

CALL TO ORDER

Mayor Warren Cooper called the special 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 Express Times and the Hunterdon County Democrat 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 September 18, 2013.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Seth A. Grossman
Cathy Leach
Michele Liebttag
Brad Myhre
Jack Opdyke
William Sullivan

Absent from Meeting:

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

OATH OF OFFICE – Jack Opdyke

Mayor Cooper noted that Jack Opdyke has already been sworn in so that he could start to become part of the process. However, Mayor Cooper swore in Jack Opdyke for ceremonial purposes.

PUBLIC COMMENTS

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

Dominikija Prostack, Green Team Chairperson, reported that she wanted to give everyone an update on what is happening. As to the Green Fair, we had Two Buttons, CentryLink, Blue Fish Clothing, Applegate Farm and Collectic Archcitect and Catuso Media Design are our sponsors. Right now, we have 60 vendors signed up, and we had four to five in the last few days give us a verbal commitment. We need to get their donations. We have 5 speakers. We have Robb Fleming from Philadelphia University from the Sustainable Design Program and he will be talking about “Beyond Green: How can sustainable design transform our lives”. Rutgers Landscape & Nursery will do a Touch-a-Bug Children’s workshop. It is how to be pest free without all those nasty pesticides. Eyes of the Wild and Wallaby Tales is a live animal show. Hopefully, folks will walk away knowing how to take a more proactive role in protecting our wildlife. Maya Van Rossum, the Delaware Riverkeeper, will be talking on fracking and the Delaware River Watershed. Christine Waltermyer from the Natural Kitchen Cooking School will be talking about decadent rice desserts. And then, our Keynote Speaker is Mike McGrath from WHYY who does the “You Bet Your Garden” which is

a national insyndicated program. Responding to Mayor Cooper, Dominikija Prostack stated that she thinks they had 60 to 65 vendors last year. Michele Liebtag asked Dominikija Prostack if she heard from Republic Services. Dominikija Prostack noted that she did not hear from them but they may have gotten a hold of Holly. Michele Liebtag stated that she reached out to them today and they want to do a vendor table. Dominikija Prostack added that they are giving us trash receptacles for the field.

Dominikija Prostack reported that we did have a resignation of a member that is on our list in the Green Team resolution. She did not know if there is a particular way to address that. Can we appoint someone or should we bring it to the Governing Body? Attorney Cruz noted that it is a Borough appointment and should come before the Governing Body. Dominikija Prostack stated that she will bring it before the Council. Responding to Council, Ms. Prostack noted that Gerry St. Onge has resigned.

Dominikija Prostack also reported that they may need help with asking for insurance waivers and riders for the Elementary School and for DeSapio. It may have already been done. Brenda S. Shepherd noted that she spoke with the insurance company and they will need executed written agreement before an insurance rider will be issued.

Dominikija Prostack stated that she has come into this room a number of times in the evening and the temperature is down to 68 degrees. She would like to encourage whoever handles that take care of it because it is not energy efficient. William Sullivan will do it now. He added that it happened one other time and when he said something, they said it was in error. Something may be wrong with the timer.

John Anderson of JCP&L, 147 Route 31 South, Flemington, NJ, noted that he is here tonight to let you know what JCP&L has been up to since Hurricane Sandy. He provided hand outs as to major improvements. The website was further tweaked and adjusted. If there is an outage in Frenchtown, it will show the outages, the cause and estimated time of restoration. It is tied to smart phones and you can download the application to look at the information as well. It is tied directly to the outage management system. The numbers will fluctuate day to day as outages are reported or repaired. It is important to understand that there is a slight difference now than what was going on during Sandy where we were being asked to provide projections for number of customers being restored into future days of the storm. What this is providing you is based on current outages in the system and what the restoration time is. The website is fantastic and it gives you more detailed information, everything you want to know including poles, wires, etc. Also, as to the critical facilities list, we are going through each municipality to get the list of critical facilities as determined by the board of public utilities which will include Borough Halls, the Fire Departments, police stations, schools, hospitals, Wastewater Treatment plants, etc. What is important is that it is not ready for prime time yet but we are gathering the data and it is being downloaded into the system. With the computer program, this ties into the outage management system. At any given point, when we have outages, every account will know if they have power or not. You still have to call in. It will give us a better understanding of what critical facilities are out and where. If we have 120 critical facilities, we will sort them by circuits. We may say we have the highest concentration of critical facilities on this circuit, so we will send crews in there. It is to provide greater intelligence and allows us to work

smarter. Historically you work outages with the greatest amount of customers affected down to the smallest. We will be able to work more closely to understand what we have out, when, why and when is it coming back, etc.

Mr. Andersen also stated that another one to touch on is road closures. After Sandy, it was loud and clear that everyone was concerned about outages but roads being blocked with huge detours could mean issues for emergency responders, etc. We just implemented a new program. Thursday's thunderstorms was a dry run. Fortunately, this County was not impacted. There were severe outages in Warren, Sussex, and Morris Counties. By towns reporting their closures because of downed wires and trees, we are able to send crews out through the dispatcher working solely on that endeavor. Overall, it was very successful. It was not a major storm so we will have to see how it works with all different size storms. We will have 3 major classifications, state, county and local. Depending on the number of crews we have, we want this to be very transparent. We do not want anyone's feelings getting hurt. We will be working on state roads, and working through the County Emergency Management asking the County for prioritization. If there are ten county roads blocked and he has three crews, he will say where do you want me to start. We want to work more closely with the County level so we are all on the same page. We have been busy making these improvements since Irene and the October snow storm so this started two years ago. He asked the Council if there were any questions. Jack Opdyke asked for people that may be depending on life support such as oxygen, can they register with JCP&L as critical care? Mr. Anderson responded in the affirmative and noted that many people do not report it. They would rather remain anonymous. They can register as life support or critical care customer. What that does is it allows us to track it. We have been doing that annually and providing the list to the County. The participation rate is low over all. We do not know until they do not have power. The concern we have is we do not want to give anyone a false sense of priority. If you are at the tail end of a dead end street, and you are at the tail end of that circuit, being a critical care customer does not mean we can circumvent any other outage upstream. If we try to repair that circuit at the end, the power may not even be there to restore it. If there is no power there, we have to start at the substation and work out. The only concern is that we do not want to give anyone a false sense of expectation. They can register and it is good to know who is out there so we can say if the power is not out there, do you have a plan or do you have a relative to stay with. Responding to Mayor Cooper, Mr. Andersen stated that it lists Frenchtown as you are the tax district of Frenchtown. Mayor Cooper noted that you stated that we still have to call in the outages. How far down the road do you see smart grid technology? Mr. Andersen responded that the technology is there today. You would not be able to get an exact footprint of who is without power. It is not a Jersey Central issue. It is really at the BPU and state level to make the determination of when does it make economic sense to do this. Some utilities are doing pilot programs now but for the State of New Jersey, he thinks because of the economics and the cost benefit analysis. The technology is coming and it will be here eventually. Right now, you have to look at it and weigh the costs. How much are people willing to pay for a smart meter on their home? People will say what benefit is it to me and if it will raise my rate by X% to cover the cost? At some point the economics will drive it but he does not think the state is at that point. Because of the way structure is built, it is a matter of is the state ready to do this and are the ratepayer advocates on board etc. Will everyone be able to stomach rate increase? Mayor Cooper thanked John Anderson.

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

PRESENTATION OF MINUTES - Special Council meeting – August 23, 2013

On motion by Cathy Leach, seconded by Brad Myhre and carried by favorable roll call vote, the Mayor and Common Council approved the Special Council meeting minutes of August 23, 2013 with Jack Opdyke abstaining.

Resolution #2013-76 – Appoint Diane Laudenbach as QPA for Borough of Frenchtown

Mayor Cooper stated that if you recall, we adopted an ordinance to create the position of qualified purchasing agent. He spoke with CFO Diane Laudenbach who is willing to do it at no additional cost for the remainder of 2013. We will reassess to make a decision going forward in 2014. Responding to Jack Opdyke, Mayor Cooper stated that this is something we wanted to do for awhile. The rules limit the amount of money we can spend to \$17,500.00 without going to bid. With a qualified purchasing agent the amount approximately doubles. Attorney Cruz stated that he thinks it is \$36,000.00. Mayor Cooper stated that it is a significant difference and we do not often have large purchases but when you do, it is rather costly to do through the bid process. We expect to save money. On behalf of Council, he expressed his appreciation to Diane Laudenbach. On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2013-76 as follows:

RESOLUTION No. 2013-76

Appoint Diane Laudenbach as Qualified Purchasing Agent for the Borough of Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown wishes to appointment a qualified purchasing agent for the Borough of Frenchtown until December 31, 2013; and

WHEREAS, Chief Financial Officer, Diane Laudenbach, holds a Qualified Purchasing Agent Certification through the State of New Jersey and qualifies to be appointed to the position: and

WHEREAS, the Chief Financial Officer, Diane Laudenbach, has agreed to hold the Qualified Purchasing Agent position until December 31, 2013 without compensation.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, effective September 18, 2013, Diane Laudenbach be appointed as qualified purchasing agent for the Borough of Frenchtown until December 31, 2013 without compensation.

Warren E. Cooper, Mayor

ATTEST:

September 18, 2013

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2013-77 – Resolution to reconvene the ad hoc Sewer Advisory Committee

Mayor Cooper stated that we initially created this body to evaluate the way we collect sewer rents and to try to identify strategies that would be more fair and yet at same time be able to pay our bills. The advisory committee came back and made its recommendations at the end of last year. At that time, we thought their work was done. In fact, they are not done. There is considerably more to do including evaluating whether or not an RFP is appropriate and make some recommendation to Council on that and to help shepherd the completion of the Wastewater Treatment Plant project going forward. Our sewer commissioners, Seth A. Grossman and Jack Opdyke, met with some of the members of the advisory committee and they agreed to take on those responsibility pending our approval of reconvening the advisory committee. Membership may change. If this body tonight agrees to reinstate, there will be a meeting tomorrow night to start that work. The recommendation is to change the name of the Committee. Seth A. Grossman noted that the Sewer Advisory Committee will cover it. Attorney Cruz stated that you should name the members at some point. Mayor Cooper stated that if the Governing Body agrees to approve to recreate that body, the body has already decided to name Adam Liebttag as its chairman. Adam Liebttag is a former Councilman and Sewer Commissioner and he has been working with the sewer rent committee.

Seth A. Grossman noted that the group met because of the Wastewater Treatment Plant Project and to get a sense to see if people wanted to be on the committee. They are planning to meet tomorrow if approved and it will be a housekeeping meeting. He recommended that if we do approve to reconvene the committee we should name the members who agreed to be on the committee so far. There was discussion to add certain members from certain categories such as the school, etc. Attorney Cruz noted that the resolution does mention four Borough residents, two members of the business community and two others as deemed appropriate by the Common Council so you would have a Chairman, 4 residents, two business members and two others appointed by Council. He recommended that you name them tonight if you can fill them tonight. Responding to Seth A. Grossman, Attorney Cruz stated that an Ad Hoc Advisory Committee of one can give you advice. It is not that they will lack authority if you do not name them now. If there is a hesitancy to name them now, you can wait. Jack Opdyke stated that he agrees with Seth A. Grossman and would like to name the people currently on the committee.

Seth A. Grossman named the following committee members:

Borough residents - Adam Liebttag, Jan Friedman, Marty Howard, Geoff Stanley

Business – Dorsey Reading, Jack Opdyke

Other – David Miller (previous resident and knowlegable) and Seth Grossman

Attorney Cruz noted that it does not provide for a term of the Committee. He asked if there was a term or life to this committee? Subsequent to discussion, the Council agreed to a term through the end of 2014.

On motion by Seth A. Grossman, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2013-77 as follows:

Resolution #2013-77

**Resolution to reconvene the ad hoc Sewer Advisory Committee
in the Borough of Frenchtown**

Whereas, the Common Council of the Borough of Frenchtown created an ad hoc Sewer Advisory Committee February 1, 2012 to determine how best to insure the adequacy and basic fairness of the structure of fees; and

Whereas, the Common Council of the Borough of Frenchtown believes it is in the best interest of the municipality to reconvene the Sewer Advisory Committee to have its citizens participate and review proposed “best management practices” for the new Wastewater Treatment Plan and to review and/or implement new sewer fees, hookup fees, discounted fees for certain groups or during certain periods; and

Whereas, the Common Council of the Borough of Frenchtown believes that the best mechanism for that is to receive input from those citizens by having their direct involvement in developing policy regarding such matters.

Therefore, be it resolved that the Common Council of Frenchtown reconvene the ad hoc Sewer Advisory Committee to make recommendations to the Council regarding their review of the “best management practices” for the new Wastewater Treatment Plant.

Be it further resolved that the committee be comprised of no more than nine members, including the chairman of the Sewer Committee or his/her designee, at least four borough residents, two members of the business community and two others as deemed appropriate by the Common Council, as follows:

Borough residents:
Adam Liebttag
Jan Friedman
Marty Howard
Geoffrey Stanley

Business Community:
Dorsey Reading
Jack Opdyke

Others:
David Miller
Seth A. Grossman

For a term ending December 31, 2014.

Be it further resolved that the committee be charged with addressing the following concerns: review proposed “best management practices” for the new Wastewater Treatment Plant and any other related matters and to review and/or implement new sewer fees, hookup fees, discounted fees for certain groups or during certain periods.

Be it further resolved that the committee shall bring to Council, no later than December 31, 2014, recommendations for achieving the goals set forth by this resolution.

By _____
Warren E. Cooper, Mayor

Dated: September 18, 2013

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES

Ordinance #735 - An ordinance creating the position of Borough Administrator and providing for term of office, compensation, and powers, duties and functions of the Borough Administrator in the Borough of Frenchtown

Mayor Cooper stated that we did not introduce this ordinance last time because it was not in the proper format and we wanted to adjust some of the phrasing. In Section 5, we should amend it to read his/her and we removed full time. In the third bullet point, we adjusted Borough construction projects. Attorney Cruz stated that he has some technical comments. In Section 2, the second bullet point, while it is desirable that the Borough Administrator be a resident of Hunterdon County, the Borough Administrator need not be a resident of Hunterdon. Brad Myhre stated that they have to be a resident of the State. Attorney Cruz added that in Section 7, in the first bullet, the parenthetical statement was changed slightly to add: or police officers that may be subject to a collective bargaining agreement. As to bullet 6, Board of Adjustment should be removed because you do not have a Board of Adjustment, just a Planning Board. Sewer assessment committee needs to be changed to the sewer advisory committee. On the next page, the fifth bullet, beginning with prepare the slash was removed and on the last page, in the 4th bullet from the bottom, Borough should be capitalized. In the next to the last bullet point, the local government ethics law should all be capitalized. And, then in Section 9 should be hyphenated and add Effective date.

A motion was made by Brad Myhre to introduce ordinance #735 to include the amendments that were just discussed. The motion was seconded by Seth A. Grossman. Mayor Cooper asked if there was any further discussion on the ordinance. William Sullivan asked "how are we funding this?" Attorney Cruz responded that the ordinance creates this position. Also, you have a salary ordinance that at some point you will have to amend to provide for a salary range. And, then you will need an appointing resolution if you get that far that will name the individual and refer to the ordinance and set a salary within the salary range of the salary and wage ordinance. You are not obligated to fill the position. It is an appointment of the council serving at the pleasure of the council. If you are not intending to do this, why do the ordinance. William Sullivan commented that the Council never talked about the funding. He does not see why we are creating the position if we do not have the funding. He keeps hearing that we will find the funding. Most business operates by getting the money and then being able to pay for the position. He feels we are putting the cart before the horse. Seth A. Grossman stated that we are allowed to discuss the policy and position and then we can talk about how it will function. Mayor Cooper stated that we are trying to do this in parallel to enable us to move forward as efficient and effectively as possible. The Administrative committee met to try to identify sources of funding through the end of this year so that we can move forward if we have an

appropriate candidate. The expectation is that we will be able to provide council with an appropriate source of funding through this year. William Sullivan stated that he believes it is a great position and we need. It has not been shown to him how we will fund it. Every year, we move \$500.00 here and there to balance the budget. No one can explain where the money is coming from. If he needs a tool, he may look but he does not get the tool until he figures out how he will pay for it. He does not mind looking for a person but he does not want to feel obligated. He agrees we need the position but he does not want to be obligated if the funds are not there. Brad Myhre stated that he agrees that if there is no money there for it, we will not do it. We can have the ground work in place if the opportunity presents itself. Mayor Cooper added that having been in business for a number of years, he would often purchase or plan to purchase large pieces of equipment because he anticipated that having that piece of equipment on hand was going to save money in regular operations going forward. He was able to do an educated guess on how that would work out. The Administrative Committee is going through this in a methodical manner with a lot of those notions in mind. Brad Myhre's attitude is exactly that of Michele Liebttag and his, that we are not going to act if we can not find the funding. This is the introduction. If we can not deliver, we can vote against it when it comes up for adoption. Seth A. Grossman stated that he agrees with both Brad Myhre and William Sullivan and this is how he is approaching it as well. Mayor Cooper asked for a vote on the motion. The Mayor and Common Council approved by unanimous favorable roll call vote, the introduction of Ordinance #735 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #735

**AN ORDINANCE CREATING THE POSITION OF BOROUGH ADMINISTRATOR
AND PROVIDING FOR TERM OF OFFICE, COMPENSATION, AND
POWERS, DUTIES AND FUNCTIONS OF THE BOROUGH
ADMINISTRATOR IN THE BOROUGH OF FRENCHTOWN, HUNTERDON
COUNTY, NEW JERSEY**

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

Section 1 - Office Established.

The office of Borough Administrator is hereby established pursuant to N.J.S.A. 40:9-136, et. seq.

Section 2 - Appointment.

- The Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council.
- The Borough Administrator must be a resident of the State of New Jersey. The Borough Administrator need not be a resident of the Borough of Frenchtown.

- The term of office of the Borough Administrator shall be at the pleasure of the Borough Council. He/she shall be removed only by a two-thirds (2/3) vote of the Borough Council. The resolution of removal shall become effective three (3) months after its adoption by the Borough Council. The Council may provide, however, that the resolution shall have immediate effect, provided that the Administrator shall be paid his/her salary for the three (3) months following the date of the resolution.

Section 3 - Compensation.

The Borough Administrator shall receive a salary as specified in the Salary Ordinance, which salary may be modified from time to time by the Borough Council, together with such other benefits as may be provided by the Borough Council.

Section 4 - Prohibition Against Engaging in Political Activity.

The Borough Administrator shall not engage in any partisan political activity within the Borough of Frenchtown.

Section 5 - Restriction on Outside Employment.

The Borough Administrator shall devote his/her time and energy to the interests of the Borough of Frenchtown and shall not be employed or engage in any other business activity without the written consent of the Borough Council.

Section 6 - Appointment of Deputy Administrator.

The Mayor may appoint, with the advice and consent of the Borough Council, a Deputy Administrator to serve during the absence or disability of the Borough Administrator.

Section 7 - Duties of the Administrator.

The Borough Administrator shall, among other things, perform the following duties:

- For the purpose of carrying out the responsibilities of the position, shall develop, promulgate and implement with the approval of Mayor and Borough Council, sound administrative and personnel practices and procedures for all departments, offices, boards, commissions, authorities, employees, agencies and any other entity of the Borough (except for police officer that may be subject to a collective bargaining agreement) and shall to that end:

- Provide general supervision for operation and maintenance of roads, sanitary sewer systems, drainage systems, Borough buildings and grounds, parks, playgrounds, parking lots, and vehicles and other functions as determined by Borough Council.

- Oversee Borough construction projects

- Maintain effective communications with other Borough Officials including the Borough Clerk, Chief Financial Officer, Tax Collector, Tax Assessor, Chief of Police, Sanitary Inspector, Judge/Clerk of the Municipal Court; Zoning Officer, Construction Officials, Fire Chief and First-Aid Captain.

- Provide coordination of staff, and secretarial services as requested and needed by the Planning Board, Board of Health, Recreation Commission, Environmental Commission, Shade Tree Commission, Sewer Advisory Committee, and other boards or committees as approved by the Mayor and Council.

- Act as the Borough contracting agent, conferring with the Borough attorney and engineer regarding the preparations of bidding documents for contracts requiring public sealed bidding and submitting recommendations to the Mayor and Borough Council with respect to the award of the contracts following the receipt of bids. Also, supervise the purchasing of all goods and services for all departments, in accordance with all applicable statutes, sound purchasing practices and budget limitations.

- Supervise the engineering services of the municipality, whether performed by full-time employees or outside consultants.

- Supervise the enforcement of development regulations, building, and property maintenance codes.

- Supervise the administration of public welfare and the enforcement of all animal control ordinances.

- Provide liaison with any consultants retained for planning, development regulations, architectural or other services.
- Prepare, in cooperation with other Borough Officials/Professionals/Employees, both Operating and Capital Budgets for submission to the Borough Council; maintain a continuing review and analysis of budget operations, and report periodically to the Borough Council as required.
- Approve all bills and vouchers before submitting same to the Borough Council for payment.
- Implement and enforce the policy of the Mayor and Council with respect to the dissemination of Public Information.
- Conduct, as may be appropriate, a continuous study of all activities and operations of the borough government and recommend changes for the purpose of increasing efficiency and effectiveness. Study and recommend to the Mayor and Council any changes or improvements which he/she feels should be effected.
- Provide personnel administration.
- Prepare recommendations for applicable items in the Capital and Operating Budgets.
- Study, recommend to the Mayor and Council, and provide liaison for any County, State, and Federal services or grants for which the Borough may be eligible.
- Provide liaison with the Borough Attorney or other legal counsel engaged by the Borough.
- Carry out other administrative and managerial functions as may be assigned by the Mayor and Council.

- Continually review and supervise the Borough's insurance program.
- Attend Council meetings.
- The Borough Administrator shall not have any interest, direct or indirect in any contact, subcontract or job for work, materials or services or the profit thereof to be furnished to or performed for the borough. The Borough Administrator shall comply with the Local Governments Ethics Law NJSA 40A: 9-22.1, et. seq.
- Maintain liaison with the officials of the Borough School District and also the Regional High School Board of Education as well as any private or charter school within the Borough.

Section 8 - Additional Duties of the Administrator.

The Borough Administrator shall see that all branches of the Borough government are at all times responsive to the needs and desires of the citizens and taxpayers of the Borough of Frenchtown.

Section 9 – Effective Date

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

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Possible Meeting date change for November 20th meeting

Mayor Cooper noted that we spoke last month about the possible need to change the date of the November 20th meeting date. It is one of the nights of the League of Municipality conference. He does not think we are closer to making a decision. Brad Myhre recommended that we make a decision tonight because it would be good to give certainty to the employees particularly Brenda Shepherd who generally attends the League of Municipalities for Continuing Education Courses. She can not register until we make a decision. Subsequent to discussion as to who would be attending from the Council, Mayor Cooper noted that there would not be a quorum for that meeting as Brad Myhre, Cathy Leach, William Sullivan, Michele Liebttag and Mayor Cooper will be attending the League of Municipalities. Brad Myhre stated that for anyone attending the League Convention, there is a Groupon deal right now for \$69.00 per night for a hotel room which is half the cost we would pay as a municipality.

Recycling

Michele Liebttag noted that we have a couple of pieces of business to attend to that she needs to bring to the Council. We need to elect to extend the garbage collection contract for one year. We have to submit in writing to Republic Service prior to October 1, 2013 to have this extension occur. It is \$45,771.36. It is the same as last year. We have the option to renew for 4 year in one year increments. Attorney Cruz noted that you are electing whether you want to extend it for one year for garbage only. You would provide that in writing. At a later meeting, you can do a formal resolution confirming the extension of the contract for a year. It is important that you get Republic Services on notice that you are extending the contract so that the price is held. If that is the general consensus of the Council, you would authorize the mayor to write letter to extend the contract. The Mayor Cooper noted that the administrative committee started looking at budgeting for 2014 and trying to come forward with recommendations for a Borough Administrator. One of line items that we are not doing as well as we would have liked is garbage. The tonnage rates are up and as a result our expenses are up. We will probably have to transfer funds in to cover this year's costs. He wanted to make the Council aware of that before you make a decision. Attorney Cruz commented that you are talking about two separate items, this is the collection contract we are renewing. You are talking about the tipping fees at disposal facility. Tipping fees are based upon tonnage. This is for the collection services. This contract provides for a pass through for tipping fees. Whatever the hauler pays at the gate for whatever number of tons, that is a separate charge. Michele Liebttag noted that this locks in the rate from last year. Responding to Mayor Cooper, Attorney Cruz stated that the tipping fees are typically a direct pass through charge. They give you tonnage receipts which is the declaration from the gate that says this is the weight and it is from Frenchtown. The Council consented to authorize the mayor to write a letter to extend the garbage contract with Republic Service for one year.

Michele Liebttag also reported that as to the Recycling contract, it is only solicited for one year because of not having the ability to do a longer contract because of the amount. Now that we have Diane Laudenbach in place as the qualified purchasing agent, we can go for a multiple year bid and that would help us negotiate the carts. Brenda Shepherd can put out solicitation for quotes for 2014 going forward. She has a sample copy that Brenda Shepherd put together. Responding to Mayor Cooper, Attorney Cruz asked if this is something you want to be turned over to the new QPA and have the QPA follow through on it. Ultimately, whatever award is made, the Council will have to

make that decision. It does not hurt to authorize the newly appointed QPA to solicit quotes because he thinks that you have a higher threshold, she may be able to do something different because of the higher threshold. This should be done by formal resolution at the next meeting but you can consent now so that Diane Laudenbach can get working on this. Unlike the garbage contract, you have more time for a decision to be made. The recycling contract expires at the end of the year. Michele Liebttag stated that Brenda Shepherd has the sample and we can add the carts to the quote request. She will provide the cart language so that Diane Laudenbach can put the quote together. Council consented to move forward on this.

George Michael property

Mayor Cooper stated that this will be part of an executive session discussion.

Crosswalk striping

Mayor Cooper reported that a month or so ago, we had HART here as a result of the work of the Safe Streets and Roads Committee. We identified crosswalks in town that needed to be stripped. Last month, we approved a contract based on Engineer William Burr's work and have been told that that work will be done earlier next week. We are waiting for a preconstruction meeting to be set up so that the Chief, Mike Reino and someone from the school can be involved. Hopefully, by the end of next week, the crosswalks will be restriped.

Rivernet Business Class proposal

Mayor Cooper noted that the Administrative Committee discussed the proposal and would like him to try to negotiate a better deal.

Wastewater Treatment Plant Facility update - Engineer Timothy Bradley

Mayor Cooper noted that the update will be provided by Engineer Timothy Bradley in the executive session.

Philadelphia University Sustainable Design project

Mayor Cooper noted that this is the group of graduate students who under their professors chose Frenchtown as a location to do a real life project. They came up two weeks ago and a number of us toured the town with them showing them plausible sites. They communicated with us this past week that they decided to do two projects, both projects involve a landscaping project and a building design project. One is Borough Park in conjunction with the commercial building where the pizza place is. Their vision is to make that a community center, with educational components and a re-envisioning of Borough Park to use more landscaping as recreational aspects. The second site is the old egg hatchery in combination with the riverbank park. They envision that as a cultural arts center. Seth A. Grossman stated that the Downtown Revitalization Committee already did recommend that site as an arts and cultural center. Mayor Cooper stated that they are planning to come back to the Borough Thursday night, the 26th, for a charrette which is a combination brain storming, town hall and small group discussion events, wherein we will bring in as many as two dozen residents and business people to vet their ideas and give them feedback. It is important to remember that this is costing the Borough nothing except if it is okay with the Borough, he would like to submit \$90.00 worth of pizza for everyone. It will be Thursday from 6:30 pm to 8:30 pm. The Borough is not obligated to do anything about this work. By our good fortune, one of the people who is a graduate

of this program finds funding for such projects from the City of Philadelphia. What she is contributing to this project is to help us find money to pursue these endeavors. This may turn out to be something wonderful for the Borough. This is a great opportunity for the Borough. Robert Fleming who is the director of program will be giving a talk at the Green Fair. Responding to Mayor Cooper, Attorney Cruz recommended the Borough do a special meeting notice that there may be a quorum at the meeting and that no action will be taken.

OTHER OLD BUSINESS

As to the doors replacement situation, Seth A. Grossman noted that they could not put deadbolts in and they have to install them in a different way. That causes a different pricing. The original price was about \$11,000.00. We asked for quotes again and we got one quote from Matt Hubert who was the original contractor we approved. The quote is \$13,800.00. He is asking that we approve this pending identifying that the funds are there so that we can move forward to get the door replacements done. William Sullivan added that the increased expense includes the fire house door. Mayor Cooper stated that we would have to amend the ordinance. Brenda Shepherd noted that the original ordinance was approved for \$9,700.00. Mayor Cooper stated that he is disappointed that with all the people who seem to be out of work that only one person is interested in this project. Seth A. Grossman commented that contractors are busy. Mayor Cooper asked if there is any way to get this contract back to the number we already approved by eliminating the fire door this year since it was not part of the original proposal. He added that he asked the Chief but did not get a clear answer that if we never use the front door, can we close up that space and not replace that door. Brad Myhre stated that it is designated as a fire exit. Mayor Cooper noted that we did not get a proper quote from Matt Hubert. William Sullivan stated that small businesses have difficulties dealing with the regulations that municipalities request or require. Brad Myhre stated that other municipalities have been going out to formal bids for projects like this to get better results. That could be something we can consider. William Sullivan stated that now that we have a purchasing agent and someone that can be around during the day to show contractors around, we can get it done. It becomes a problem when someone says they will meet you at 4:00 pm and fail to show up. Can we go back to Matt Hubert to word it properly? He is capable of doing what we need to get done. Mike Reino asked Matt Hubert while he was here to give us a bid for the fire house door and Matt Hubert put it into the same bid for the other doors. Attorney Cruz stated that if he heard the Clerk correctly, you could not do anything with this tonight because you do not have the funding. You would have to amend the ordinance and that would be a first reading and a second reading and four votes of the Council. His second recommendation is now that you have a qualified purchasing agent, have her look at this as her second item of business. Seth A. Grossman noted that we have an approval for \$9,700.00. He would like to have that work done and then next year do the rest. Responding to Attorney Cruz, Brenda Shepherd noted that there was an approval for a contract to Matt Hubert for \$9,700.00 and taking the money from the capital ordinance. Attorney Cruz stated that it may cost you more to do the extra work separate then doing it all together. William Sullivan noted that the other door has not come to committee. Brad Myhre stated that it sounds like there is not an agreement on what we are doing. Attorney Cruz stated that he understands there is an urgency to do this but you do not have enough information to act on this tonight. He recommended

that you table this and have the QPA send out an appropriate quote request so everyone is bidding apples to apples instead of apples and oranges for example 5 doors, this type of lock, etc. Mayor Cooper asked if we can get exactly what we need to make this project work so that Diane Laudenbach does not have to start over. Responding to Seth A. Grossman, William Sullivan stated that we know what we need, we need a certain type of locking door, a certain type of steel door. Somehow, this keeps getting clouded. It is just miscommunication. It changed hands in midstream. Mayor Cooper stated that we have special talent at this table now and he thinks that Jack Opdyke, if he is willing, should take a look at it because he will know in 20 minutes exactly what we need or do not need. Seth A. Grossman stated that we have an ordinance for \$9,700.00 so we do not have to approve that again but we will have to approve a contract again. Attorney Cruz noted that if the ordinance says that it was for a specific purpose then it has to be for that purpose.

COUNCIL COMMENTS/COMMITTEE REPORTS

Jack Opdyke reported that he went on a tour of the sewer plant. He will leave it to the engineer to report. Mayor Cooper asked Mr. Opdyke to give a status report from the meeting. Jack Opdyke stated that the progress since the last meeting is that at the DPW site, 99% of the HVAC is done. The doors were installed, the concrete stairs were poured and an inspection is due on the open storage building. As to the WWTP site, the foundation of the operation section is done. The walkway to the UV is being poured. The sludge was done today and much of the equipment is being delivered. During the next month, on the DPW site, they hope to have the windows done, paving, ceiling, fire alarm and solar panels they hope to have started. At the WWTP, they will be working on the piping for the operations building, the walls and slabs and the by-pass for the oxidation ditch and clarifier. There was a discussion with NJ American Water Company about the road closures. Mayor Cooper noted that you may recall that we added to the work project the additional running of the water main down South Washington Street. We learned over the last 24 hours that they want to start that project right away. The Contractor has applied for a Certificate of Occupancy for the storage buildings at the DPW site and expects to apply for a Certificate of Occupancy for the operations building at DPW shortly. The expectation is that they will be able to occupy that fully by the beginning of October. There was a question about where are we with regard to the completion of the work at the sewer site and they said about 30%. We also learned that the expected date of completion is January 19th. While some system may come on earlier, they expect by that date we will be operating the new sewer plant.

Jack Opdyke stated that as to the road closures, it was brought up that NJ American Water Company wants to do road closures. We met with NJ American Water Company and the Police Chief and they basically want to close South Washington Street on down to the sewer plant. A lot of issues came up especially emergency services and how we were going to handle that. They talked about opening up the bike path and possibly having a gate into the back way, although vehicles could physically get in if someone was hurt. The real issue that came up was well versus the water main. Engineer Tim Bradley stated that the options that became apparent were that the road needs to be closed for 5 days but it is an unacceptable amount of time to stop work at the WWTP at this point so the options identified were "can work be done in evening?" The answer was "yes", at a premium cost. We do not know what that cost would be yet. It may likely be an additional \$40,000.00. The disruption to the neighbors was another issue. The other two options revolved around postponing the water main installation until after there is substantial completion of the new plant meaning when the new plant is in operation but the old plant may not be demolished yet. That is fine but the issue

is that the new plant has some potable water needs for things such as emergency showers, etc. There are two things we can do there. The plan as it exists now includes the installation of a new well. Our current plan was to delete that, take the credit from the contractor and use that to offset the cost of the water line. We could go ahead and install the well and use that. It is not a great option. The other choice is that the existing plant has a well and it will not be demolished until they take the old plant off line and we could rig the piping from the existing well and connect it to the new system. This seems to be the best option. We are waiting on feedback as to the added cost to do that at night.

The fourth option presented itself late this afternoon and NJ American Water Company is reconsidering whether they truly need to close the roads completely and whether they can accommodate deliveries and concrete trucks coming in. They have not given a final decision on that and he is not sure if there is enough information yet to make a final decision with the new option proposed. If they can not keep the road open, the lowest cost option to the Borough is to postpone it until the construction of the plant is substantially completed and run a temporary piping from the well to the operating facility. Responding to Brad Myhre, Engineer Bradley stated that we wanted to go with NJ American Water because it has more fire flow capability so your insurance rates will benefit, it would benefit the resident, you can take the credit, etc. There are many benefits to it. Mayor Cooper stated that the cost to put in the main is estimated at \$130,000.00. William Sullivan asked if the Council could wait for the sewer committee to meet and come to us with their recommendation. Jack Opdyke stated that the committee could kick it around but we do not want to give the contractor any reason to slow down for one day. He does not think we want to shut the road down for a minutes. It will give them one more excuse to be behind schedule. His initial reaction is to let them pass during the installation and find a way to do it or hook up the old well temporarily. Mayor Cooper asked if we could bring in a tank for water temporarily? Engineer Bradley stated that the challenge with that is pressure for emergency showers or eye wash flow. Mr. Bradley added that we have directed NJ American Water Company not to deliver any pipe. They were planning on dropping off pipe. Mayor Cooper asked Jack Opdyke to present the issues to the sewer advisory committee. William Sullivan commented that we do not want construction through the night. Engineer Bradley noted that if NJ American Water Company could not move aside when needed, it would be a problem. Jack Opdyke stated that then the most logical thing to do is hook up to the old well temporarily.

Cathy Leach reported that the community garden had their first BBQ dinner last Thursday evening at the Park. They had a good turnout. She noted while she was there that the security cameras are operational. They are overlooking the park and the parking lot.

Cathy Leach stated that she is attempting to establish a trail clearing day in mid October. She will do an email chain.

Cathy Leach added that the other item is to provide information to the Mayor regarding the park plan for the open space referendum. We want a plan to present to residents. Mayor Cooper stated that the goal is to put together a plan with regard to money.

As to the Downtown Revitalization Committee, Seth A. Grossman reported that the final work is done as far as the streetscape schematic design plan. The Committee is reviewing them this week. Cost estimates are being adjusted. Engineer Burr has done his part. The next step is that we are

going to present a power point presentation to various community groups to see how the community feels about it. Then, we will bring it to Council. If there are any adjustments, we will make them.

MAYOR'S COMMENTS

Mayor Cooper stated that he was approach by someone working on historical data who wanted historical information on Frenchtown. He will reach out to David Gano or David Miller.

Mayor Cooper stated that there is a binder in the library from Marie Donovan.

Mayor Cooper noted that as we have in the past, we are asked by the State to fill out the Best Practices check list. The Administrative committee will review that checklist and provide a copy to the Council. If the Council wants to make responses, he asked the Council to respond to Brenda Shepherd.

CORRESPONDENCE

Cathy Leach referred to the correspondence of the scenic by way signs. She noted that the 5 minute parking sign in front of the post office was removed. She asked if we eliminated it? Mayor Cooper stated that he did not know about it and was not informed. Michele Liebttag stated that we need that 5 minute parking sign.

EXECUTIVE SESSION

Contract Negotiations – Redeveloper’s Agreement with Frenchtown Bridge Street LLC.

Contract Negotiations – Tomar Construction LLC.

Possible Property Acquisition – Block 53 Lot 8

Mayor Cooper stated that the Council will have to go into executive session for 3 items. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to go into executive session at 9:15 pm and approved Resolution #2013-78 as follows:

RESOLUTION #2013-78

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

- a. Contract Negotiations – Redeveloper’s Agreement with Frenchtown Bridge Street LLC.
 - b. Contract Negotiations – Tomar Construction LLC.
 - c. Property Acquisition – Block 53 Lot 8
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
 4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
 5. This Resolution shall take effect immediately.

Borough of Frenchtown

By _____
Warren E. Cooper, Mayor

Dated: September 18, 2013

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

The Governing Body came out of executive session at 10:55 pm

On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Engineer Timothy Bradley to write a letter to Tomar Construction in reference to their time extension request. Mayor Cooper stated that a formal resolution will be approved at the next meeting.

Resolution #2013-74 – Resolution authorizing an amendment to the Professional Services Contract between Kleinfelder Omni and the Borough of Frenchtown for continued engineering service in connection with the Borough of Frenchtown Waste Water Treatment Plan Upgrade

On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-74 as follows:

RESOLUTION #2013-74

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN KLEINFELDER OMNI AND THE BOROUGH OF

FRENCHTOWN FOR CONTINUED ENGINEERING SERVICES IN CONNECTION WITH THE BOROUGH OF FRENCHTOWN WASTE WATER TREATMENT PLANT UPGRADE.

WHEREAS, on October 5, 2011, Kleinfelder Omni was awarded a Professional Service Contract under the Non-Fair and Open Process to provide services for the design, permitting and financing assistance for the Borough of Frenchtown Waste Water Treatment Plant Upgrade; and

WHEREAS, Kleinfelder Omni submitted an Amendment Proposal to the Borough of Frenchtown, dated August 20, 2013, in the amount of \$202,044.00 for the Borough's Waste Water Treatment Plant Upgrade, which proposal describes the continued services needed to be provided by Kleinfelder Omni for the bidding, construction and start up services for the Plant; and

WHEREAS, the Borough of Frenchtown Common Council agrees to approve the Amendment Proposal for engineering services for the Borough of Frenchtown Waste Water Treatment Plant Upgrade with Kleinfelder Omni in the amount of \$202,044.00 to completed the project as quickly as possible; and

WHEREAS, funds are available and have been certified as such by the Chief Finance Officer.

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

1. The Common Council agrees to approve the Amendment Proposal from Kleinfelder Omni to the Borough of Frenchtown, dated August 20, 2013, in the amount of \$202,044.00 for engineering services for the Borough's Waste Water Treatment Plant Upgrade, which proposal describes the continued services needed to be provided by Kleinfelder Omni for the bidding, construction and start up services for the Plant.
2. The Mayor and Clerk are hereby authorized to execute the Amendment Proposal by Kleinfelder Omni to the Borough of Frenchtown, dated August 20, 2013, in the amount of \$202,044.00.
3. This amendment is made based upon the Certification of Funds by the Chief Financial Officer.
4. A notice of the amendment to the professional service agreement shall be printed once in the official Borough of Frenchtown newspaper.
5. This Resolution shall take effect immediately.

Warren E. Cooper, Mayor

Adopted: 9-18-13

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by Brad Myhre, and seconded by Michele Liebttag to adjourn the meeting at 11:00 p.m. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk