

### **CALL TO ORDER**

Mayor Warren Cooper called the meeting to order at 7:30 p.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly advertised and published in the Hunterdon County Democrat on January 12, 2012 and the Express Times on January 12, 2012; the Agenda has been posted at Borough Hall and distributed to the Courier News, the Express Times, the Hunterdon County Democrat, and the Star Ledger on September 5, 2012.

### **FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

### **ROLL CALL**

Present for the Meeting:

Robb Arent  
Seth A. Grossman  
Michele Liebttag  
William Sullivan

Absent from Meeting:

Cathy Leach  
Brad Myhre

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 5 members of the public were also present.

### **PUBLIC COMMENTS**

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

Mayor Cooper noted that Auditor Charles Case is present and he requested to move the 2011 Audit discussion up on the agenda. Council consented. Mayor Cooper asked Auditor Case to summary the audit findings. Auditor Case noted that there was one comment or finding in the 2011 Audit which had to do with interfunds. Interfunds are balances where one funds owes another fund. One fund, the current fund, owes money to the general capital fund. You do not want to have interfunds if at all possible. They occur because CFO Diane Laudenbach has a habit at the tail end of the year of closing the year out and then she find that she should have transferred balances before closing out the year. If there was preplanning prior to the end of the year, Auditor Case is sure the interfunds would be addressed. Auditor Case also reported that in the grant fund, there are several grants that are still open. He encourages CFO Diane Laudenbach to look at them and get them disposed of. Several have receivables. There are not as many as appropriations. If they were spent, that would reduce some of the budget appropriations because they could be expended through the grant funds. On page 42 at A-14, you will see that they total over \$202,000.00. Auditor Case is encouraging CFO Laudenbach to address those during this year. Several have to do with body armor. The money is available for those funds to be utilized. Auditor Case also noted that he did give the Mayor and the CFO a management letter. At the bottom of page 1 of the management letter, federal and state grants, stating that that be resolved. Diane Laudenbach did acknowledge that the resolution did not agree with the audit amounts. Grants that were stated in the resolution were correct but amounts in the resolution to close them out were incorrect. The proper amounts were listed in the audit. If she had sent me a copy to review before it came to Council, he could have let her know the amounts were wrong. Council took action but the resolution amounts were wrong. Robb Arent noted that the interfunds issue has come to Council's attention in prior audits. Auditor Case stated that Diane Laudenbach closes out the books before changes are made. Sometimes there are small interfunds that he would not comment on but when you have interfunds that large, he has to comment on that. Charles Case noted that every year, he issues a management letter. The management letter suggests

remedial action. Mayor Cooper noted that there are 3 items in the management letter that are repeat items from prior years. Auditor Case noted that the first one is the fixed assets list. There are items on the fixed asset list that are no longer in existence. A physical inventory should be done. This list should be updated. As to item 4, vital general ledger for the federal and state grants does not agree with exhibits. Charles Case stated that once Diane Laudebach gets the audit, she can compare that with her records and then if there are any differences, she can make entries to bring them into balance. She can contact him to address this issue. Mayor Cooper commented that these are listed in the management letter and are not serious in that they do not get reported to the state. Charles Case stated that he determined that it did not need to be put in the audit. However, if in performing our audit for next year and he finds that these issues have not been satisfied, these comments may appear as comments and recommendations in next year's audit. They have been stated in other letters. Mayor Cooper stated that the one item we are acknowledging in the corrective action plan is the single item listed in the audit. Diane Laudenbach has made up a corrective action plan to address that item. Robb Arent asked Charles Case to review the corrective action plan. Mr. Case reviewed corrective action plan and added that provisions will be taken to have sufficient funds available in the various funds to eliminate interfunds. Charles Case commented that interfunds makes the audit take longer. He had one account that had four changes. When Diane Laudenbach is closing out the accounts, she finds these things and has to change the cash reconciliations. It happens at the end of the year. Council recommended that these be done by perhaps November 1<sup>st</sup>. Responding to Attorney Cruz, Mr. Case stated that November 1<sup>st</sup> is not a good date because you can make transfers starting November 1 so it could have an effect on being able to make transfers from line item to line item. He recommended that it be done up to December 31<sup>st</sup>. It may not necessarily have an effect for example in the sewer utility you have a line item that has a capital improvement fund and that amount is suppose to go from the operating account over to the sewer capital. When she balances out in January she finds that she did not do that. If she did it in December, it would have eliminated the interfund balance. She was not aware of that until after the end of the year. If she looks at this in early November, she would have time to do that prior to December 31<sup>st</sup>. Council thanked Mr. Case. Auditor Case told the Council to feel free to call him with any other questions. He added that he hopes the sewer project goes well.

Bryan Davison of 28 Kingwood Avenue asked for an update on the Frenchtown Borough Park bridge. It was damaged over a year ago. Mayor Cooper responded that the Borough had been waiting to receive funding from FEMA and he understands the Borough has received that FEMA funding. Additional funds will be needed from the Borough. We will package that into a BAN that the Borough will issue to finance that and the Nishisackwick Creek project. Our intention is to have that done this year. Mayor Cooper added that he got a report from Mike Reino regarding some additional damage happening meanwhile. Mayor Cooper explained the difference between a BAN and a bond. With a BAN, you borrow on an annual basis and a bond is permanent financing. Bryan Davison stated that Ron Soos has offered the American Legion to repair the pedestrian bridge. In the past, we have had volunteers volunteer their labor. It could be done without any funds from the Borough. Mayor Cooper stated that there is an in-kind component to that. William Sullivan commented that it is a specialty project which will need certification. Bryan Davison stated that the American Legion can do the maintenance and repair and the Borough can have an official certify it. He added that Borough personnel have worked on the smaller bridge. Mayor Cooper stated that his concern is that this project requires engineering skills and has to be certified. It does not necessarily mean the American Legion could not do it. He asked Bryan Davison if he was willing to get together with William Sullivan and Cathy Leach. Bryan Davison commented that it is not a major repair. The decking moved in 3 sections. Ron Soos was a Borough employee who did repairs before. William Sullivan stated that he will look into it. He can not say "yes" or "no" at this point. If he can find someone who will certify it, it is a possibility. He added that he will look into who built the bridge. Mayor Cooper stated that we can ask the building inspector, Ken Rogers, about it.

Tom Senn of 18 Trenton Avenue stated that the property across the street from his house at 19 Trenton Avenue has a tenant upstairs and plywood on the front. He added that he has tried to talk to the owner in a neighborly way to mow the lawn and change the color of the plywood. He has gotten no where. The weeds are 18 to 24 inches tall. No one has serviced the property in several months. He would like the town to take over the maintenance of the property and bill the owner or put some formal letter together and let the property owner know that despite these economic times, it does not stop us from maintaining the property. Everyone has to mow grass and maintain their buildings. Tom Senn also noted that the building behind him, the old Thai restaurant, has not been maintained over the years. It also has tall grass. He asked Council to send a letter to both property owners that they need to maintain the property. Mayor Cooper thanked Mr. Senn for bringing this to this Council's attention and stated that the Council has another meeting on the 19<sup>th</sup> when you can check in with the Council.

Robert Haver of 215 Harrison Street stated that the Fire Department also volunteered to fix the park bridge. You may want to reach out to the Fire Department. He brought it up to Cathy Leach in March.

Robert Haver also noted that Dr. King is retiring. He will no longer be there as of October 1<sup>st</sup>. Dr. King volunteered to come back to help the new doctor. Given how many deliveries of Frenchtown residents he made during the years it would be nice if the town did something formal to show our appreciation for the 30 years he has been here. There are a couple open houses this month. The new doctor's name is Ira.

Robert Haver noted that the second reason he is here is about the dust from the River Mills project. All day long and all week long the dust from that project is covering the entire neighborhood. They are not doing dust remediation and it is a problem. Everyday he comes home to a layer of dust all over everything he just cleaned off. It is getting in the house. It is a health hazard for my family, my pets and everyone around that project. He asked that Council reach out to George Micheal and tell him that we need dust remediation on that property. William Sullivan stated that the Borough is making a list and will put this item on it.

Patrick Keelen of 29 Fourth Street asked in reference to new neighbors, if there is any type of notification for welcoming new neighbors to Frenchtown informing them of things we all know as residents such as vaccination for pets, the recycling program, etc. The street is transitioning into rentals and they are transitioning out more frequently. Mr. Keelen stated that when he bought his house 20 years ago, someone came to him 20 years ago with a welcome packet. Part of the problem is new residents are coming in and are not aware of some of the basics of the neighborhood and common courtesies. This sets a tone and such things as skateboarding notice, etc. becomes a problem to neighbors. If they are made aware that skateboarding, etc. is not allowed, the issue could be dealt with up front. There was a volunteer of Frenchtown who did this for all new neighbors. He thinks she was a senior citizen. Patrick Keelan stated that his neighbor was throwing yard debris in her garbage. Those are the types of things happening. If people know about it, it would not happen. It would be a good idea to come up with something. He hopes we could get a volunteer. Mayor Cooper stated that if someone new moves in, someone can welcome them. Patrick Keelan asked if the website has anything on there. He added that he has a newsletter from 1999 and in that newsletter, there is portion on pets, etc. Mayor Cooper commented that his point is well taken. Dominikija Prostack recommended that a new resident page be put on the website.

Dominikija Prostack for the Green Team stated that they are working on getting a grant from TD Bank for the Green Fair. She would like to get permission to hang a banner across Bridge Street for

the Green Fair if they get a banner. Century Link or JCP&L will put it up. Seth A. Grossman requested that an email be sent on when they will put it up and when they will take it down. Council consented to the Green Team hanging a banner across Bridge Street.

Dominikija Prostack also noted that she is putting together a town wide yard sale for October 5<sup>th</sup> through the 7<sup>th</sup>. Proceeds will benefit the food pantry through the Presbyterian Church. Last year the fee was \$5.00. This year, they raised it to \$8.00 because not a lot went to the pantry last year. Ms. Prostack also requested permission to have the town wide yard sale posted on the website. She will have the forms on the website so anyone can upload it and then fill it out and send it back to her. Mayor Cooper asked Dominikija Prostack to touch base with the Chief and Mike Reino so they are aware this will happen. Council consented. Responding to Mayor Cooper as to clean up day, Michele Liebttag commented that they are looking to coordinate the town wide yard sale with clean up day.

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

**CONSENT AGENDA** – All matters listed on the Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

On motion by Robb Arent, seconded by Seth A. Grossman and carried by favorable voice vote, the Mayor and Common Council approved the minutes of the Special Meetings of July 11, 2012, July 27, 2012, the minutes of the Regular Meeting of August 1, 2012 and the Executive Session Minutes of July 5, 2012 and July 11, 2012 and Resolutions #2012-89A and #2012-90 as follows and the bills list dated 9/5/12:

### **Resolution no. 2012 – 89A**

#### **Tax sale redemption**

Whereas, the Tax Collector has been paid by Fred DeLorenzo to redeem Tax Sale Certificate No. 10-002 the amount of \$1,416.83 on Block 15, Lot 29.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check payable to SOHEHA, PO Box 9416, Trenton, New Jersey, 08650, in the amount of \$1,416.83.

---

Warren E. Cooper, Mayor

Attest

September 5, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution no. 2012 - 90**

**Tax sale redemption**

Whereas, the Tax Collector has been paid by Ocwen Loan Servicing to redeem Tax Sale Certificate No. 08-002 the amount of \$3317.68 on Block 21, Lot 10, and

WHEREAS, there was paid a premium at the time of sale in the amount of \$100.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check payable to CCTS Capital, LLC, 1415 Route 70 East, Cherry Hill, NJ, 08034, in the amount of \$3417.68.

---

Warren E. Cooper, Mayor

Attest

September 5, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

**BOROUGH OF FRENCHTOWN  
RESOLUTION 2012-91**

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Audit Report for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed,

as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the Members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendation”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as state aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of RS 52:27BB-52 to wit:

RS 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the Borough of Frenchtown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

---

Warren E. Cooper, Mayor

Dated: September 5, 2012

Attest:

---

Brenda S. Shepherd, RMC  
Borough Clerk

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown do hereby certify that this is a true copy of the Resolution passed at the meeting held on September 5, 2012.

---

Brenda S. Shepherd, RMC  
Borough Clerk

### **PRESENTATION OF VOUCHERS - dated 9-5-12**

The bills list dated 9/5/12 was approved as part of the consent agenda as attached to the original set of minutes which includes the Current Fund account in the amount of \$534,995.77, the Planning Trust Account in the amount of \$3,298.75, the Capital Improvement Fund in the amount of \$28,644.06, the Sewer Utility account in the amount of \$33,328.66, the Sewer Capital Improvement account in the amount of \$304,254.40, the General Trust Fund account in the amount of \$1,907.31, the Grant Fund account in the amount of \$1,698.96 and the Off Duty Police Officer’s Trust in the amount of \$1,325.00.

### **RESOLUTIONS**

**Resolution #2012-92 - Approval of Corrective Action Plan for the 2011 Audit**

Auditor Case recommended that a line be added to the end of the resolution that action will be taken in 2012 to have sufficient funds to eliminate year end interfunds. On motion by Seth A. Grossman, seconded by Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2012-92 as amended as follows:

**RESOLUTION NO. 2012-92**

**RESOLUTION OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON  
AND STATE OF NEW JERSEY, APPROVING CORRECTIVE ACTION PLAN FOR  
THE 2011 AUDIT**

**WHEREAS**, the Borough of Frenchtown, County of Hunterdon and State of New Jersey, received its 2011 audit dated July 19, 2012, and

**WHEREAS**, the Borough will implement the 2011 Corrective Action Plan for the findings therein as follows:

**Finding 2011 – 01**

**Condition**

Interfunds totaling \$151,207.77 exist on various Borough balance sheets at December 31, 2011.

**Corrective Action**

There were insufficient funds in some of the accounts which would have enabled the interfunds to be liquidated.

Action will be taken in 2012 to have sufficient funds to eliminate year end interfunds.

---

Mayor, Warren E Cooper

Attest:

September 5, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2012-93 – Street Reconstruction Projects**

Mayor Cooper noted that this has been a past practice of the Borough. Robb Arent added that we have an ordinance that prohibits road openings when a road has been reconstructed. This resolution is adding these roads to the ordinance by resolution. William Sullivan stated that he believes this is excessive and asked what happens if someone has a problem with a sewer or water line? Robb Arent stated that this is an emergency provision in the ordinance. William Sullivan stated that it is now an additional five thousand dollars for someone to hook up to gas or repair a water line. Mayor Cooper noted that the ordinance is to protect the integrity of the new roads. Gas lines have been added even on older streets and it has created problems with water getting in and freezing and cracking the road. It is the Borough's responsibility to protect the infrastructure. William Sullivan stated that this

hinders the homeowner to access and they have to wait five years to get gas or post \$5,000.00. He sees it as excessive. Attorney Cruz noted that the Borough is not doing anything other than identifying the streets that would need a permit. You are not authorizing anything new. These five streets have been recently paved. It is not a new burden. Subsequent to a brief discussion, Robb Arent asked William Sullivan to come back with a recommendation on how the Borough can modify the ordinance. On motion by Robb Arent, seconded by Michele Liebttag and carried by favorable roll call vote, the Mayor and Common Council approved resolution #2012-93 as follows:

**Resolution #2012-93**  
**STREET RECONSTRUCTION PROJECTS**

**WHEREAS**, the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey adopted an Ordinance #499 entitled "An Ordinance Amending Chapter #81, Article III of the Code of the Borough of Frenchtown; and

**WHEREAS**, no person may open or excavate the sidewalk, curb or street for any reason in the area of street reconstruction projects in the Borough of Frenchtown within five (5) years of completion and acceptance of improvements installed without first obtaining a permit from the Borough Clerk and paying a fee of \$5,000.00 to the Borough of Frenchtown; and

**WHEREAS**, ordinance #499 further provides that the Borough council may by resolution designate areas comprising street reconstruction projects.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Common Council of the Borough of Frenchtown that the following areas comprise street reconstruction projects:

1. Lower Twelfth Street – from 2/1/10 to 2/1/15
2. Bridge Street – from 9/1/12 to 9/1/17
3. South Harrison Street – from 9/1/12 to 9/1/17
4. Railroad Avenue – from 9/1/12 to 9/1/17
5. Lower Fifth Street – from 9/1/12 to 9/1/17

---

Warren E. Cooper, Mayor

Dated: 9/5/12

ATTEST:

---

Brenda S. Shepherd, RMC

Vote on the Motion:

Ayes: Arent, Grossman and Liebttag

Nays: Sullivan

Absent: Leach and Myhre

**Resolution #2012-94 – Resolution Authorizing Borough Engineer Maser Consulting, PA to prepare and advertise a bid for the Nishisakawick Creek Restoration Project**

Michele Liebttag expressed concerns with the time constraints of the project and the environmental sensitivity. She asked if there can be a quality assurance aspect in the bid specs. Attorney Cruz stated that he will review the bids once they are received. He does not review the specifications. He understands that the Engineer has already drafted the bid specifications. Maser Engineering has an extensive standard set of specifications for everything. Michele Liebttag added that she wants to be sure that the contractors are qualified to do this work. Attorney Cruz stated that the bids would be awarded to the lowest responsive and responsible bidder. The lowest responsive bidder means they met the technical requirements of the specifications. For the lowest responsible bidder, you would have to have a hearing to not award to the lowest bidder. It is a high threshold. If there is a concern for time lines and environmental sensitivity, the Engineer should be aware of it. Mayor Cooper noted that the EWP funding requires the project be done by mid December. There has been a fair amount of pressure put on all parties to move this along at a rapid rate. William Burr is sensitive to that. Attorney Cruz noted that most bids have a liquidated damage provision. When there is an inability to calculate what the damages would be, there is a number agreed upon ahead of time. He suggested that Maser Consulting look at the liquidated damages provisions. Liquidated damages can range from \$100.00 a day to \$500.00 a day. If you do not meet the deadline, you lose the funding. Perhaps the liquidated damages should be strengthened to make sure there is a significant penalty to the contractor if he goes beyond the deadline. Most contracts have a starting date from the date of notice to proceed and an end date. Sometimes it is spelled out in an actual date such as December 31 or 90 days from the date of notice to proceed. Michele Liebttag expressed concern that the contractor have skilled labors on the job. Mayor Cooper stated that once you establish guidelines and restrictions, if there is a problem, the contractor is still responsible. Attorney Cruz noted that generally you do not dictate means, methods, etc. It is up to the contractor. Responding to Michele Liebttag, Mayor Cooper noted that he will speak to the engineer tomorrow and Maser Consulting recommended that we include in our expectation of the cost of the project a full time inspector to serve on the project so it would cover those circumstances you discussed. It could cost the Borough as much as \$20,000.00 extra. We opted to defer that decision at this point. On motion by Michele Liebttag, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2012-94 as follows:

**RESOLUTION #2012-94**

**RESOLUTION AUTHORIZING BOROUGH ENGINEER MASER CONSULTING, PA  
TO PREPARE AND ADVERTISE A BID FOR THE NISHISAKAWICK CREEK  
RESTORATION PROJECT**

**WHEREAS**, the Governing Body of the Borough of Frenchtown has entered into an agreement with the United States Department of Agriculture's Emergency Watershed Protection Program for funding for stream restoration including debris and blockages removal and bank stabilization along the Nishisakawick Creek in the Borough of Frenchtown because of damage sustained through Hurricane Irene; and

**WHEREAS**, in order to make the repairs, an application had to be made to the New Jersey Department of Environmental Protection for approval; and

**WHEREAS**, the New Jersey Department of Environmental Protection has approved the Borough's application and the Governing Body is now in a position to authorize the Borough Engineer, Maser Consulting, PA to prepare bid specifications and advertise the bid for the Nishisakawick Creek Restoration Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the Borough of

Frenchtown, County of Hunterdon and State of New Jersey that the Governing Body authorizes the Borough Engineer, Maser Consulting, PA to prepare bid specifications and advertise the bid for the Nishisakawick Creek Restoration project.

---

Warren E. Cooper, Mayor

Attest:  
September 5, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2012-95 - Approval of the Municipal Alliance Renewal Application for 2013**

Mayor Cooper noted that this is a group of sending districts that provide pass through funding to the Delaware Valley Regional High School for the drug and alcohol prevention programs. Frenchtown has served as the lead agency for its entire existence. We are asked to do this every year. The \$18,400.00 is not Borough funds but a grant awarded to all five districts. On motion by Robb Arent, seconded by Seth A. Grossman and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2012-95 as follows:

**RESOLUTION #2012-95**

**WHEREAS**, the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

**WHEREAS**, the Borough Council of the Borough of Frenchtown, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council of the Borough of Frenchtown supports the application of funding from Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Frenchtown, County of Hunterdon, State of New Jersey hereby recognizes the following:

The Borough Council does hereby acknowledge the terms and conditions for administering the Municipal Alliance grant for calendar year 2013 in the amount of \$18,400.00; and agrees to serve as Lead Municipality for the Delaware Valley Municipal Alliance.

APPROVED: \_\_\_\_\_  
Warren E. Cooper, Mayor

CERTIFICATION

I, Brenda S. Shepherd, Municipal Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 5th day of September 2012.

---

Brenda S. Shepherd, Municipal Clerk

## **ORDINANCES**

### **Ordinance #718- Steep Slope Ordinance (introduction)**

Mayor Cooper stated that this ordinance is a housekeeping matter to make our ordinance comply with permit requirements. Attorney Cruz stated that Engineer Robert Clerico sent a memo on this ordinance and ordinance #719. Mayor Cooper stated that both the ordinances were developed by Borough Planner McKenzie. The Borough is under time constraints to introduce these ordinance in order to be in compliance with the county and state. Attorney Cruz stated that it is part of getting the NJPDES permit for the wastewater management plan for the Environment Protection Discharge Permit. Mayor Cooper added that not having these ordinances in place could hold up approval at some point because they would not certify that we are in compliance with the Wastewater Management Plan. Michele Liebttag requested that previous language be put in and reflect the changes made to existing ordinances. Mayor Cooper stated that these ordinances will go to the Planning Board for their certification that it is consistent with the master plan. On motion by Robb Arent, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council introduced Ordinance #718 as follows:

### **ORDINANCE NO. 718**

**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  
CHANGE THE EXISTING 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 and R-6 zone districts:

1. The applicable provision of Sections 401, 408 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 0.0	=

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, an existing lot of record at the time of the passage of this Ordinance may be developed with any use permitted as of right in the R-1 district and

shall be exempt from the above provisions unless and until an application is made for a subdivision of that lot or for its development with any use other than those listed in Section 401.B. The following requirements shall nevertheless apply to existing lots of record for which construction of any improvement is proposed on a slope of 15 percent or more regardless of the nature 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.** Section 408.C.4. of the Land Use Ordinance is hereby deleted and substituted with the following:

4. Development shall be prohibited in floodplains and in minimum riparian corridors and on wetlands and wetlands transition areas, except as may be permitted by NJDEP, and on slopes over 20 percent. Development on steep slopes shall be subject to the regulations of Section 310. To the extent possible, areas of unique and mature vegetation shall be preserved from development. The foregoing critical areas and natural features shall be included in the required open space except as may be necessary to gain access to the development area of the site.

**Section 3.**

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

---

Warren Cooper, Mayor

ATTEST:

---

Brenda Shepherd, RMC  
Borough Clerk

Mayor Cooper announced that a public hearing on the ordinance will be scheduled for the October 3, 2012 Council meeting.

Responding to Robb Arent, Attorney Cruz noted that Ordinances #718 & #719 are Land Use Ordinances as noted on the last page of the ordinances. Ordinance #718 is a delete and replace ordinance. Ordinance #719 is a new chapter.

**Ordinance #719 – Minimum Acceptable Riparian Zone Ordinance (introduction)**

Responding to Robb Arent, Attorney Cruz noted that NJAC is the Administrative Code and Title 7 is the NJDEP. Mayor Cooper added that the Borough has the NJDEP approval to do disturbance on the creek. Attorney Cruz noted that these ordinances are part of the Wastewater Management Plan. The Wastewater Management plan use to be local and not it is at the County level so the County is in charge of the filing for all the municipalities in the County. The County submits it to the NJDEP and NJDEP approves it. There are a whole series of ordinance required to maintain water quality for example you have probably adopted anti littering, pooper scooper, leaves in the street, etc. ordinances. There are a series of ordinance that are mandated by the state that the town has to adopt to comply with state requirements. State law would supercede local law. The way this is set up is that municipalities have to adopt certain ordinances. Responding to Seth A. Grossman, Attorney Cruz noted that the zoning officer makes the determinations and if there is an appeal from the zoning officer, it comes to Council as noted in Section 6. There is a certain amount of continued jurisdiction that this body will have. On motion by Robb Arent, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #719 as follows:

**ORDINANCE #719  
MINIMUM RIPARIAN ZONE ORDINANCE**

- I. Purpose and Authority**
- II. Definitions**
- III. Establishment and Protection of Riparian Zones**
- IV. Variances**
- V. Exceptions**
- VI. Appeals, Conflicts, and Severability**
- VII. Enforcement**
- VIII. Effective Date**

**I. PURPOSE AND AUTHORITY**

The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the Borough of Frenchtown and to comply with N.J.A.C. 7:15-5.25(g)3, which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones as described herein. Compliance with the riparian zone requirements of this Ordinance does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

## II. DEFINITIONS

The following definitions shall be used in interpreting and applying the provisions of this Ordinance:

**Acid Producing Soils** means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

**Applicant** means a person, corporation, government body or other legal entity applying to the Borough Planning Board/Board of Adjustment or applying for a Zoning Permit or for a Construction Permit who is proposing to engage in any activity that is regulated by the provisions of this Ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

**Category One Waters or C1 Waters** shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

**Disturbance** means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**Intermittent Stream** means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

**Lake, Pond, or Reservoir** means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of

surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

**Perennial Stream** means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

**Riparian Zone** means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

**Special Water Resource Protection Area or SWRPA** means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

**Surface Water Body(ies)** means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

**Threatened or Endangered Species** means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

**Trout Maintenance Water** means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

**Trout Production Water** means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

### III. ESTABLISHMENT AND PROTECTION OF RIPARIAN ZONES

A. Except as provided in Sections IV. and V. below, riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water

- (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.
2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
    - a. Any trout production water and all upstream waters (including tributaries);
    - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;
    - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and
    - d. Any segment of a water flowing through an area that contains acid producing soils.
  3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.
- B. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
1. Along a linear fluvial or tidal water, such as a stream, the riparian zone is measured landward of the feature's centerline;
  2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
  3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
  4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.
- C. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area of the riparian zone on any plan submitted to the Borough of Frenchtown in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required by State regulation, the New Jersey Department of Environmental Protection.

#### **IV. VARIANCES**

To the extent allowed by the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), new disturbances for projects or activities in the riparian zone established by this Ordinance may be allowed through the Zoning Board of Adjustment review and approval

of a variance, provided the disturbance is proposed to be located on a pre-existing lot (existing as of the effective date of this ordinance) when there is insufficient room outside the riparian zone for the proposed use otherwise permitted by the underlying zoning; there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements; and upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance is:

- A. Necessary to protect public health, safety or welfare;
- B. To provide an environmental benefit;
- C. To prevent extraordinary hardship on the property owner peculiar to the property; or
- D. To prevent extraordinary hardship, provided the hardship was not created by the property owner, by not allowing a minimum economically viable use of the property based upon reasonable investment.

#### **V. EXCEPTIONS**

To the extent allowed under the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38) and subject to review and approval by the New Jersey Department of Environmental Protection to the extent required by those rules, the following disturbances for projects or activities in the riparian zone established by this Ordinance are allowed:

- A. Redevelopment within the limits of existing impervious surfaces;
- B. Linear development with no feasible alternative route;
- C. Disturbance that is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
- D. Disturbance necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E; or
- E. Disturbance with no feasible alternative required for the remediation of hazardous Substances performed with New Jersey Department of Environmental Protection or Federal

oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601 et seq.

## **VI. APPEALS, CONFLICTS, AND SEVERABILITY**

- A. Any party aggrieved by the location of the riparian zone boundary determination under this Ordinance may appeal to the Zoning Officer under the provisions of this Ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.
- B. Any party aggrieved by any determination or decision of the Zoning Officer under this Ordinance may appeal to the Mayor and Common Council of the Borough of Frenchtown. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- C. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.
- D. Severability:
  - 1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
  - 2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
  - 3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

## **VII. ENFORCEMENT**

A prompt investigation shall be made by the Code Enforcement Office/Zoning Officer of the Borough of Frenchtown, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Borough of Frenchtown, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

## **VIII. CODIFICATION**

The enumeration of the separate provisions of this Ordinance may be changed to accommodate codification of the provisions of this adopted Ordinance into the Borough's Land Use Ordinance.

**IX EFFECTIVE DATE**

This Ordinance shall take effect upon final adoption and publication in accordance with the law on the date it is filed with the County Planning Board after adoption.

\_\_\_\_\_  
Warren E. Cooper, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Shepherd, RMC, Borough Clerk

Introduction: \_\_\_\_\_

Publication: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**Ordinance #720 – Funding Ordinance for Nishissackwick stream restoration and the Frenchtown Borough Park suspension bridge repair**

Mayor Cooper noted that this item will be tabled for this evening.

**NEW BUSINESS**

**Approval of Professional Service Agreement with Bond Counsel Robert Beinfield -**

Mayor Cooper stated that the Borough Council will have to approve a professional service agreement for Robert Beinfield of Hawkins, Delafield and Wood, in an effort to secure funding in form of a BAN for the Nishisakawick Creek and the foot bridge project in the park. There are certain documents we have to provide Robert Beinfield within a certain period of time so we will probably need to have a special meeting to introduce a bond ordinance. Attorney Cruz noted that the Bond Ordinance will service as the basis for the Bond Anticipation Notes. Attorney Cruz recommended that because it is a professional service agreement, you have to have a not to exceed amount for the Bond Counsel contract and he suggested it be \$7,500.00. He added that the Bond Counsel will need an estimate of the bridge repair. On motion by Robb Arent, seconded by William Sullivan and carried by unanimous favorable, the Mayor and Common Council approved the professional Service

agreement with Bond Counsel Robert Beinfield of Hawkins, Delafield and Wood with a not to exceed amount of \$7,500.00. Attorney Cruz noted that the resolution will be memorialized at the next meeting.

**Approval of the New Jersey American Water Company agreement (Application for Main Extension)**

Mayor Cooper noted that this is an application for a water main extension for the wastewater treatment plan. There is an application fee of \$2,500.00 which would come out of the sewer project. This project is within the scope of the funds. Attorney Cruz noted that a certification of funds is required from the CFO and a formal resolution should be approved. Robb Arent recommended bringing it back to Council in two weeks.

**Clean Up Day**

Michele Liebttag noted that she talked to John Cunningham from Raritan Valley Disposal about doing the clean up day in conjunction with the town wide yard sale. Raritan Valley Disposal is free to do the Clean Up after the date of the yard sale. She recommended Clean Up day be the Saturday after the yard sale. The Council consented. Michele Liebttag stated that she will call John Cunningham tomorrow to schedule it. We allow residents to put out the clean up items on that Thursday before to give people a chance to pick through those items.

Mayor Cooper noted that it is 9:03 pm and requested to continue through the agenda items. Council consented.

**OLD BUSINESS**

**Nishissackwick stream restoration**

Mayor Cooper reported that the Borough has gotten all approvals from the NJDEP. There is one remaining hang up with the question on how the vegetation will be replaced. The NJDEP would like the vegetation that will be taken away to be put back. The way we are proposing to make the repairs makes it impossible because the soil is not being replaced. We are replacing a lot of that with stone. There are some negotiations going on. No one thinks this will be a deal breaker.

**Wastewater Treatment Plant Project**

Robb Arent stated that there are no updates at this time.

Mayor Cooper noted that the Borough did receive notification from the Labor Department, Equal Opportunity, that Tomar was not in compliance with the reporting schedule. Mayor Cooper added that there was a problem with the notification. It has the wrong names and wrong addresses and Tim Bradley at the Mayor's request checked with Tomar this morning and Tomar said there was a mixed up with projects and Tomar also said they have been submitting their reporting. Attorney Cruz commented that there should be a response to the affirmative action.

Mayor Cooper stated that he discussed the Safe Streets and Roads committee with William Sullivan and his schedule is making it impossible to get to it in a timely manner. Mayor Cooper asked if it would be okay to assign leadership of that committee to some else on Council. William Sullivan agreed. Mayor Cooper stated that he will reach out to Council in the next few days.

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

Michele Liebtag reported that in talking with John Cunningham of Raritan Valley Disposal, he has offered something for the Green Fair. They can have a dumpster or a form of for people to bring and dispose of items at the Green Fair. She will follow up with him on that. As Recycling Coordinator, she is doing a recycling table at the Green Fair to talk about the recycling program and putting together a program with the state and county recycling. And, Raritan Valley will also be doing something. She will coordinate with everyone on that.

Michele Liebtag also reported that she has been meeting monthly with the Fire Department. She is happy to see they are involved in the Green Fair.

William Sullivan noted that the Borough has talking for years about our leaf situation. He does not believe we should be picking up leaves. However, he has been speaking with a lot of people who have convinced him that a sudden change would be a culture shock. He has talked to the Green Team to convince people that leaves belong on people's own property. William Sullivan stated that Mike Reino can get the leaf machine operating for another year at a cost of approximately \$3,400.00 so the Borough does not have to make changes as it is too late. Mike Reino recommended that leaf pick up be November 1<sup>st</sup> to November 30<sup>th</sup>. William Sullivan stated that he thinks that it is a little late to start. He will drive around to see when leaves build up. People think they can push leaves out in street at any time. We will have to consider an ordinance. The ordinance would state that leaves can only be in the street during a certain period of time. It is a traffic safety issue and the storm drains clogs. There are a lot of trees on the hill and Kingwood Avenue. William Sullivan stated that at the convention this year, he will look at our options. Between the fuel and manpower for leaf pick up, it takes up a lot of energy. We all have services we deem necessary. He will see when the leaves are coming down. He added that we can lease a machine for five years. With the Green Team, we can teach people how to compost. We have to educate people. Mayor Cooper noted that there is money in budget for those repairs. Responding to Council as to the shared services possibilities, William Sullivan responded that it is difficult to share services when everyone needs the machine at the same time. He can look at two or three days a week. Mayor Cooper recommended bring up leaf collection at the next Shade Tree Commission meeting.

William Sullivan also reported that the big issue is a problem with Lower Third Street. There was construction done ahead of approval. Plans were suppose to be submitted to the engineer for the excavation of the detention basin for the George Michael project prior to the project proceeding. They did not submit a plan nor wait for an approval. While digging, the sides broke in, the curbing fell in and a portion of the road has fallen in. The developer is aware of it. Most importantly, our engineer is on top of it. Our engineer seems to have our best interest in mind. He is working hard on it. He is in charge of remediation. We have leverage over it. The developer broke protocol. The construction companies risked it. Mr. Sullivan also noted that the Shade Tree Commission is looking at the trees that they pruned heavily on Bridge Street to see if they exceeded their right of way. We are making a list of issues. We should be enforcing and imposing fines. We are in the driver's seat. Keep air of cooperation. We want them to know it is not going to be overlooked. It will be repaired and repaired correctly. If we have a sinking of Third Street five years from now, we want them to be responsible. Seth A. Grossman stated that we have to be on top of them. The

project is in the middle of town. They have to be aware of it. Mayor Cooper commented that Engineer Clerico is on top of this and Mike Reino is on top of it as well. We are getting reports frequently. Mayor Cooper stated that he asked Engineer Clerico to give him a written description of the sequence of events. He will disseminate it to his email list and put it on the website so we can keep everyone aware.

Robb Arent reported that Gerry Case passed his S1 operations license. He has the C1 and S1 and technically if something happened to Victor Gilardi, Gerry Case is qualified to run the plant. Victor Gilardi included two SOPs in the packet that he developed recently. One is to bypass the primary clarifier if it develops a hole and fails. The other is for a bypass should the sewer pipe under the Kingwood Avenue bridge fail or break before we repair it.

Lastly, Robb Arent commented that Victor Gilardi asked us if we could address the request proposing that the new administration building be named after John Butler. John Butler was the licensed operator who operated the old plant for over 20 years. Mayor Cooper stated that we can put it out for discussion at the next meeting. Robb Arent noted that Victor Gilardi wanted the issue to be addressed in case he is no longer here.

Seth A. Grossman reported that the Downtown Revitalization Committee started in April and they will be wrapping up in September. They will have a draft report for October and will present the basic report to the Frenchtown Business Association before we present it to Council. They will then get community input. It is quite extensive from environment to marketing ideas and management concerns. We are also working on the design elements, street lighting to give design guidance, etc. They will be ready to make a presentation. It would take a good year to implement.

### **MAYOR'S COMMENTS**

Mayor Cooper reported that the Administrative Committee met last week to review the budget. We are in good shape except for hearting oil for the fire house. He spoke to Chief Jerry Hoffman about it this morning. We would like to move them to gas. The Administrative Committee also intends to meet to discuss the personnel manual. Everyone received a letter from Doctor King informing us of his retirement and inviting us to the open houses over the next two Saturdays. We heard tonight from someone who would like to recognize his services to the community. Is there a recommendation from Council? Mayor Cooper stated that we could do a proclamation. Robb Arent commended that the town can rename S. Harrison Street. Attorney Cruz noted that the Borough would need an ordinance. You would have concerns from resident about changing their addresses, etc. You could do honorary signs. Mayor Cooper asked if any one has another suggestion to let him know.

### **CORRESPONDENCE**

None addressed.

### **ADJOURNMENT**

Being no further business to come before the Mayor and Council, a motion was made by Robb Arent, and second by Michele Liebtatg to adjourn the meeting at 9:30 pm. Motion carried by

favorable voice vote.

Respectfully submitted,

---

Brenda Shepherd, RMC  
Borough Clerk