

### **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 August 7, 2013.

### **FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

### **ROLL CALL**

Present for the Meeting:

Seth A. Grossman  
Cathy Leach  
Brad Myhre  
William Sullivan

Absent from Meeting:

Robb Arent  
Michele Liebttag

Attorney Paul Rizzo, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 16 members of the public were also present.

### **PUBLIC HEARING**

#### **Ordinance #729 – Steep Slope Ordinance**

The Mayor and Common Council approved to open the public hearing on Ordinance #729 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #729 by favorable voice vote.

#### **Ordinance #730 -- Capital Improvement Ordinance – Kingwood Avenue Bridge Sewer Support Project**

The Mayor and Common Council approved to open the public hearing on Ordinance #730 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #730 by favorable voice vote.

#### **Ordinance #731 – Capital Improvement Ordinance – purchase of computers and finance program**

The Mayor and Common Council approved to open the public hearing on Ordinance #731 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #731 by favorable voice vote.

#### **Ordinance #732 – Capital Improvement Ordinance – engineering for the downtown streetscape design plan**

The Mayor and Common Council approved to open the public hearing on Ordinance #732 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #732 by favorable voice vote.

## **PUBLIC COMMENTS**

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

Michael Padovan, property and business owner and resident of town, stated that it has come to my attention as well as others that the sewer rate commission has been abandoned as the committee has not met for over a year since it delivered it's report. I also understand that recently the Council has approved the reconvening of this committee. Without a doubt, the reconstruction of the wastewater treatment plant is the largest, most costly and impactful investment this Borough has ever made in public infrastructure, which most citizens of the Borough are fully supportive. I have the following four points to make;

- 1) Community oversight of the project is necessary.
- 2) The sewer rate committee should be the chief advisory body to the Borough Council on this issue.
- 3) Management concerns as illustrated by the "RFP", can not be determined by one or two people, and must follow a process through our community, and maintain a commitment to achieve the highest need and purpose for this facility.
- 4) The RFP process should be brought to the sewer committee and a proper report on their recommendations submitted. Secondly, a regular scheduled meeting of the sewer committee should be determined and posted immediately.

In closing, an observation, the sewer rates committee's report is not on the Borough's website. This is unfortunate, as the report was well done, and it is an important document that is still current and which yet has to be implemented.

Mayor Cooper asked why this came up tonight. Michael Padovan stated that to his knowledge the committee has not met and there has been not communication since last June when the report was done. Mayor Cooper stated that the Borough Council authorized that the sewer advisory committee continue with its important work and he is surprised to learn it has not. We will follow up on it and he appreciates Mr. Padovan letting us know. We will make sure the report gets on the website as well. Mayor Cooper added that your comments are timely in that Council President and he have spoken about the project and at Brad Myhre's recommendation, we are going to asked Tim Bradley, the Borough's engineer running the project for us, to come to the next meeting and give us a full update and report, the status of the project and any other thing that has come up that we should know about and that the public should know about. Michael Padovan commented that we appreciate the communication.

John Mathieu, property owner in the business district, stated that he is also concerned about the sewer obviously in having another sewer increase and having to pay a bill in Lambertville and in Frenchtown today, noticing the absurd difference between the two. He wanted to know what the status is of creating a sewer authority and whether or not the current people who are running the sewer system are going to continue under the new sewer plant. He is also very concerned that the sewer committee has not met in over a year. Mayor Cooper stated that your concerns are well founded and he appreciated Mr. Mathieu bringing it to the Borough's attention. As far as who will run the sewer plant afterwards, it was part of the discussion that resulted in a proposed RFP that was brought to the Council 2 meetings ago. It was suppose to go back to the committee which is one of

the reason he is surprised that it had not convened. Unfortunately, Robb Arent who heads the committee and who is our sewer liason is not here for us to ask questions. John Mathieu asked "What is the status of the idea or concept of the sewer authority?" Mayor Cooper stated that it has been discussed in the past as far as he knows. It has not come up for discussion at the Council level since he became mayor. That would be a recommendation from the sewer commissioner or the administrative committee which has not happened. John Mathieu responded that he is concerned about the future of this town, owning property in this town and being a neighbor in Kingwood Township. He thinks that a large expenditure creating a large facility requires professional management. It absolutely calls for the creation of a sewer authority independent by bonding a for an authority whether it is a municipal authority or a sewer authority. It is very different with revenue bonds etc. He is concerned that at some point because of size of Frenchtown and the size of the debt that Frenchtown has incurred that this can not be a loosey goosey deal. It has got to be professionally run. It cries out for an independent sewer authority to run it and to run its finances. I am paying \$13,000.00 a year in sewer fees for his building. Looking at that bill, looking at the town and population and the revenue stream, and the reduction in population in New Jersey, we have to get serious about this. It is not us versus you. We have to work together. He is not here to scold at all. He appreciates the work you are doing. He understands the citizen volunteer in this community and it is not easy. We want to work with you and make sure that when 2016 comes around everything is ready to roll. Mayor Cooper stated that before this project has to get off the ground, we had to secure funding for it. In part of that process of securing funding, we had to demonstrate that we could pay it back. We had to do it in a realistic manner otherwise we would not get the funding to do so. That was accomplished partly because of the work of Robb Arent and others have been doing on this project and the previous Council. Adam Liebtog was instrumental in that. We were able to demonstrate that we would not burden the rate payer beyond their ability to pay it back. We created the sewer rate committee to look at other ways of paying for the sewer that would be more equitable. That recommendation is suppose to translate into our using this past season's bills to determine a more equitable distribution of those rates. Not this year but next year. It is not as though we are going into this blindly. We have been thinking very hard on how we will go forward. As far as the sewer authority is concerned, that has not been a recommendation of the sewer advisory committee at this point as far as he knows. We should look into it as part of responsible government. If Robb Arent does not bring it up, we will discuss it in the Administrative Committee and will make a decision to bring it to Council and look into it in other ways. As far as having professionals run a new sewer plant, you will not get an argument from anybody at this table about that which is part of the reason why the RFP has begun and was proposed so that we can make sure we have a way of projecting into the future what it will cost us to run that plant and guaranteeing to the extent possible that it was going to be run properly and maintained properly. It is a big investment. We do not want to put ourselves in a position of having blown that. Your points are well taken. As far as the authority is concerned, we will bring it back to committee and discuss it. We are concerned too that there has not been a meeting of the sewer advisory committee. John Mathieu stated that he will close with one final thought and that is that he knows from speaking with the previous mayor that there were assumptions made for the build out and sewer connections fees, etc. in Frenchtown that were used to support the argument for bonding, and the financial capability of the municipality to bond for the amount of money needed to build the sewer plant. I am concerned that the build out number may not be accurate. We know there will be building. We know the largest developer who was going to develop the ceramics plant is gone and no additional person is stepping in on that project. Mr. Mathieu stated that he has been in close contact with

people that build and do things and he is not aware of anyone that has bought that project from Bellin and step in. I hope your right and I am wrong. Mayor Cooper stated that he does not know that Mr. Mathieu is wrong but stated that he has been in contact with the property owner regularly and he has been personally asked to meet with 2 separate builders who sought information about that projects and at least one of them he is told is still working with the property owner. John Mathieu responded that it is fabulous. He added that his concern is that the town does the right thing. I do not want to have next year or the year after sewer bills that are so outsized that I will be forced to take action. Mayor Cooper stated that as you know, the sewer rate advisory commission came back with a recommendation that 75% of the annual cost of running the sewer plant including debt made up of payments of business and residents, property owner based on usage. A quarter would be a flat rate applied to everyone much like we have now, everyone who is a resident has a certain rate and businesses based on the number of units assigned. 25% would follow the same pattern as now. The bulk of the payments would be based on usage which the sewer committee thought was fair and we think is fair. We do not know how it will work out for you with the Laundromat. John Mathieu stated that he has to look for the larger picture. The Laundromat is important to a lot of people. The issue is long term, however it is done, the town has to be proactive. Brad Myhre stated that one of the reasons we requested Tim Bradley to come and speak to us is that we need an update, what is going on with the project and the community as well. He welcomed Mr. Mathieu to attend that meeting so that you can ask questions as well. The other items is that we have been working behind the scenes on overall management issues and looking at ways to restructure things in the town and we will have proactive approaches going forward within the next few months. Seth A. Grossman stated that as a member on the sewer advisory committee the idea of a sewer authority was discussed and we did not make a decision or recommendation for a sewer authority. Certainly, it is a important subject and a viable alternative for the Borough. The committee does need to meet and can continue that discussion. The plant is being built and people's sewer rate are going up a little bit. We need more communication on what is happening.

Toby Casagrande of 9 Chestnut Avenue noted that he is here to reiterate what Mr. Vanselous talked about a few meetings ago about the conditions of our roads or lack of up on the hill and he wanted to ask if there was any movement on the borough taking over the road formally. Mayor Cooper stated that it was the intention of this Council to have our attorney examine what our options were and make a recommendation so that we can decide how best to go forward as mentioned to you and Mr. Vanselous when we met. As he also indicated, our Attorney became ill and has not been with us. We made an executive decision not to burden our intrim attorney with the difficulty that may impose. We learned yesterday that our attorney is coming back part time later this week and his expectation is that he will be back at the next meeting. He has spoken with the Attorney and they decided that they will get together sometime next week and will discuss a number of projects and this is clearly one of them. Toby Casagrande asked if there is any plan to address how that road washes out. Will you discuss how the road washes out or how you will take over the roads. Mayor Cooper stated that neither conversation will happen next week. The conversations next week will be which projects we want him to get working on soon and one of them is how best to go forward with the problems of the hill top roads. As far as the maintenance of the road, his understanding was that this has moved to a priority position. The day we were out there, coincidently, one of the Department of public works employees was up there spreading stone and trying to keep things under control. Mr. Casagrande stated that he wishes it was not coincidental. It would have been nicer that the road maintenance knew about that and was up there fixing it. Seth A. Grossman added that these

roads are private roads. In order to transfer a private roads to the public body, we will have to have an ordinance to own those roads. People have to have the ability to comment on that to see if they want to own them. There may be some difference of opinion on Council on how that may work but we understand the seriousness of it. It is a real problem. It should have been done a long time ago but it was not. We have to go through a legal process determining how you transfer ownership and all the responsibilities that go with it. In the meantime, we have made it a priority on our road department to make sure we are on top of it as much as we can. Once we get these roads, we will have to seriously look at the county and state and other sources since we do not have the money in the budget to bring them up to standards. Once you own them you have to make them standard. We can not just add a few hundred thousand dollars to the budget and raise all of the property owners' taxes. We will need the community to work with us on this project. William Sullivan stated that it will be a multi-million dollar project. No one takes care of private roads as well as Frenchtown does. They are private roads and he knows it is a difficulty but we are doing our best to see what we can do. It is not something that is automatic that a homeowner can say, we want you to take over these roads. Mr. Casagrande stated that he did not give the gas company permission to dig up his part of the road. How did that happen? Seth A. Grossman stated that public utilities goes through private property and have easements, right of ways, etc. William Sullivan stated that construction of a road is such that the town assumes the liability of it. For us to assume those roads, they must be brought up to standards and as a town, we would take liability for it. Also, who pays for those improvements on private property because as it stands today, those roads are private. We are looking into it. Toby Casagrande stated that it was much appreciated that the Mayor came up and took an interest. We feel like it is a step in the right direction. He walked out of his house a week or two after we spoke, and he saw some improvement in the road and he was excited about it but it was not anyone from the Borough who came up. It was a resident with a front end loader that worked on the road. Mayor Cooper stated that technically, we do not have responsibility to be there so whenever we do come up and do something which we try to do as often as we can. We are doing something that goes beyond our obligation to the property owners there. It is a felt obligation and we want to make things right and it will take time. Mr. Casagrande asked how the homes are assessed up there and if the roads are taken into consideration? Mayor Cooper stated that he does not know how the homes are assessed. Toby Casagrande commented that they did not get robbed on Chestnut Avenue because the robbers did not want to bend a tire rim. Mayor Cooper stated that as we go forward it will be clearer on what we will be able to do but we do not know what that is yet.

Richard Vanselous of Ward Street commented that the when he was a kid he use to sleigh ride on that hill. Mr. Anderson was the mayor. Bob Wills worked for Mr. Anderson he was his right hand man and owned the hatchery down there. Mr. Anderson blacktopped that hill. Bob Wills had the house at the top of the hill and because he worked for Mr. Anderson, Mr. Anderson had that road blacktopped to the far end of his property. This is what politics does for you. It has been like this for years. The water company hit a pipe right there. The gas company hit a line up there and nobody knows who gave them permission. You are doing a fine job on the road. All that he wants to do is find out if you are still going to move forward with it. Mr. Vanselous added that the first time you plowed that road, for 53 years since he has been there, you inherited it. You grandfathered it like everything else. Mayor Cooper stated that this is why we need the attorney so we do not put the Borough at risk and the taxpayers at risk for doing something inappropriately and figure out the best way to go forward. Mr. Vanselous stated that to show you what kind of guy you got working for

you in town, they will not talk to him because he mouthed off about the roads. On the hill top, they should have dug the pipes up and put new pipe in instead of filling it with stone. Mayor Cooper stated that all he can say is technically we do not have a responsibility to be up there. However, we have a felt obligation to be up there. Between those two is where we find ourselves working to try to meet the needs of those residents. Seth A. Grossman stated that we will work to solve the problem. Mayor Cooper stated that we will try to work as fast as possible.

Tim Polak, resident of Ridge Road, asked if Ridge Road is a private road? William Sullivan responded that it is not a private road. Mr. Polak asked if there is any short term or long term plans for Ridge Road? He would like to address some issue that he has seen. The Drainage pipe on the west side is real bad and the one on the right is okay, especially from Kingwood Avenue to 10 or 12 Ridge Road. The road is decaying and getting narrower. Between Kingwood Avenue and six houses up, five of those homes have little children. We would like to go to town and we would like to walk to town but we really can't. It is incredibly dangerous. People use that road like a drag strip going up and down and because it is narrow and the gully is so deep, you get into a situation where you are guarding the kids and hope the driver sees you and does not lose control. One thing that would be nice that would be a temporary cure for that is some temporary speed bumps on the hill part with proper signage. Also, as to sidewalks, he noticed that from the Widow McCrae the sidewalks end so you have two homes up to Ridge Road that have no sidewalks. So, going to Kingwood Avenue you have to look around for cars before you get to the sidewalk. There are a lot of children. The other issue is lighting on that road. There are three street lights now that are incredibly dim. It would be nice to have them replaced if possible and a few more put up. Mayor Cooper stated that you have given us an opportunity to speak on things we were going to discuss tonight. As you may know, we applied for a grant to have work done on Ridge Road last year and we did not get it. We just received an announcement of the next funding cycle grant opportunity and we have been discussing to make Ridge Road a priority in our application. We are trying to figure out the best way to secure that grant. The second thing is that we are going to be talking about sidewalks and crosswalks and making the town a more walkable town. We established a safe streets and roads committee and we have already conducted a walkability study that we did on part of the number streets earlier which you will hear later in the meeting. Our next step is to start up Trenton, Lott and River Roads and then Kingwood Avenue. We intend to complete the study of every street in town and make recommendations going forward on how we can make the town more walkable and bikeable. So those are two things we know we need to do. As to sidewalks, if we are going to make the upper streets integrated into the town, that has to be part of the plan. We know it but we do not know how to go about it because it is very costly. As far as how much speeding goes on up there, we all know that it is a through road to Kingwood and Alexandria. We will have someone take a look at the lighting. Responding to Mayor Cooper, Chief Kurylka stated that it is against the law to put a speed bump on a hill. We have had cars up at Hilltop and Ridge running radar up there. There is no where to put a car on the lower end of Ridge Road. We have been up there. We can go back up there again. Mayor Cooper stated that as a governing body we are concerned about that. We are just as concerned about the conditions on Ridge Road as we are with Hilltop, etc. William Sullivan stated that Ridge Road is our highest priority. We are aware that there are deficiencies. And we are aware that we are patching things and putting in the gas lines and sewer lines has exacerbated the conditions there. We are looking for money to do it right. We hope that nothing tragic happens. There has been slow improvement. The big ditches are gone. Roads are very expensive. With our tax base, we do the best we can with the roads. We took \$60,000.00 out of the roads budget the last

few years to balance the budget and this is the first year we were able to get it back and that is why we are trying to make improvements. The 2% cap hurt us. It is not that we do not want to fix every street in town. We now have enough money to hire a part timer. Streets and roads are expensive and if we can get it for free by waiting a year that is what we will do. The former mayor was able to get incredible amounts of grants in for roads. We are working on it. Tim Polak stated that he understands it takes time but for him, it is a safety issue. He asked about a flashing sign? William Sullivan noted that this is the first time he has been hearing about the safety issues with pedestrian traffic. We will get into that and make some adjustments. Next time we will bring it up and have Mike Reino there. Brad Myhre stated that the Police Chief has applied for additional grants for speed signs. It will give us mobility to move signs around. The signs will remind people of the speed and additional enforcement will help. William Sullivan stated that we will look into lighting but that is a touchy subject. Everyone wants one in front of someone else's house but not their own. When we put them in, the next thing you know is we have people lined up here asking why did you put a light in front of my house? We put them up for safety reasons. Responding to Tim Polak, Mayor Cooper stated that we will have updates of this issue on the website. He asked Mr. Polak to give him his email address. Chief Kurylka noted that he will look up there to see where we can put the trailer and sign. Tara Shepherd from HART has a radar devise similar to ours. Maybe we can put one on one side of the road and the other on the other side. Mayor Cooper noted that Tara Shepherd who runs HART has been helping us with our safe streets and roads work and our crosswalk studies and the walkability studies. She has been a tremendous resource.

Tara Shepherd noted that we do have speed century sign that we make available to municipalities. There is posted on a pole. That would be better at the bottom where there is a smaller area as they talked about. It could have a traffic calming effect. The Chief can take the data collected from the sign and it will provide a good amount of information.

Colin Brown of 5 Ridge Road commented that he echos everything Tim Polak said. He added that he does not want a street light. He noted that he has three small kids, 6, 3 & 1 and it is dangerous to walk to town. The speeding is ridiculous. He actually has 2 driveway, one at his house and the other at Jackson Street, the paper street. He offered that area where the Chief can sit. You can also use the poles on his property for the speed signs. Colin Brown also noted that it seems like the updates to the website have not been done for about a year. Mayor Cooper stated that we discovered there was a problem and we are trying to resolve it now. Cathy Leach added that we have a volunteer and we are getting him the data. He will be working on it this week. You should see changes next week. Colin Brown noted that he runs a large telecom company, and if you need help, let him know. Colin Brown asked if there was a reason why we did not get the grant for Ridge Road. Mayor Cooper responded that there are different sources of money. The DOT was the source of that grant application. Brad Myhre stated that there is a limited pool of money that they spread around across the state but generally speaking our town falls within the \$150,000.00 grant range. That portion helps but the Borough will have to cover the difference. We will be submitting again this year. We have been talking about other strategies to make our grant look more attractive. Colin Brown stated that on his side of the street the ditches are 3 foot deep and where they put the natural gas line, the patch is already breaking up. There is grass growing across the road. Brad Myhre stated that the only way that road will be fixed is if we put proper drainage in. It will be part of the grant. William Sullivan stated that we need the type of grant we got for Milford Road. It has to be built right or it will fall apart. It is all shale. If we pave it, it will break apart again. Responding to Colin Brown,

William Sullivan commented that the pipe on your property is your responsibility. We will work with you. We will work with everyone on that hill. There is a formula which will be less than you hiring a contractor. He recommended that Mr. Brown work with Mike Reino. We can do it so that it conforms to what is getting done.

Diane Cotier, resident of 12 Ridge Road, noted that some of her concerns have been addressed as far as the conditions. She has a small child and they almost got hit walking down the road because of the speeders. It is difficult to move off because of the ditches. As to the car burglaries and theft we had on the road, she would like to sincerely apologize to the Frenchtown Police and thank them for the job that they are doing. She had 4 cars hit and hit hard. Emotions were running high that morning and we were very angry and felt violated. A lot of us did. It was 30 feet from my son's bedroom window. It was her fault. She did not lock the cars. But it took quite awhile and she will be the first one to admit she was not happy. She was suppose to be at work that morning but was not able to go to work that morning because the dispatcher told us not to touch the vehicles. There was a lot of negative comments about the Frenchtown Police Department and she would like to say thank you to them for working as hard as they are. They do what they can do. Unfortunately, at one point, it was just a lack of communication. She knows that she got a phone call from the County last year from Readington that there was a bunch of burglaries in the area and to watch out. She does not know if Frenchtown has that capability or if they did not know what was happening in Milford and Holland and could possibility happen in our town next. Chief Kurylka stated that they have the ability for reverse 911. He was making phone calls. Diane Cotier noted that it was frustrating because 2 hours after she made the initial phone call and no one had shown up and no one knew why. You are not expecting to wait 4 hours and wondering why we do not have a police presence. Once it was explained to her, she understood why the state police could not be called. She did not know about being able to make a town wide phone call to let the people know what was going on in the surrounding area. Mayor Cooper thanked Ms. Cotier for giving them the opportunity to praise the Police Department for their response under the circumstances. Having 19 vehicles entered over the course of one evening is a significant event in this town and very disturbing for all the residents, most assuredly for those who had someone enter your car and take things from you. Now that we know the extent of the incident, it becomes easy to understand why it took time for everyone to get visited. Perhaps it is something we need to look into should such an event happen again. Hopefully, it will never happen again but trying to figure out a way of communicating to let people know a status update. We can not predict when someone will get there but we do not want you to think you are forgotten. Ms. Cotier stated that she thought that is what it was because it was 4 hours later and you are thinking what is taking so long. Also, you react emotionally and maybe not sensibly at the time. You realize afterward the magnitude, it makes it a lack of communication. Mayor Cooper commented that a friend of his said email has made him love his friends and Facebook has made him hate everyone. Chief Kurylka commented that he thinks there was a breakdown with the call center too. They probably could have been more aggressive by saying Frenchtown is tied up with an arrest right now. They will get out there as soon as they can. What really annoys him is stupidity on Facebook. People want to fight over cars being broken into. He now has people coming in now wanting fire arms permits because of this. He has been here 34 years and we have had many cars burglarized. We were able to solve them although it would take a little bit of time. We do not need the citizens blaming us for not responding when all we are doing is the job that you are paying us to do. The comments were irrational. He became upset with it. We are here and working on it and we have stuff going with it. He would have been happy to give you the heads up on it but if it did not

happen in my town, he does not know if another town has a secretive investigation going on and he does not want to put it out in the newspaper if another town is investigating. There is a lot of thing that go on with this. We get called and yelled that we were not there. The last call, someone complained that there were 4 cops there. He understands the frustrations and the anxiety. We are there doing what you are paying us to do and the guys are doing a good job. Tim Polak stated that Facebook is terrible. He uses it for information. With an event like that, you ignore all the negativity and get information.

Having no other comments, the Mayor and Common Council approved to close the public comment session by favorable voice vote.

Mayor Cooper stated that he appreciates everyone's willingness to share concerns and opinions with us. That is how we learn what is going on in town about things we do not know.

**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.

Cathy Leach requested that the minutes of the July 17, 2013 meeting be removed from the consent agenda.

On motion by Seth Grossman, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the minutes of the July 3, 2013 regular meeting, the bills list dated 8/7/13 as attached to this set of minutes and Resolutions #2013-62, #2013-63 and #2013-64 as follows:

**RESOLUTION NO. 2013-62**

**EXTENDING THE GRACE PERIOD FOR THE 3<sup>RD</sup> QUARTER 2013 TAX  
INSTALLMENT**

**WHEREAS**, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed to the date taxes are due.

**WHEREAS**, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2013-2014 tax bills in accordance with the above stated statute.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3<sup>rd</sup> quarter 2013 property tax installment be August 16, 2013 and that any tax payments received after August 16, 2013 will be assessed interest from August 1, 2013.

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Warren E. Cooper, Mayor

Attest:  
August 7, 2013

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2013-63**

**EXTENDING THE GRACE PERIOD FOR THE 3<sup>RD</sup> QUARTER 2013 SEWER  
INSTALLMENT**

**WHEREAS**, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2013-2014 sewer bills.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3<sup>rd</sup> quarter 2013 sewer installment be August 16, 2013 and that any payments received after August 16, 2013 will be assessed interest from August 1, 2013.

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Warren E. Cooper, Mayor

Attest:  
August 7, 2013

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION #2013-64**

**Resolution of Support from the Frenchtown Borough Council Authorizing the  
Sustainable Jersey Grant Application**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, Frenchtown strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, Frenchtown is participating in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

**THEREFORE**, the Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey has determined that Frenchtown should apply for the aforementioned Grant.

**THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Frenchtown, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

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Warren E. Cooper, Mayor

Dated: 8-7-13

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

On motion by Seth Grossman, seconded by Brad Myhre and carried by favorable roll call vote, the Mayor and Common Council approved the minutes of the July 17, 2013 regular meeting with Cathy Leach abstaining.

## **ORDINANCES**

### **Ordinance #729 – Steep Slope Ordinance (Adoption)**

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 adoption 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.

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Warren Cooper, Mayor

ATTEST:

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Brenda Shepherd, RMC  
Borough Clerk

**Ordinance #730 -- Capital Improvement Ordinance -- Kingwood Avenue Bridge Sewer**

**Support Project (Adoption)**

On motion by Brad Myhre, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption 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.

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Warren E. Cooper, Mayor

Date

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

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

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 adoption 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.

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Warren E. Cooper, Mayor

Date

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

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

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 adoption 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.

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Warren E. Cooper, Mayor

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Ordinance #733 – Bond Ordinance for Creek Road and Horseshoe Bend Road  
(Introduction)**

Mayor Cooper reported that we are introduction a bond ordinance for Creek Road and Horseshoe Bend Road. We have funding for both project. Both projects have been discussed in the past. Seth A. Grossman stated that in light of the conversations this evening on Ridge Road, the Borough will be adopting an ordinance for that someday as well. On motion by Brad Myhre, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #733 as follows:

**ORDINANCE # 733**

**BOND ORDINANCE APPROPRIATING \$432,000, AND AUTHORIZING THE ISSUANCE OF \$411,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Frenchtown, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$432,000 including the aggregate sum of \$21,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (a) of said Section 3, any monies received or expected to be received by the Borough from the Federal Emergency Management Agency as a grant-in-aid of financing said improvement or purpose and, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$150,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

For the financing of said improvements or purposes and to meet the part of said \$432,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$411,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$411,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Restoration of Creek Road in and by the Borough, including stream bank restoration improvements, the removal of debris and sediment from the stream channel, the stabilization of the bank thereof and the improvement to the roadway, together with all landscaping, site work, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$172,000 hereby appropriated therefor being inclusive of any monies received or expected to be received by the Borough from the Federal Emergency	\$172,000	\$163,500

Management Agency as a grant-in-aid of financing said improvement

(b) Improvement of Horseshoe Bend Road in and by the Borough by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), together with all drainage, structures, appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, guide rails, utility poles, equipment, crack sealing, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved the \$260,000 appropriation hereby made therefor being inclusive of \$150,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement

	<u>260,000</u>	<u>247,500</u>
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Totals	\$432,000	\$411,000
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The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.98 years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$411,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$95,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

The funds from time to time received by the Borough on account of the grants referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in Section 3(a) and 3(b) of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such

costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the

resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduced: 8-7-13  
Published:  
Adopted:

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Warren E. Cooper, Mayor

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

### **NEW BUSINESS**

Mayor Cooper requested to move Item (d) of new business and item (f) of old business up on the agenda. Council consented.

#### **Amending the safe streets and roads resolution**

Mayor Cooper stated that last year HART conducted a crosswalk inventory. He asked Tara Shepherd and Liz Usmiani from HART to do the introduction. Tara Shepherd reported that Frenchtown has been a commuter and walkable community for several years dating back to 2006. The Frenchtown Elementary School has participated in the County and Statewide Safe Routes to School program and the walking school bus in town where the kids are walking regularly. We provide them with the safety education and we are teaching them how to be good pedestrians and providing bike rodeos, etc. About the same time as the safe route to school program was flourishing around the state, complete streets as a concept has also come into play. Frenchtown was the first Borough in Hunterdon County to adopt a complete streets policy. You have that on your books. When the Mayor was campaigning he was speaking with folks and they identified safety and walkability and bikeability in town as a major issue and last December you formed your Safe Streets and Roads Committee and asked HART to come in a coalate some of the feedback you got

from that committee. Mayor Cooper stated that we attempted to create the committee in 2012 but it began to meet in 2013 trying to identify problems around town that effected peoples sense of safety on the roadways as well as on the sidewalks and where there are no sidewalks. That lead to this year in March taking our first walk on the streets and making observations about the conditions of the sidewalks, crosswalks, whether there were obstructions from the pedestrian or motorist view of the streets and pedestrians, etc. Liz Usmiani took back the data and converted it into a number of recommendations by approaching the problems by either education, enforcement, or infrastructure improvements and one of the things that has come forward out of that was the crosswalk proposal we are going to make today. Where we are going is with the change that we would like to see made, an amendment to the existing resolution of the complete streets policy. Liz stated that when Frenchtown adopted the complete streets policy, it was based upon a template that was being used and recommended by DOT. Since that time there is now a push to strengthen the policy. We want our roads to be for all users. Most policies including Frenchtown lack an implementation plan. There is nothing in your policy or resolution that indicates how you will carry out the policy. What we are providing technical assistance on is how you can amend your policy and resolution to include an implementation plan. There are two ways to do that. You can adopt a checklist that you can be used when you are looking at road projects. You are not just looking at road projects for vehicles, but you are accommodating the potential for pedestrian, bicyclists, disabled people, senior citizens, children and any user of the road that are not motor vehicles. Mayor Cooper stated that it is where we find ourselves tonight. You have in front of you, both, the possible amendment attached to the existing resolution that lists 7 specific implementation tools, that we would like to see projects incorporated into the planning stages of projects. They would be tied to the complete streets concept development checklist, also in front of you. This helps us identify the specifics in a particular area that we would be conducting a project on, concerns and issues that we need to address going forward on a particular project. One of the concerns is how this would affect the cost of a project. The wording of this allows us to demonstrated that it would have a financial impact and would cause us not be able to move the project forward. Tara Shepherd stated that you have this policy in place. That is the way Frenchtown on the books is doing business. You do not have specifications as to how you will be implementing the policy. This is providing tools and guidance to bolder your existing policy to help you implement your policy when you have a road project that comes up. The fact that you have a complete street policy in place makes you eligible for an additional points on your DOT local aid grants. Moving forward and having an implementation plan for your policy is going to be a requirement for that additional point or possibly more points. It is in your best interest to amend your policy with an implementation plan. Mayor Cooper stated that he does not favor dropping something in front of the committee and seeking approval. William Sullivan asked if this is something that can go back to the committee and be reviewed by public works. Seth A. Grossman stated that it is a guideline and he does not see that it is changing the policy just enhancing it. He does not think it has to go back. Cathy Leach stated that the amendment would say that we are establishing a checklist. The checklist is a sample. William Sullivan ask is this something that we will have to have our engineer review and pay him for. Cathy Leach stated that she thinks that the statements and possible amendments are broad enough that it gives us the ability to say we are committed to taking these actions that we think we need. They are broad enough that we can define a lower level. We are just saying we will create a checklist. Mayor Cooper asked if this is something they can take to the safe streets and roads committee for review and create a checklist and then bring it to Council for approval. Tara Shepherd responded that you can and that it is your policy and there are templates to help you frame it. Ultimately, you want to make it appropriate for Frenchtown. Mayor Cooper stated that by adopting this amendment, we are committing ourselves to develop a

checklist appropriate to our needs. On motion by William Sullivan and seconded by Cathy Leach, the Mayor and Common Council approved by unanimous favorable roll call vote Resolution #2013-68 as follows:

**Borough of Frenchtown RESOLUTION NO. : 2013-68**

**A RESOLUTION TO ESTABLISH A COMPLETE STREETS POLICY**

**WHEREAS**, “Complete Streets” are defined as roadways that enable safe and convenient access for all users, including bicyclists, children, persons with disabilities, motorists, seniors, movers of commercial goods, pedestrians, and users of public transport; and,

**WHEREAS**, the Borough of Frenchtown is committed to creating a pedestrian and bikeway system that makes walking and cycling a viable alternative to driving, and which improves bicyclist and pedestrian safety, by creating street corridors that safely accommodate all road users of all abilities and disabilities; and

**WHEREAS**, significant accomplishments have already been achieved in The Borough of Frenchtown by incorporating pedestrian safety and traffic calming measures when public streets are improved; and,

**WHEREAS**, the New Jersey Department of Transportation supports complete streets policies and adopted its own such policy on 3 December, 2009; and,

**WHEREAS**, Complete Streets policies support the goals of the Borough of Frenchtown Master Plan; and,

**WHEREAS**, promoting pedestrian, bicycle, and public transportation travel as an alternative to the automobile reduces negative environmental impacts, promotes healthy living, and is less costly to the commuter; and

**WHEREAS**, the design and construction of new roads and facilities should anticipate future demand for biking, walking, and other alternative transportation facilities and not preclude the provision of future improvements; and,

**WHEREAS**, the full integration of all modes of travel in the design of streets and highways will increase the capacity and efficiency of the road network, reduce traffic congestion by improving mobility options, limit greenhouse gases, improve air quality, and enhance the general quality of life.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Frenchtown that all public street projects, both new construction and reconstruction (excluding maintenance) undertaken by the Borough of Frenchtown shall be designed and constructed as “Complete Streets” whenever feasible to do so in order to safely accommodate travel by pedestrians, bicyclists, public transit, and motorized vehicles and their passengers, with special priority given to pedestrian safety, and subject to the following conditions:

a. Pedestrian and bicycle facilities shall not be required where they are prohibited by law.

- b. Public transit facilities shall not be required on streets not serving as transit routes and the desirability of transit facilities will be determined on a project specific basis.
- c. In any project, should the cost of pedestrian, public transit, and/or bicycle facilities cause an increase in project costs in excess of 15%, as determined by engineering estimates, that would have to be funded with local tax dollars, then and in that event approval by Council must be obtained prior to bidding of the project.
- d. Significant adverse environmental impacts outweigh the positive effects of the infrastructure.

BE IT FURTHER RESOLVED, that one or more of the following implementation tools may be used in support of this Complete Streets policy;

- a. Coordinate between departments and provision of training to municipal employees, including public works, maintenance, planning and engineering.
- b. Establish a checklist for project review
- c. Institution of performance measures and data collection to evaluate on how well the streets are serving all users.
- d. Address the specific needs of bicyclists and pedestrians on local roadways.
- e. Direct the use of the latest and best design and engineering standards, including paving shoulders and/or narrowing travel lanes to provide striped shoulders on roads for bicycle, pedestrian, farm equipment and emergency use. Avoiding placement of rumble strips that could interfere with the safe operation of bicycles.
- f. Anticipate future bicycle, pedestrian and transit demand, even on bridges and in and around train stations.
- g. Identification of capital improvements that expand the opportunities for safe roadway use by all users.

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WARREN E. COOPER, MAYOR

ATTEST:

August 7, 2013

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Brenda S. Shepherd, RMC  
Borough Clerk

### **Crosswalk striping plan**

Liz Usmiani stated that we also conducted walkability audit and the safe streets and roads committee has put together a matrix of all the restorations to the various categories such as education, enforcement, etc. The committee will continue to be working on that but the Mayor asked that copies be provided of the audit draft with the finding which you have in front of you. This is the first of three audits that will be conducted. We broke the town into various areas. We started with the numbered streets. We will be moving down toward Trenton Avenue, River Road and Front Street and then to Kingwood Avenue, Ridge Road and Ward Street. It was too much to do at one time.

The idea was to look at them. All the members of the committee participated in the audit. We are providing some of the general findings. We have much more detail for anyone who would be interested. We will be providing documents like this for the additional audits. Mayor Cooper stated by working in this area first, we gained the knowledge to do it on streets that resemble a grid. And, at the same time, most of children who walk to school are children who live on the numbered streets. So, it was important for us to start someplace and it seems appropriate to start there for that reason. For the same reason, the Committee would like to propose that we begin stripping the crosswalks soon, so they are replaced prior to opening of school. Tara Shepherd stated that because Frenchtown Elementary is a participating member of the Safe Route to School coalition, HART to a county wide analysis of the crosswalks in communities where they had walking schools. We provided a report in 2010. Some of the crosswalks had already been upgraded because they were scheduled to be or because of the work done on Harrison Street. There are still outstanding crosswalks that need to be done. Liz Usmiani noted that there is a diagram. Visible crosswalks are the white rectangles, sometimes called the Abby Road. We would like to get the crosswalks that need to be painted done and standardized. 0 is pretty much no crosswalk, 1 is only 1/3 left, 2 is 2/3 is complete, and 3 is good. It is mostly from Sixth Street down that need to be done. Seventh Street and up have all been repainted. William Sullivan stated that we can not touch anything from Seventh Street up on Harrison Street because it is a county road. All the other ones are well within our jurisdiction and can be done right away. Mayor Cooper noted that it was put in our budget to do this year. The priority is the ones closer to the school. Liz Usmiani noted that having the consistency in the design of the crosswalks is very important. It provides a visual cue for motorists to anticipate that a pedestrian will be in that area. Crosswalks are a communication tool for the motorist as well as informing where the pedestrian should be crossing. Having that consistent design helps to maintain that communication with drivers throughout town. We can help make sure spacing is correct, etc. On Sixth Street closer to Milford Road, the crosswalk is still a diagonal design. The report reflects the current conditions of the crosswalks. Responding to William Sullivan, Liz Usmiani stated that we are calling for crosswalks at all four corners. Mayor Cooper noted that some of the crosswalks are priorities. We can replace the ones that are 0s and 1s. If we have additional funds, the 2s that are closer to the school are the ones we might want to address. Certainly, we need to get the ones that are non-existent today or that are so deteriorate. Liz Usmiani stated that where there are 0 white ones, they are not necessary. There is no crosswalk and it is not needed by the bridge. Mayor Cooper noted that one of the rules is that you can not put a crosswalk in the middle of the block. That is why we ended up losing a crosswalk on Bridge Street. Tara Shepherd stated that given the fact that you have county roads in town she wanted to inform the Council that they are scheduled to meet with the county at the County to discuss the county policy because we have so many communities where there are County roads. William Sullivan commented that there are quiet a few County and State roads in town. Tara Shepherd noted that the State has a complete streets policy and they are suppose to be following that policy. The idea is that every road regardless of jurisdiction should be accommodating every user. Hopefully, everyone will be on the same page and we will not get into the jurisdictional issues. This is how things should be. William Sullivan stated that it is also budgetary, who pays. With the 2% cap, we scrimp a hundred dollars here and there and these new crosswalks cost a lot if you use the thermo plastic and that adds up. Tara Shepherd noted that the cost is approximately \$2,000 a crosswalk for the thermo plastic. Liz noted that paint is an option. William Sullivan stated that we will take care of it but how we do it will be budgetary. Tara Shepherd noted that we did the crosswalk inventory throughout the County because we know small towns do not have money. Mayor Cooper noted that some of the deterioration of the crosswalks may be a result of gas lines that were put in. He added that he has a call into

Elizabethtown Gas and he left a message that we want to coordinate our crosswalk work with him rather than ask when it would get done. Hopefully, they understand our concern of getting something done before school opens. William Sullivan suggested that the Borough make sure in future construction projects where they are opening the road that they are responsible for crosswalks especially if we are doing thermo plastic. Seth A. Grossman noted that it is good progress and the committee worked hard and thank HART. It is good to see this type of planning that is routed into the community correctly. He knows that it is a lot of money but if you put it off, it may cost more in the end. He likes that we are taking a proactive approach.

Tara Shepherd noted that we are ready for the next walkability audit which is a week from tomorrow. Mayor Cooper noted that we will be doing the Trenton Avenue area and he invites anyone who wants to participate. We will meet at 6:00 pm at borough hall.

Mayor Cooper reported that Chief Kurylka was the recipient of a HART award at the annual breakfast meeting. He was honored for his lifetime commitment. Chief Kurylka thanked the Mayor, Brad Myhre and Cathy Leach for attending the ceremony. He also thanked Tara Shepherd and noted that it was a complete surprise. You have our complete cooperation in whatever we can do to make Frenchtown safe. Responding to Colin Brown, Tara Shepherd estimated that it will be near the end of September.

Mayor Cooper requested to move item (k) of old business - green fair – up on the agenda. Council consented.

Dominikija Prostack, leader of the Green Team and resident of Frenchtown, reported that they have 19 vendors signed up and 4 speakers schedule, one is Mike McGrath of “you bet your garden fame”. He will be speaking on backyard composting. We have \$2,000.00 in sponsorships. Century Link has committed to \$750.00 which will include a banner. One of her requests is an approval of us putting up a banner over Bridge Street for the Green Fair. Dominikija Prostack noted that the Green Fair is the 28<sup>th</sup> of September. Mayor Cooper noted there are other approvals for banners. He recommended checking with Brenda Shepherd on that. The Council consented to allow the Green Team to put up a banner for the Green Fair contingent on reviewing the current banner approvals. William Sullivan asked what the possibility is of the Green Team looking into the thought of Frenchtown doing 100% on site leaf recycling. Dominikija Prostack noted that one action is “clip it and leave it” including leaves by mulching it on your property and leaving it. We just applied with the help of the Mayor for a rocket composter which handles leaves and food waste. There will be something in the recycling center. William Sullivan commented that we spend all that fossil fuel collecting leaves. He gets attached for bring up the idea of not picking up leaves.

Dominikija Prostack also stated that we would like to ask for parking on the lower portion of Old Frenchtown Field. We also had parking next door on Ceramic plant property. Cathy Leach noted that there were problems last year with vendors that drove on the field which made ruts and it cost us \$1,500.00 to repair the damage. Dominikija Prostack asked if it was cause by the fire truck. William Sullivan commented that the worst thing you can do is drive on the field and compact it. You have to dig it up, regard and reseed. We already allow too much on that field but to invite parking and expect the soccer field to grow anything but crab grass would be unlikely. Dominikija Prostack stated that last year there were fire trucks that were allowed on. Before the meeting, she look up the weight of a fire truck and a fire truck is about 23 tons and the average vehicle is 1 ½ tons. We are

looking at two different animals. William Sullivan stated that it is ruts versus compaction. Ms. Prostak stated that it happened up where you have the ball fields. We are talking about the lower area where you have shale. William Sullivan responded that compaction is compaction. We will not be able to grow turf there if we allow parking. Dominikija Prostak responded that they could use the school but can not charge for parking. We like to look at ways to get additional parking. Mayor Cooper noted that he reached out to the property owner of the ceramics plant and asked them to reconsider. He will continue to try.

Dominikija Prostak stated that the third item she has is not a Green Fair issue. She would like to do a paper shredding day in September or October. We do have a \$2,000.00 grant from last year. It needs to be used for actions. Just doing one shredding day covers an action. She would like to talk about where it can be done. She is looking at September or October depending on when the shredding truck is available. Mayor Cooper stated that he thinks it is a great idea. He recommended that Ms. Prostak contact Michele Liebttag as she may be able to help implement it and it would be our contact for those types of items.

Dominikija Prostak noted that we applied for Bronz Certification and she knew some of our actions were not paperwork complete. We finished the actions but there were a number of actions that we need to finish the documentation on.

**Approval of Riverfest event on September 1, 2013 sponsored by the Frenchtown Business and Professional Association**

On motion by Seth A. Grossman, seconded by Brad Myhre and carried by favorable voice vote, the Mayor and Common Council approved the Riverfest event on September 1, 2013 sponsored by the Frenchtown Business and Professional Association.

**Approval of the Hunterdon County Municipal Law Enforcement Mutual Aid Agreement**

Brad Myhre reported that this is something that was established by the Hunterdon County Chief's Association and it went through the Hunterdon County Prosecutor's Office. We had it for about a year. We had Attorney Cruz reviewed it and Mr. Cruz said that it was ultimately up to us. We had asked additional questions of the Prosecutor's Office on it. As it stands now, if there is an incident in the County and they need assistance, they call upon local police departments to respond. This formalizes the arrangement. It also has the right that if we can not help for whatever reason if it is a matter of public safety and we can not relocate an officer, we have the right of refusal. The Hunterdon County Chief's Association decided that it would be important to spell it all out and the Prosecutor's Office agreed. There are about eight communities in Hunterdon County that have adopted it so far. Most municipalities with Police Department have adopted it. It is a way to promote joint integration and joint services particularly as they become more necessary and we have to rely on each other especially with the budget situation. This has been an ongoing way to help one another to work more collaboratively. There was the initial concern that it was a way to take services away from the County. It is not the intent at all. In fact, they thought it would be more of a benefit to Frenchtown. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Hunterdon County Municipal Law Enforcement Mutual Aid Agreement.

**Approval of the Liquor License Transfer Application for Frenchtown Wine & Liquors LLC (Resolution #2013-65)**

Mayor Cooper noted that at the July meeting we were asked to approve the renewal before the

paperwork was received by the Borough. We are being asked to continue this process by agreeing that once the paperwork is in place that we would allow the pocket to place transfer.

On motion by Seth A. Grossman, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Liquor License transfer application for Frenchtown Wine & Liquors LLC and Resolution #2013-65 as follows:

**BOROUGH OF FRENCHTOWN**

**Resolution 2013-65**

WHEREAS, an application has been filed for a Pocket-to-Place Transfer of Plenary Retail Distribution License #1011-44-001-007, heretofore issued to Frenchtown Wine & Liquors, L.L.C. for an inactive license with a mailing address of 95 Skyline Drive, Lakewood, NJ.

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term.

NOW THEREFORE BE IT RESOLVED, that the Frenchtown Borough Council does hereby approve, effective August 7, 2013, the Pocket to Place transfer of the aforesaid Plenary Distribution License to Frenchtown Wine & Liquors, L.L.C. from pocket to 19 Trenton Avenue, Frenchtown, NJ 08825.

BE IT FURTHER RESOLVED that the Frenchtown Borough Council does hereby direct the Borough Clerk to endorse the license certificate as follows: "This license, subject to all its terms and conditions, is hereby Pocket-to-Place transferred to premises located at 19 Trenton Avenue, Frenchtown, NJ 08825 effective August 7, 2013."

Dated: August 7, 2013

**ATTEST:**

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Brenda S. Shepherd, RMC  
Borough Clerk

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Warren E. Cooper, Mayor

**Introduction of ordinance for a qualified purchasing agent (Ordinance #734)**

Mayor Cooper noted that we have run up against a number of instances where we had to go out to bid on items because the expected cost was over the threshold and we were not able to simply get proposals. This would allow us to increase that dollar figure to \$42,500.00. We have someone who is employed by the Borough who is a certified qualified purchase agent. It is our CFO, Diane Laudenbach. She told him that when he asked her about it that no one ever asked her to do it. Once we adopt the ordinance which we will be adopted at next month's meeting, it will go to the State for approval. Seth A. Grossman asked if we have to pay the purchasing agent for the work. Mayor Cooper stated that it has not been discussed yet. This ordinance allows us to create the position. Brad Myhre stated that we may not implement it this year. This is not appointing anyone. 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 #734 as follows:

**ORDINANCE NO. 734**

**AN ORDINANCE TO DESIGNATE THE POSITION OF PURCHASING AGENT  
FOR THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON AND STATE  
OF NEW JERSEY**

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

1. There is hereby created the position of Purchasing Agent for the Borough of Frenchtown.
2. The Purchasing Agent shall be appointed by the title of Purchasing Agent.
3. The Purchasing Agent is required to possess a valid Qualified Purchasing Agent certificate, as issued by the New Jersey Division of Local Government Services, Department of Community Affairs.
4. The Purchasing Agent shall have, on behalf of the Common Council of the Borough of Frenchtown, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision or performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Borough of Frenchtown.
5. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.
6. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.
7. This ordinance shall take effect immediately upon final passage and publication as required by law.

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Warren E. Cooper, Mayor

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Fire Department Bank loan**

Mayor Cooper reported that back in 2007, the Fire Company used the Borough's tax ID number in applying for a loan to help the purchase of the most recently purchased fire truck. It came up because our auditor when conducting our audit discovered that we may have been designated by the bank as being involved in the loan. We were not involved in the loan. We have to figure out if we are at any risk because they used the Borough's tax ID number. With Council's permission, he

would like to past this problem on to the attorney to figure out what to do next. The outstanding amount is over \$40,000.00. There is nothing that says they are not paying on the loan. It shows as a Borough obligation. Council consented to have the attorney review it.

**Rivernet Business Class proposal**

Mayor Cooper stated that it has come to his attention that the Council has not yet seen this proposal and he apologized for that. He noted that Rivernet has been billing us for work and not all the work that we have asked them to do. They are becoming successful. They want to bill us more often. They have created a business class pricing structure and if we are interested in joining at that level, it would reduce our hourly expenses and a number of free visits a month. They had asked that we have this in place by August 1<sup>st</sup> but they did not get it to us until the end of July. He already told them that they should not expect action will be taken in August. He asked the Council to review it. He added that he understands that Rivernet has been called to the police department to deal with computer issues there more frequently then at the borough offices. There is a serious wiring problem in the library that needs to be addressed. We will need to make a decision on this quickly. With your permission the Administrative committee will take it under recommendation for next month.

**Philadelphia University Sustainable Architecture Frenchtown Clinic**

Mayor Cooper stated that last year, we were approached by Chris Zeloff, the filmmaker and architect advocate across the river, and he introduced me to a professor of architecture at the Philadelphia University who is the head of their sustainable design group and they became interested in using Frenchtown as a clinic for their graduate students to come in to Frenchtown and identify ways to bring sustainable practices, building practices or landscape practices, into the town. We were unable to do it last fall or spring but we are in place to start this fall. They would like to have a charrette which is a small group of residents, business owners and council members get together and identify some projects in town that we would like the graduate students to work on and then, we would have a town hall meeting where everyone would be involved and become part of the process. This would be at no cost to the Borough and we would not be obligated in any way to undertake any of the project that they recommend but we do have a number of things in town that they can speak to and help us with such as park projects in the work, empty properties acquired by the Borough after flooding, etc. With your permission, he would like to invite them in to get the process going. Council consented.

**Approval of Fireworks for August 17<sup>th</sup> with raindate of August 18<sup>th</sup> (Resolution #2013-66)**

Brad Myhre stated that Chief was successful in working with community partners and we have enough money fundraised and funds put up by the Borough that we will have fireworks on National Night Out. Everyone applauded. If it rains Saturday, it will be Sunday. We had some good community partners step forward. This will be one of the best National Night Out's that we have had in terms of the volume of activities and other things offered. On motion by Brad Myhre, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2013-66 as follows:

**RESOLUTION #2013-66**

WHEREAS, the Borough of Frenchtown has scheduled its National Night Out for August 17, 2013 with a rain date of August 18, 2013 or any other additional rain date if needed

which includes among the day's activities, an exhibition of fireworks to be conducted under the supervision of Garden State Fireworks, Inc.; and

WHEREAS, Garden State Fireworks, Inc. has provided a contract with the Borough of Frenchtown in connection with the fireworks display and has submitted a certificate of insurance with the Borough of Frenchtown naming the Borough as an additional insured; and

WHEREAS, the Borough of Frenchtown wishes to enter into the contract with Garden State Fire works, Inc. and authorizes the Mayor to sign the contract; and

WHEREAS, the Frenchtown Fire Department will be standing by at the scene;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that approval is given for the fireworks display on August 17, 2012 with a rain date of August 18, 2013 or any other additional rain date if needed to be conducted on the Borough land known as Block 3 Lot 1.01 by Garden State Fireworks, Inc.

BE IT FURTHER RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey that the Common Council authorizes the Mayor to sign the contract with Garden State Fireworks, Inc.

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Warren E. Cooper, Mayor

Dated: 8-7-13

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

### **OLD BUSINESS**

Mayor Cooper stated that we do not have to discuss items (a), (b) or (c).

### **RFP document review**

Mayor Cooper reported that we do not have updated documents for sewer RFP (request for proposal). Seth A. Grossman noted that we understand that the RFP is going to the sewer advisory committee to review and re-propose it to us. Robb Arent developed a RFP with the idea that with the new wastewater treatment plant, we should look at private professional management. That is not a bad idea. It is great that Robb Arent did that work but he needed to bring it to the committee. It would have been a lot stronger proposal. He did not do that. Michele Liebttag had a concern about that and he supports her concern. That RFP will go through that process. There is no time schedule that we had to do it right away nor should we do it without moving it through that process. This is common information. People have heard about it and want to know why we are privatizing it. These sorts of things have to be handled well before we do something. We do not want to rush this. He supports Michele Liebttag's concern that it goes to the committee and the use of the committee

process. This should not insinuate that Robb Arent was bypassing the committee. He was trying to be expedient and respond to people's information concerns. We have to be mindful of things where there is going to be large expenditures of money, large impacts in management, and the future. We may move away in a year or two from now that these things have long standings and are well grounded. Mayor Cooper asked Seth A. Grossman to reach out to Robb Arent to start the process. Seth A. Grossman added that sometimes we take on projects and one of the great things is we have people in town willing to help. If you need help, ask for help whether it is to committee members, people from the community, etc. There is no way we can do everything necessary. Even our staff can not do everything.

### **Police Car**

Brad Myhre noted that at the last meeting, the Council agreed to see if we could package the police car in the overall bond for other projects. We looked into that with CFO and auditor and that is not possible. It would have to be a sport utility vehicle in order to qualify for bonding. Otherwise, it has to be put in the regular budget under the 2% cap. Last meeting he distributed the cost under state contract for Winner Ford for a Ford Taurus Interceptor to replace our one Crown Victoria which will go out to auction once we replace that car. Hopefully, the County offers that option. We will need to go through the Ford Credit program for municipal leases to accomplish this. Mayor Cooper asked that when we go back to Winner Ford, see if we can negotiate a better interest rate. Brad Myhre stated that we have the money in the budget. On motion by Brad Myhre, seconded by William Sullivan and approved by unanimous favorable roll call vote, the Mayor and Common Council approved to purchase the 2013 Ford Tarus Interceptor sedan utilizing the Ford Motor Credit program at a cost of \$33,369.00.

### **Open Space Tax Referendum -**

Mayor Cooper stated that several meetings ago we talked about a resolution authorizing a referendum to be put on the November ballot authorizing an open space tax in the Borough. That is Resolution 2013-67 before you again tonight. This would give the voters an opportunity to decide whether they would be willing to support an annual tax of up to 2 cents a year to support all of the items listed in the resolution. If they were to approve this, Borough council would decide each year whether or not to impose a 2 cent tax or less per year for these purposes. We need to take action on this tonight if we want to see it on the ballot in November because there is a deadline of August 16<sup>th</sup> to have a resolution to the County Clerk. The reason he would like to see us move forward on this is because we may have an opportunity with regard to the Thompson property that has come before us a couple of times over the last few meetings. The NJDEP has decided that the property should be excluded from the sewer service area. We tried to set up an appoint with them and the DEP and everyone showed up at the DEP meeting except the property owner. He has had a conversation with the property owner since that time and they are interest in us going forward with discussion on acquiring the property. He has had a discussion with the Hunterdon Land Trust. They have discussions with other preservation entities where we may be able to get some funding for it. Having something in place that shows that the tax payers would support this kind of acquisition would help the process.

A motion was made to approve resolution #2013-67. The motion was seconded by Cathy Leach. Mayor Cooper opened the floor for Council discussion. Seth A. Grossman stated that what he likes about it is the section that reads: maintenance of land acquired. He is supportive of that. We are taking on a park by river, etc. It is not just acquisition. If you acquire something, you have to

maintain it. That is very important and a realistic aspect as well. As beneficial as open space is, one of the strengths of Frenchtown and wisdom of the community is creating an open space buffer around our creeks, etc. The Thompson property also comes down to the creek. We have been smart about that and it helps keep the character of the community. The support of stewardship of response by the community will be successful with these things on the ballot. He would like to see added to the resolution something on how it is managed. It is assumed that Council will manage it. We have an environmental commission in place that pay attention to these type of things. He would like to give the commission more authority in that they can appropriate this. He would like to see the commission as the oversight body of the open space funds. Brad Myhre stated that the commission can make recommendations. Mayor Cooper commented that he does not think we want to burden this resolution which only authorizes this to be a vote on the ballot. How we go forward with expenditure of those funds within guidelines set forth by the referendum should the voters approve would be determined later. Seth A. Grossman stated that he would like to see our environmental commission utilized in the proper function in regards to open space. Brad Myhre stated that generally he is in favor of putting things out to the voters. He is in favor of open space. My concern is for Frenchtown adding an additional tax burden on residents and business owners. Theoretically, it could be 2 cents on the tax rate. We are not saying whether we will offset that increase over here taking the money out of the budget that we are currently paying for open space debt. It could equal. His concern is that we could potentially add an additional 2 cents on the people's property tax bill. They have already been hit with a sewer increases to pay the debt service on the plant. He does not get the point of just buying open space for the sake of buying open space. He would like to see a plan, why do we need that space, what are we going to do with it, etc. We still have not done much with the 150 acres. There has been reluctance to even do the parking lot for it. What is Frenchtown's long term open space plan and park strategy? Until we identify that, it is my concern to move forward and taking people's money and holding onto it until we get a plan. William Sullivan added that his concern is that do the people realize that once we purchase open space, we are no longer collecting property tax. Now, we are adding 2 cents and they are paying the additional taxes not collected for that open space property. Mayor Cooper stated that he does not remember how much money that property brings in tax wise but it is undeveloped land so it is very small. Now that he is no longer able to build the 12 units that he intended to build, the value is even less. In that regard, we will not loss a whole lot of tax revenue. As to the long range plan, this particular property was identified by the planning board in 2000 as property that would be part of integrated green space plan. Brad Myhre commented that Council and the Planning Board priorities were not always in sink. We were not always in sink with the long term preserving more and more green space at that time. He does not know about the current Planning Board. That is why he would rather see a long range plan of what we really want to do. William Sullivan asked the Attorney that if we acquire these properties, does it increase our liability if someone gets injured on our property. Attorney Rizzo stated that it is a possibility. Just that fact that it is your property and someone is injured on your property does not make you liable. Brad Myhre stated personally it would be nice to say this is what we want to do, these are the parks we think are a priority and highlight as 1, 2 and 3 on how we want to address them. Then we put it out to the public so they know about it and then we say we want to proceed forward with an open space tax referendum so they understand where we are going with this. Seth A. Grossman noted that this resolution is not imposing an open space tax. It gives us the opportunity to consider that. You have me hooked on planning because he believes in that. We have acquired open space. But the referendum is what does the community want to do and where do they want to be. Mayor Cooper asked if we agree that before we assess the tax, if the community agrees to tax itself. Seth A. Grossman commented that human nature is if we have

potential funds, then the community starts planning about that. If we pass something, the community will get involved. Brad Myhre stated that it is also responsible for Council to know what we are paying currently and what we are doing and we do not know that. Responding to Cathy Leach, Mayor Cooper stated that if the voters say yes, this proposal would allow us to impose a tax up to 2 cents which includes 0. It would still be valid in 2015. Cathy Leach commented that we could get the voter's decision. We have a lot of time to come up with a plan. Mayor Cooper commented that even if we would go forward with the Thompson acquisition, which is not saying whether we should or should not, and if that would be the first thing we would want to spend the money on, it takes an average of about 14 to 16 months for these things to move through and we will need more funding no matter what. We can not do this on our own. We would have to bring in funding partners from preservations groups, state green acre funds, county funds, etc. and that takes a lot of time. There has to be an appraisal of the property. Overall, he is suggesting that we have in place an overall plan on how we are going to spend such funds. He suggested that the Council agree that the process and plan be put in place prior to Council committing itself to imposing the tax. Brad Myhre agrees with that and appreciates the Mayor's willingness to do that. His concern is if our goal is to pass this and make it successful but it would be if it was a lead up to this and we had this on the agenda and people would know that this is where Frenchtown wants to go. He understands the time line. Again, he supports the open space tax but he is concerned about the process. It is better to have a legitimate process then just put it out there. What happens if it gets shot down because people do not want to pay another 2 cent taxes. Seth A. Grossman stated that the work we are doing with a lot of things, the streets and roads, the downtown revitalization committee and we are putting in a lot of time justifying why things are going to be the way they are going to be. There are emergencies we had to react. He agrees with Brad Myhre but he is conflicted. Mayor Cooper noted that everything that we have done has pointed us in the direction of planning and addressing the big picture before we act which is why that approach is still the way we go forward. However, we need to be responsive to the circumstances we find ourselves in. And, right now, we have an opportunity and should we decide not to do it is fine but if we decide we want to do it and we do not have the appropriate tools to go forward and do it, we are doing a disservice to the community. A reasonable compromise is to let the voters decide this. Between now and then we have our work cut out for us to put together a plan that demonstrates to the taxpayers that we do intend to use these funds responsibly and let them decide how they want to go. Brad Myhre asked if we are committed to revenue neutrality, meaning are we willing to cut the open space debt out of the budget so that people do not see an increase? Seth A. Grossman said he can not support that. It is more arbitrary and caprescious. We are talking about planning and putting through into it. Just saying everything should be revenue neutral without having a reason except to save a few dollars, he does not agree with. People want to spend money on their public welfare. Mayor Cooper stated that he thinks it is a bad idea to have a goal of revenue neutrality as part of our working process. He does not want it as part of the resolution. Brad Myhre expressed concern that we will pass this now and hope it gets passed in November. The process is not there. People will see it as an additional tax. We have now until November to sell this if we are committed to it. He does not think it is enough time. If it is viewed as just a tax, it may get rejected. Mayor Cooper stated that if this council is aimed in support of this proposal and if this council wants to see this tax adopted by the community, this is the year to do it because a state proposition about open space funds is suppose to be on the ballot. Brad Myhre stated that the State had a deadline of August 4<sup>th</sup> and did not meet that. Seth A. Grossman stated that we have to be careful as a council because as good as an idea is, it is good to run through process we have. Although personally, he thinks the open space tax will pass. Mayor Cooper noted that it sounds like it is a good idea to let the voters vote and that it is a good idea to have a tax.

William Sullivan stated that he thinks it is a good idea to let the voters vote. He did not say it is a good idea to have an open space tax. Responding to Seth A. Grossman, Brad Myhre stated that he thinks if our end goal is to pass it, this is not the way to go about it. Cathy Leach commented that she agrees with Brad Myhre that we are asking the voters to vote on something that we do not even have a plan for yet. We are thinking there may be an opportunity out there and we may want to be ready to jump on it but it could take up to 16 months to go through that. There is time to get into the next election cycle. Brad Myhre noted that we would have to wait another year. Cathy Leach stated that this is the decision, do we want to enable ourselves to move on a potential opportunity that may arise this year. William Sullivan said that any opportunity to let the voters make a decision is what should be done. Let see what they say. As a Council, we are representing the voters. If they say “no”, this could be mute. Mayor Cooper called a vote on the motion. The Mayor and Common Council approved Resolution #2013-67 as follows:

**RESOLUTION #2013-67**

**GOVERNING BODY RESOLUTON AUTHORIZING REFERENDUM FOR OPEN  
SPACE TAX**

Whereas, *New Jersey Statutes Annotated, N.J.S.A. 40:12-15.7* authorizes the governing body of any New Jersey municipality to submit to the voters of the municipality in a general election a referendum question authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for the following purposes:

- a.) acquisition of lands for recreation and conservation purposes;
- b) development of lands acquired for recreation and conservation purposes;
- c) maintenance of lands acquired for recreation and conservation purposes;
- d.) acquisition of farmland for farmland preservation purposes;
- e.) historic preservation of historic properties, structures, facilities, sites, areas or objects, and the acquisition of such properties, structures, facilities, sites, areas and objects for historic preservation purposes; or
- f.) payment of debt services on indebtedness issues or incurred by the Borough of Frenchtown for any of the purposes set forth in paragraphs a), b), c), d), or e) set forth above.

Whereas, the Borough of Frenchtown has determined that it would be in the public interest to place a non-binding referendum question on the November 2013 general election ballot for the purpose of assessing voter preference with regard to the question as to whether the Borough of Frenchtown shall create a municipal open space recreation and farmland preservation trust fund for the purposes aforesaid funded by an annual levy, i.e. Tax, at an annual rate not to exceed \$.02 per \$100.00 of total municipal equalized real property valuation shall be imposed in the Borough of Frenchtown

Now, therefore, be it resolved by the Common Council of the Borough of Frenchtown, Hunterdon County, New Jersey, that the Borough of Frenchtown cause the following referendum question to be placed on the November 2013 general election ballot:

“Shall the Borough of Frenchtown consider establishing a Municipal Open Space, Recreation and Farmland Preservation Trust Fund, pursuant to N.J.S.A. 40:12-15.7, to be funded at a rate not to exceed \$.02 per \$100.00 of total municipal equalized real property valuation and used exclusively for:

- a.) acquisition of lands for recreation and conservation purposes;
- b) development of lands acquired for recreation and conservation purposes;
- c) maintenance of lands acquired for recreation and conservation purposes;
- d.) acquisition of farmland for farmland preservation purposes;
- e.) historic preservation of historic properties, structures, facilities, sites, areas or objects, and the acquisition of such properties, structures, facilities, sites, areas and objects for historic preservation purposes; or
- f.) payment of debt services on indebtedness issues or incurred by the Borough of Frenchtown for any of the purposes set forth in paragraphs a), b), c), d), or e) set forth above.

Dated: August 7, 2013

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Warren E. Cooper, Mayor

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

Vote on the Motion:

Ayes: Leach and Sullivan

Nays: Grossman and Myhre

Mayor Cooper chose to break the tie and voted “Aye”. Motion carried.

Attorney Rizzo stated that the resolution must be filed with the County Clerk by August 16<sup>th</sup>.

**Tax Collector’s June Report**

Mayor Cooper reported that the Tax Collector’s June Report in the Council packet shows we are in about the same place we were last year, maybe a little bit better. We did get good news that the property we were talking about earlier did pay their taxes up.

**Paul Rizzo’s letter Re: COAH**

Attorney Rizzo reported that COAH is still trying to grab the trust fund money and we have to show that we have a plan, are moving on a plan and spending the money. It is basically the same letter sent

last year and it is simply an effort to try to convince COAH that we are moving forward and we are spending the money and you are not going to take the money. If they ignore that which he thinks they will ignore a lot of municipalities and still try to get the money, we told them we object and we want a hearing. The ball is in their court at this point.

### **OTHER BUSINESS**

Mayor Cooper noted that there is one other item in the packet that he wants the Council to address and it is the letter from the Sewer Plant Operator regarding a list of equipment with serial numbers requesting Council to adopt a resolution authorizing donation to Milford Borough. Mayor Cooper stated that he would like this letter to be sent to the sewer committee prior to a vote coming to Council. Council agreed.

### **COUNCIL COMMENTS/COMMITTEE REPORTS**

Brad Myhre reported that National Night Out is August 17<sup>th</sup>. He hopes everyone can attend the event. We are having fire works this year. Also, our officers just participated in a mandatory domestic violation training. We also participated in active shooter drills. We will be hosting one in our school. Another item is that we are continuing the medication take back operation so if people have medications they want to get rid of, we can properly dispose of them. Seth A. Grossman asked if it is posted on the website? Brad Myhre stated that we did send out a mailer. Chief Kurylka commented that he thinks it is on the website. Brad Myhre stated that Chief was able to secure a medication box from Hunterdon Drug Awareness. He was also successful in securing a body armor grant for the municipality. Mayor Cooper asked when the active shooter drill will be? Chief Kurylka responded that it will be schedule after school starts. Brad Myhre informed Chief Kurylka that Bruce Yellin would like to speak to him in reference to the medication take back program. Bruce Yellin is working with partners at Rartian Valley Community College and they would like to participate in that, even if they staff the table for you at National Night Out.

Seth A. Grossman reported under buildings and grounds that the door issue is evolving into a problem with deadbolt issues which we would have thought would have been in the original proposal. It has become an expensive item. It now has to be reprocessed and will come back to us to see if we are willing and able to pay \$2,000.00 extra or if we want to change the project. He is unhappy about this. He knows the Mayor has received emails from Mike Reino. He hopes we can deal with it at the September 5<sup>th</sup> meeting. Responding to Mayor Cooper, Brenda Shepherd noted that we just adopted the Capital Improvement ordinance for this project. If the project will be more than what the ordinance authorized, we will have to amend that ordinance. Mayor Cooper stated that we need to try to keep it under the amount of the ordinance.

In reference to the curtain issue, Seth A. Grossman reported that Bonnie, the Mayor's wife, has agreed to redo the curtains. We need to be supportive of this and there should be a cost. Mayor Cooper noted that there is money in the budget for this. Cathy Leach informed the Council that William Sullivan has agreed to pick out the colors and fabric.

As to the downtown revitalization committee, Seth A. Grossman reported that they have met and made some of our final decisions about some of the designs. They worked very diligently for about six month. Engineer William Burr has done a great job with this process. We are hoping to see something in September. Then, we will take it to the community first and if there are any shifts or changes, we can put that in and then bring it to Council. What comes out of this is a schematic plan

and design and some cost estimates which we then can begin seeking grants and funds.

Cathy Leach stated that she has been receiving correspondence from residents regarding the condition of Frenchtown Borough Park for a number of reasons, mostly about the trash problems which we had not really had to this degree in the past. They are going to be meeting with Mike Reino next week to go through current maintenance schedule and plan for the park to see what we can do to help improve the situation so that users of the park will have a clean and safe place to recreate. She does not know when the security cameras will be installed. Chief Kurylka noted that he was told they were going to be in today. Cathy Leach commented that the cameras should help with the problems of vandalism. Mayor Cooper stated that we want to, when we get them installed, make it well known that cameras are there. William Sullivan stated that he noted that the house across from the park has a camera and they let the word out. There is no more evening traffic, not a lower amount of evening traffic but none and there is no more vandalism now. They did not post signs but the word got out that there is a camera.

William Sullivan commented that he would like to put on the record his personal opinion of the streets on the hill. He believes those property owners have been paying taxes to maintain all the other roads in this town and they have the right. He does believe our obligation is to follow every extent of the law for everybody else's tax dollars. When we do find what we can legally pursue, we should legally pursue it in the right way. They are paying property taxes for the roads and the rest of the town may have to chip in to get their roads done but until then, we can only operate to the extent of the law.

Mayor Cooper reported that the Borough received an award from our insurance. The award reads: Worker's compensation award presented to Borough of Frenchtown for attention to on-going loss control and safety during 2012. Mayor Cooper noted that the award was for 2012. He understands that we had an injury in our DPW Department this week.

Brenda S. Shepherd reported that the Special Primary Elections will be held on Tuesday, August 13<sup>th</sup> from 6:00 am to 8:00 pm.

Attorney Rizzo stated that it has been a pleasure to work with the Borough. Council thanked Mr. Rizzo for his help.

## **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 Cathy Leach to adjourn the meeting at 10:10 pm. Motion carried by

favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk