from here had to. You grandfathered this road a long time ago. We can break our axels and get flat tires going up and down this hill. Mayor Cooper stated that he is sensitive to the problem up there. This has been an issue ignored for decades. We started talking about this last year when he became Mayor and this year, this council has allocated funds so that our Attorney can begin the process of sorting out what needs to be done to be able to accomplish the bring of that part of town under the umbrella of the town. Because right now regardless of what we have done, we have done out of consideration and we may not have the authority to actually do to things we have done to help the residents who live up there. This has gone on for many years. We are trying to approach it in a rational and reasonable way so that we know going forward how we are going to treat this problem. It has been ignored all these years and it can not be fixed over night. Unfortunately, our Attorney has been out on sick leave. Attorney Rizzo has been filling in for him for about two months now. It is our intent that we address this problem this year and figure out a solution. He apologizes that it has not been done already. Mr. Vanselous stated that he does not know why they do not put the sewer line in and blacktop it like it should be done. Mayor Cooper stated that the Attorney would not allow it because it would make us liable for a lot of things which most people think we should not be liable for. We must do it legally. Mr. Vanselous asked "Don't you think you are liable for the potholes?" and ask if they could put some gravel in there or get a grant and get someone in there that knows what they are doing. Mayor Cooper noted that he will be away next week but the week after he will come up and will take a ride and talk about it. Mr.

Vansalous stated that all those streets are so bad. Mr. Carr has to go out Chestnut. He apologized for barging in. Brad Myhre stated that there has been some disagreement among Council as to the responsibility up there but it is time to address it once and for all. The roads are atrocious. Mr. Vansalous stated that it is a serious issue. He apologized for barging in. His neighbors are afraid to come down and address Council. Brad Myhre noted that they are tax payers and many of those residents up there are fed up. We ran gas lines and water lines up there so there is some bit of ownership up there and we need to resolve it. Mayor Cooper stated that this is why we authorized the attorney to look into it this year so we know what to do going forward. Russell Hoge asked if the attorney has been given a deadline? Mayor Cooper stated that we will wait until he is back but he know it is something we expect to be done this year.

Surveillance cameras in Borough Park

Mayor Cooper stated that this is a proposal to put surveillance cameras in the Frenchtown Borough Park. Brad Myhre noted that in the packets under reports, you will see an email from Rivernet Computers to the Chief of Police with cost estimates to install these cameras in the park. He brought it up at the last meeting and thought we would put it on the agenda this evening. We wanted to go over it and make sure everyone is comfortable with the idea. We have had numerous incidents of vandalism at the Frenchtown Park particularly after we had all that work done by volunteers. The difficulty is catching whoever is doing this. We have every legal right to install cameras and have debated it in the past. We opted not to do it then but the repetitive damage is costing substantial money. He hopes it will be a tool to see who is coming or going around the time the vandalism occurs. They also work during the evening. Responding to Cathy Leach, Brad Myhre noted that there are a total of six cameras. They come as a set. This was discussed with Chief Kurylka and Mike Reino. They met with the vendor about this idea. Mike Reino is supportive because he does the clean up down there. The additional cameras not needed at the park could be installed at the new DPW where we had problems with people dumping old furniture and other things. Robb Arent stated that on the back of the proposal it says the DVR comes with 4 cameras but the cameras are not vandal proof which is why he is recommending getting two vandal proof cameras. Brad Myhre commented that we will put two at the police station, two at the park and two at the DPW. The whole system will connect with the current system at the Police Department. Public works is willing to split the cost with the Police Department out of their budgets. Cathy Leach commented that the worst incident at the park was restroom toilets were stuffed full of debris. We had to close down the restrooms and incur the expense of a plumber to remove all that and repair it. There were other incidents of graffiti and the railing on the pedestrian bridge was knocked down. We believe it was vandals because of the aftermath but we can not prove it. Brad Myhre stated that it has gotten to the point where we feel cameras are necessary. Cathy Leach added that hopefully it will deter someone and if not, we hope to catch them. Brad Myhre noted that the cameras at Kathee's General Store helped identify who was vandalizing the cemetery and smashing headstone by seeing who was going in and out of there. Robb Arent noted that if there is anything we learned from the Boston Marathon explosion is that there are cameras everywhere. It is not something new that people will be video taped. Mayor Cooper commented that there is no constitutional guaranteed of privacy in a public places as our Counsel will remind us. He is very uncomfortable about this but our responsibility is to the health, safety and welfare of the community. Mayor Cooper added that it is another tool to help protect that quality of our community. On motion by Brad Myhre, seconded by Michele Liebttag, and carried by favorable roll call vote, the Mayor and Common Council approved the installation of cameras at the Borough Park and also at the public works garage.

OLD BUSINESS

Creek Road Project

Mayor Cooper noted that he has played phone tag with the engineer and was unable to connect with him to find out the status of that. Brad Myhre reported that they are changing the funding criteria for projects from Congress to New Jersey from Hurricane Sandy and we received an email that went to our Emergency Management Coordinator, Karen Harmon, indicating that they are shifting from a 75% and 25% split to a 90% and 10% split. He is trying to get conformation that it also applies to Creek Road. It says all projects. So, it will be a 10% contribution from the municipality versus 25% which will be quite helpful.

Recycling

Michele Liebttag noted that she met on Monday with the subcommittee that includes Dominikija Prostack, Richard Reilly, and Mike Reino and we talked about whether or not we can publicize the expansion of additional materials at the recycling center yet. And, because of the delay of the construction at the DPW construction site, we tabled that announcement and will deal with it once the construction is complete and have only extended hours for brush drop off Monday through Friday from 8:00 am to 4:30 pm. We also talked about the mailing we are required to do by the Borough twice a year. We wanted input from the Green Team and followed up with that at the meeting and came up with a list of items we are going to cover in the mailing which includes the remaining recycling calendar through December 2013, the Hunterdon County's Save the Date for hazardous materials and electronics drop offs, the reference to the Hunterdon County Recycling website, Save the Date for the Green Fair and the remaining dates for the Farmers Market. They were also interested in making two comments about the ordinance in town that people are not permitted to dump brush and greens in the gutters or streets. Some people are doing that and it is blocking the sewer grading and also to keep brush trimmed and out of the walkways and road site lines. Remind people that those ordinances exist. If there is anything else that you want to include in the mailing, let her know. Brad Myhre commented that he will ask Chief about national night out although they do their own mailer. Michele Liebttag stated that she would like to work on it next week. Responding to Mayor Cooper in reference to the extended hours for the brush, Michele Liebttag noted that the yard will be open and it will not be manned during the day. Public Works will be in and out when they are not working on projects and we will have cameras.

George Michael property

Mayor Cooper stated that the last he heard was that George Michael got his DEP permit and was ready to move forward. He wanted to meet with Borough officials. Responding to Mayor Cooper, Brenda Shepherd noted that George Michael just submitted an amended site plan application to the Planning Board. Brad Myhre reported that Robb Arent and himself had breakfast with George Michael and he is working the extinguishment of the easement. It was not resolved yet but thought it was close. His new counsel should be contacting the Borough in the near future. Robb Arent commented that it sounds like the resolution to the extinguishment of the easement was that he was going to have to right a big check to acquire that other piece of property. Brad Myhre added that he did mention that he would most likely be contacting the planning board. Robb Arent stated that he would most likely turn that piece of property next door into a park in conjunction with our park. There are two parcels there, the one Frenchtown is getting and the other is the one he will buy.

Robb Arent explained that the property he is giving the Borough has the easement. The easement holder is the next property down. He is trying to acquire that piece of property so that he owns the easement and can extinguish the easement and give it to the Borough.

DEP & Sewer Service area issue

Mayor Cooper reported that the meeting with NJDEP in reference to the Sewer Service Area is at 2:00 pm on Wednesday, July 10th at Borough Hall. There is no issue if anyone from Council wants to attend. County Planner Ken Bogen will be here as well. Mayor Cooper asked Clerk Shepherd to let Thompson Land know about the meeting.

Courage to Connect 7/18

Mayor Cooper reported that on July 18th at 7:00 pm, there will be a meeting to continue the conversation that was started with the 5 Mayors with a group called Courage to Connect looking at the possibility of having this organization pay for a very expensive study of various shared services and merging opportunities as part of our ongoing effort to find efficiencies and cost savings. Everyone is invited to attend. As part of that, we had been talking about share services regarding DPW service and we have a meeting set up with county officials on the same date in the morning. Michele Liebttag requested that we make the County meeting earlier than 8:30 a.m. Mayor Cooper stated that he can request that. As part of the ongoing attempt to seek out efficiencies and cost saving opportunities, we have also been considering how we operate our Wastewater Treatment Plant. Robb Arent commented that shared service is generally not something that works well with sewer or wastewater treatment. We were in a shared service for back up with the Sewer Operator in Milford before Gerry Case got his license. The issue of doing it as a share service is when there is a critical issue such as a flood for example, Milford would be dealing with the same issues we would be dealing with in Frenchtown. You really could not have the operator do both places so shared services apparently does not work. One alternative to try and reduce cost or get a guaranteed fixed cost for an extended period of time for budgeting purposes is to bring in a third party operator, an independent company that has expertise in the area and take over management and all responsibilities for operating the wastewater treatment plant. We wanted to look into the possibility of doing that. That requires us to put out a request for proposal (RFP) for the operation, maintenance and management of our wastewater treatment facility. We have drafted one which he passed out to everyone to look at. This has been reviewed by Attorney Rizzo and by Tim Bradley of Kleinfelder, the engineer guiding us through the new wastewater treatment project. One of the advantages to having a third party operate for an extended period of time is that it removes the Borough's risk of employee benefits. The tax increase increases our budget in small increments and a large portion of the increment is the increase in employee benefits. It also gives you stability in the event that the operator leaves or retires which is always a concern. This is an industry where fewer and fewer people are going into it. We would like to put out an RFP and the biggest thing about the RFP is the language in the document that is in capital letters and in bold that the Borough reserves the right to reject any or all RFPs. This gives us a chance to go out and see if we can save money if it does make sense without being stuck with something that does not suit us if it is better to keep it in house. It is a lengthy process if it is something we decide we want to do. If we approve putting out the RFP, then it has to be advertised and you have to give them time to submit and then open it, etc. The procedure is we then have to schedule a public hearing and then provide all that information to the DCA and they can take 60 days to review the potential contract before saying that we can do it. Ideally, if it is something we want to do, the timing would be ideal to do it when the new plant comes on line in January because you are starting with a brand new plant and nothing corky like our

current system. Plus, the advantage is that they have access to other plants that they are managing and can bring in starter bugs, etc. to start the process.

We had a discussion with Victor Gilardi about this. He understood that this is not saying we are going to replace him and Gerry Case and that it is something we are looking at. He has said that he was considering possibly bidding on this.

Responding to Brad Myhre as to the language “the Borough reserves the right to reject any or all RFPs, Attorney Rizzo stated that the Borough has the right to reject all RFPs. Responding to Cathy Leach, Robb Arent stated that what we are asking for is a RFP for a ten year contract to operate the facility. We would know 10 years out exactly what our operating costs would be, capital improvements and things that break, etc. We build into the budget each year setting aside in the capital improvement fund for future replacement of items. It gives you a chance to know exactly what the debt service will be and this will give us 10 years of knowing what the payment of operations is going to be and do a much better job of projecting and knowing what future costs will be. Michele Liebttag stated that we have had conversations about re-engaging your sewer advisory committee and she asked if that has been done and if this has been run by them for an opinion? If you put this out for RFP and we accept a contract and they do not provide the service outlined in RFP, do we have the ability to terminate a long term contract. Attorney Rizzo responded that the Borough can terminate the contract if they are in breach. Robb Arent responded that it has not been vetted through the committee only because he has not had a chance to schedule a meeting because of construction meetings. He has been down at the wastewater treatment plant 30 to 35 hours per week. It is something that he has discussed with the commissioner and former sewer commissioner, Adam Liebttag, and part of the reason that it has not been discussed with that committee in general is that it involved employee issues. We felt it was more appropriate to talk to the potentially impacted employees. As to continuity of services, Michele Liebttag asked if the company that bids on this as the service provider, are we guaranteed one operator for the ten years? Robb Arent responded “no” and noted that the continuity of service would be the company and the fact that the back up operators are operators who operate at facilities in surrounding areas. Essentially, what you have is a regional group that are familiar with all the facilities in that region. Michele Liebttag asked if we would be in a situation like we encountered with JCP&L and at the mercy of that provider to come to us when they deem fit because they prioritize other municipalities over ours. Robb Arent responded “no” and explained why. Their licensed operators are the ones whose licenses are on the line. The company who employees them are the ones who are responsible for any accident, fine or spillage. It is in their benefit to make sure they are in compliance because the DEP takes any violations at the sewer plant seriously. It would be their responsibility as the operator. And, Robb Arent stated that he would have every confidence in the world that our attorney would negotiate a good contract. Responding to Council, Robb Arent stated that he knows of one company that would bid on this that does 68 sewer systems in New Jersey alone.

Brad Myhre asked in terms of maintenance required for the facility, how is that billed? Robb Arent responded that ordinary maintenance is built into the proposal. Extraordinary expenses is not. What we would do through the contract is have it brought to the sewer committee or council. He added that the sewer advisory committee, the committee who came up with a proposal to change the way the billing system worked, offered to be a more active participant in this. He has not taken them up on it as much as he would because he has been running ragged down there but it could be that there would be oversight from that committee over this. The other thing we could consider doing that the Mayor and he discussed is maybe it would be worth while to bring in an independent person once or

twice a year to evaluate how the third party operator is performing. It probably would not be bad to do that if we maintained control of it in house. Brad Myhre stated that our sewer system in looking at the budget helps provide borough services. What ramification would this have on our ability to fund that? Robb Arent responded that the Borough would still be responsible to bill and collect all fees. That would be all we have instead of writing payroll checks, checks to the sludge removal company, and the lab that does the testing. We would be writing a quarterly check to the company doing the operation. Billing and collections remains with the Borough.

Mayor Cooper stated that he was looking for some discussion of fines in terms of expectation that the bidder should be responsible for the fine should a fine result from their operation. Robb Arent stated that the fine usually runs with the license of the operator. If the operator is a Borough employee as part of the employee agreement the Borough takes care of their fines. This impacts the individual's license. Mayor Cooper commented that as to the first dot above scope of work which reads; provides for use of all lands, equipment, etc. it does not say for the use and maintenance of our plant and operations. Attorney Rizzo stated that we can add it. Mayor Cooper asked as to the third dot what are similar charges associated with operation and maintenance other than taxes. Attorney Rizzo stated that it is a catch all. He is not aware of any but it does not mean the state would not impose any. On the following page, second dot from the bottom, Mayor Cooper stated that it requires in the scope of work that they provide emergency support during off hour emergencies. He is not sure what that means. Robb Arent stated that it is what we have now. We have alarm systems set up that monitor when the generator kicks on, when the flow reaches a certain level, and through the alarm system, both Victor Gilardi and Gerry Case's cell numbers are notified of an off hours incident. Mayor Cooper stated that we expect them to respond to those calls. Robb Arent stated that again, that it is their licenses n the line. As to the second line on the next page says "all existing staff shall be given the opportunity to interview for all the positions."

Mayor Cooper stated that one thing Robb Arent did not mention but he thinks it is important is on the same page, second dot, includes a Borough wide collection system inspection. Robb Arent noted that as part of the RFP, we are putting in that there is a five year cycle and during that five year cycle, every line of the sewer collection system will be TV'd and inspected. We have not done that since we do not own the equipment to do it. To rent the equipment costs about \$1,000.00 a day. In a five year cycle, the entire system would be video taped. After five years, they would start video taping again. Mayor Cooper added that we come to believe that we have infiltration problems with sections of the collection system. This would help identify the necessary repairs needed to keep the system operating properly and cost effectively. Robb Arent stated that the new video system has GPS. Since we do not have very good maps of where the existing collection pipes actually run. We have a vague idea that they run between manhole cover to manhole cover but today when we were connecting the sewer lateral to the new Public Works building, the sewer main was actually 4 feet south of where we would have expected it to be. It was offset somewhere and it was also 12 ½ feet down. Brad Myhre asked how does this relate if, for instance, Brenda Shepherd gets a phone call here and someone is not sure if it is a sewer issue in the line or if it is their home? We have the ability now with our own personnel to send someone out to check it and say if it is our line or the homeowner's line. He asked if a private contractor will deliver the same level of services? Will residents have that same level of service that we provide today? Robb Arent stated that he does not know the answers to those questions. Michele Liebttag stated that she would take it a step further. If they have the ability to video, there are municipalities that have sewer department personnel that are municipal personnel that actually video that home connection to the municipal connection for the

residents to then determine whether or not their private plumber that is coming in to repair the damages is an appropriate level of repair. That is a service a municipality provides so if you are looking at this to expand the RFP to include those things, we need to make sure that they are willing to at least protect the homeowner in some way through their technology since we would not have the ability to send Victor Gilardi out to a home. Robb Arent asked if Council wants to provide a service we are not providing now, TVing laterals. Michele Liebttag stated that we have an individual now who can do it. She understands that he is not TVing but there is some connection with the residents and a person that has the residents' interest at heart also. Robb Arent commented that as someone who owned many houses, whenever he had a problem with his sinks or toilets draining, it never dawned on him to call the municipality and not a plumber to clean out since the lateral is the homeowner's responsibility. Brad Myhre stated that it is a service we provide. Michele Liebttag stated that we need interface making sure that the Borough's responsibility and the private owner's responsibility is appropriately addressed. Responding to Brad Myhre, Brenda Shepherd confirmed that she does receive calls at the Borough Hall from homeowners to have the sewer operator check the main to make sure it is not a problem with the main. Subsequent to a brief discussion, Brad Myhre stated that he wants to make sure that we have that level of service. Cathy Leach asked if Brenda Shepherd would be able to call the third party operator in that situation. Seth A. Grossman added that we want to make sure it includes sewer line service and not just TVing. There is a service element to it and make sure it is in the contract.

Robb Arent noted that as part of the RFP, we say that we reserve right to bring them for an oral presentation. If we do have an attractive proposal that we think would be beneficial to the Borough from a financial standpoint than we bring them in and Council can address those questions directly to the potential third party operator. We can get their answer and the Attorney can incorporate that into contract language. Seth A. Grossman commented that the RFP provides for plant maintenance but there is also system maintenance as well. Robb Arent responded that what we defined as facility in the beginning of the document is to be the collection system as well.

Responding to Brad Myhre, Attorney Rizzo stated that you can get as detailed as you want. It is not a bid. It is a request for proposals. It is not that you are bound to what is here. It is a proposal and it is something where you have a meeting and it is not something anyone is locked into. It can be addressed in the contract. You would probably want to have some type of presentation. RFPs are a work in progress. Michele Liebttag stated that she is inclined to table this because she would not read this in this short a period of time and be able to ask enough questions. Unlike the complaint tonight about the Administrative Agent contract, this is the same scenario. We are handed a piece of paper and expected to approve an RFP to go out to bid. You have not scheduled a meeting with the sewer committee to have an open conversation. Essentially, these are folks that were more heavily involved in putting this plant together and may have more thorough questions than we have. Is it appropriate to make a request to table this until the next meeting so we could more thoroughly read the RFP? Robb Arent responded that as to the administrative agent contract, we were asked to sign a contract that permits us to spend money. This RFP is getting proposals to determine if it is something we would like to consider. We could go through the details. Mayor Cooper stated that even through it is a RFP, he would like to ask if it benefits the borough to be as clear and inclusive about our expectations as we can rather than adding things. This issue about property owner's expectation about a response is something that it sounds like Council would like to change. It is easy enough to do by simply adding another dot to provide for a mechanism to advise the property owner whether a collection problem was the responsibility of the property owner or the system operator.

Robb Arent stated that you asked me to do this. Someone else can do it. He is down their 30 hours a week in construction meetings. Mayor Cooper stated that he appreciates the work Robb Arent has done and noted that we added a sentence to clarify one of the other dots. The Attorney will do that. We are not objecting to what you have done. Robb Arent asked if anyone wants to tweak the RFP. He is down at the plant everyday, fielding phone calls all day long, and squeezed the RFP in. Mayor Cooper asked if there would be an objection on anyone's part to, share through Brenda Shepherd any concerns or issues and we can set a quick meeting to make a decision about it going forward. Cathy Leach requested that you also share it with the sewer advisory committee. Let them email comments back as well. Responding to Seth A. Grossman, Robb Arent stated that the Council reconstituted the committee with a broader scope two months ago. He asked Brenda Shepherd to electronically distribute it to Council so that comments can be put in the document and sent back to him. He added that we are running out of time if we want to make a decision. Brad Myhre stated that a mid July meeting would make sense because the Fire Department wants to provide a presentation to Council. Also, the liquor license renewal may be an additional item. The meeting will be limited to three items unless an emergency rises. Mayor Cooper asked that any tweaks to the RFP get back to Robb Arent by Monday. The special meeting will be held Wednesday, July 17th at 7:30 pm at Borough Hall.

Shared Services with the County

Safe Streets and Roads Committee recommendations

Mayor Cooper reported that since William Sullivan was unable to convene the safe street and road committee last year, he took it over this year. We met several times and we are not done with our work but we are at a point that we would like to make a quick report to council. There is something in the Council packet to look at. We have done a walk through the town (part of town) looking at the streets, crosswalks and sidewalks that might impact pedestrians or bicycles and wheelchairs and found all kinds of interesting things that we may take into consideration going forward to address including reexamining our sidewalk ordinance so we can approach uniformity as sidewalks get repaired or replaced in town. We have identified 13 different types of sidewalk construction. One recommendation that we have already is to prioritize the replacement or enhancement of cross walk striping. We have put money into the budget to address some of that this year. The committee is prioritizing a list of those parts of the Borough that need it most. Generally speaking those are the ones on the approach to the school. We would like to have Borough Council seek to have that work done prior to school opening in September. We would like to see that go back to the infrastructure committee and then communicate it back to Mike Reino. We will have the prioritized list by the end of July. What is called the European design is what exists at Harrison and Eighth Streets today. It is the newer design and what is recommended. It is most easily seen by motorist and has the best results for crosswalk safety although it is more expensive. The crosshatched thinner lines are not deemed as safe as the newer design. You can see by the third picture that the crosswalks at Harrison and Sixth Streets are completely obliterated by ware as some of the other are. Cathy Leach asked if this has been shared with DPW because striping is one of their tasks? Mayor Cooper responded that it has been shared and the Safe Streets and Roads committee wants this project prioritized to be done over the summer. He asked the infrastructure committee to take that back to the DPW. The crosswalk inventory was distributed to Council last year.

COUNCIL COMMENTS/COMMITTEE REPORTS

Robb Arent reported that the open storage has been conditionally turned over to the Borough. Mike Reino and Mike Roden are moving everything they want to keep out of the wooden structure that is

pertinent to the existing DPW building so that they can tear that down next week. They will need that space for the staging area for the large pieces of bent rebar for the big tank. They are hoping by the end of next week to conditionally turn over the new DPW building to us to at least provide an area of storage. It was given to Mike Reino and Mike Roden as a goal to be out of the existing DPW building by the 12th of July. Responding to Mayor Cooper, Robb Arent stated that they will not occupy the new building. They will just store things in it for now. Then, they will demolish the building at the plant construction site. JCP&L came out yesterday and installed the transformer in front of the new DPW. They will be hooking that up and we will have power shortly. JCP&L will also be running a new power line from the pole to the existing plant. Currently power runs from the DPW building to the wastewater treatment plant. They will run a new line that will be a permanent line to the wastewater treatment plant at which time we will go on back up generator as they disconnect power that is running from DPW building and hook up the new line. The back up generator will remain there until the old generator gets moved over and permanently installed. That is the first major step in being able to demolish the existing DPW. There are a lot of rumors going around about being behind in schedule but they are not as far behind schedule as it seems to be. The portion that will be further along than what we thought is the demolition and mediation of the site. The important part is getting the new plant operating on line. It is a little bit of a delay from the schedule but they wrote a letter and we are reviewing it and will address them. Whatever the issues are we will deal with it later so it does not create a hostile relationship now.

Robb Arent reported that there also was a rumor going around that one of the construction guys took out somebody's mailbox and did not stop. What the situation was is that the guy did not speak good English and continued on to get someone to come back to Rick's house with him to act as a translator. The guy took responsibility and personally paid Rick to make sure his mailbox was back to the way he wanted it.

Brad Myhre reported that the Police Department received a grant from the juvenile accountability block grant. This was administered to the County of Hunterdon. We received \$1,300.00 to implement an internet safety cyber bullying program at the school. They will pay for us to get a new computer along with a power point projector and books to hand out so they can do presentations at the school. It is a reimbursable grant. We will talk to Diane Laudenbach to see how to determine how to utilize the program this year.

Brad Myhre also reported that the Police Department received an award by the Lions Club for service to the community and they were recognized at their annual dinner. Also in your packet, as agreed pursuant to the budget discussions and money placed into the budget to replace one of the police vehicles, he provided the information. We met as a committee and decided to go with the Ford Taurus to replace the one causing the most issues with maintenance. In the packet is the cost of the new vehicle under state contract and the cost of outfitting the new vehicle, totaling \$32,000.00. It is expensive to outfit the vehicle. We cut out a light bar which saved over \$2,500.00. In the past, we always did a lease purchase which is in the packet. The interest rate is higher for a lease compared to market. We want to take a better look at the best way to go forward with a purchase. He would appreciate any feedback. The benefit of this vehicle is the smaller engine which is more fuel efficient. It will be the traditional black and white. Mayor Cooper stated that this will be the fourth item on the agenda on July 17th.

Brad Myhre noted that the Chief gave his normal report comparing data from January with June.

This year we are having a lot of river incidents. They pulled a body out of river yesterday around 12th Street. They had another river rescue at the boat launch today. There are many more users on the Delaware. The Chief has been in contact with the state police and others. They are trying to reach out to state for something much like when you go to the beach with the flag warnings. We will need something similar on the Delaware River. With having a lot of rain, people do not appreciate how strong the current is and they get caught in it. Responding to Cathy Leach, Brad Myhre stated that we are asking the NJDEP and the Park Service to do something. Everyone comes through here and it is becoming more popular with the tubing business and the kayak business in town. Robb Arent stated that one of the easiest solution is to put up a sign that says "if the river is brown, you can drown". Brad Myhre commented that the NJDEP put in criteria in their RFP that went out to operating a tubing business on the river that included safety of tubers utilizing a commercial operation.

Seth A. Grossman reported that the Downtown Revitalization Committee continues to meet and we are at a point where the Borough Engineer who is doing the design plan is pulling together all our thoughts and giving us a draft of it by July 18th. The goal is to have this completed this summer and begin to vet these ideas to the community by Labor Day.

Cathy Leach stated that Mike Reino discussed the purchasing procedure policy and asked if the existing limit requiring approval, any purchases over \$100.00, could be raised. Mayor Cooper stated that it is already \$500.00. Cathy Leach commented that he was getting push back. He thought it should be \$1,000.00. Brad Myhre stated that he raised the Police Department limit to \$250.00 and sent an email to Diane Laudenbach about it. He recommended that Cathy Leach do that. Mayor Cooper asked that she cc Brenda Shepherd. Cathy Leach also noted that Mike Reino sent a question about the authorization to hire a part time worker. We authorized it last year and he did not know about it and did not use the funds. Does he have the same privilege this year? If so, someone needs to communicate that to him. Mayor Cooper stated that he would be happy to remind him that we accepted his budget to the dollar and there should not be any question about it. He wondered why it had not already happened because it is July. Cathy Leach responded that he did not feel confident that he had the approval and he wanted it in writing.

Mayor Cooper reported that we come across a problem with the bill from Milford Holland Rescue that we are not sure what went wrong. It is a bill from 2012 that we are trying to figure out how to pay now. According to municipal financial restrictions, we should have cleared that all out by the end of March. Technically, we do not have access to any of that money and we allocated surplus to this year's budget. We are working on it. He mentioned it because he does not want any rumors going around about it.

Mayor Cooper stated that Brad Myhre referred to the two water rescues in Frenchtown. It was our people involved in those rescues. Frenchtown Squad and Milford Holland Squad that recovered the body yesterday and the Frenchtown squad was involved in rescuing two stranded boaters on the PA side. They deserve our recognition and praise.

Mayor Cooper reported that Chief Kurylka will be the recipient of a special award from HART at their annual breakfast. The breakfast is the 25th at the Grand Colonial in Perryville from 8:00 –

10:00 am.

Mayor Cooper reported that it has been brought to his attention that the braches from the mulberry trees are hanging so low that it is impacting parking at the cluster of parking spots on Front Street beyond the Bridge Café. He asked that the infrastructure committee get involved and recommended that they contact the Shade Tree Committee to see if they want to have involvement.

Attorney Rizzo noted that Attorney Cruz started his rehab. It is slow. The last he heard was that he was intending to be back at the beginning of August.

CORRESPONDENCE

None discussed.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by Brad Myhre, and second by Robb Arent to adjourn the meeting at 10:07 pm. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk