

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 October 2, 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 (arrived at 7:35 pm)
Brad Myhre
Jack Opdyke
William Sullivan

Absent from Meeting:

Attorney Albert Cruz and Borough Clerk Brenda S. Shepherd were present for the meeting. One member of the public was present.

PUBLIC COMMENTS

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

PRESENTATION OF MINUTES - Regular Council meeting – September 5, 2013

Mayor Cooper noted Brenda Shepherd's due diligence in getting the meeting minutes done.

On motion by Seth A. Grossman, seconded by Brad Myhre and carried by favorable roll call vote, the Mayor and Common Council approved the Regular Council meeting minutes of September 5, 2013 with Jack Opdyke abstaining.

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 Cathy Leach, seconded by Brad Myhre and carried by favorable roll call vote with Jack Opdyke abstaining, the Mayor and Common Council approved the consent agenda approving the bills list of 10/2/13 as attached to this set of minutes, Resolution #2013-79 and Resolution #2013-87 as follows:

Resolution No. 2013 - 79

Tax sale redemption

Whereas, the Tax Collector has been paid by the mortgage holder to redeem Tax Sale Certificate No. 12-003 the amount of \$1,285.36 on Block 16, Lot 24, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check payable to US Bank Custodian for Pro Capital I, LLC, 50 S. 16th Street, Philadelphia, PA, 19102, in the amount of \$1,285.36.

Warren E. Cooper, Mayor

Attest

October 2, 2013

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2013 - 87

**APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
(N.J.S.A. 40A:4-87)**

WHEREAS, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality where such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Frenchtown, in the county of Hunterdon, State of New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue, JUVENILE ACCOUNTABILITY BLOCK GRANT, in the budget of the year 2013 in the sum of \$1,300.00 which item is now available as revenue from the County Of Hunterdon New Jersey, Department of Human Services.

BE IT FURTHER RESOLVED that the like sum of \$1,300.00 is hereby appropriated under the caption "Juvenile Accountability Block Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a revenue from the County of Hunterdon New Jersey, Department of Human Services in the amount of \$1,300.00.

Attest:

October 2, 2013

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Warren E. Cooper

PRESENTATION OF VOUCHERS

A. Current Fund - Opdyke voucher

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable roll call vote with Jack Opdyke abstaining, the Mayor and Common Council approved the 10/2/13 Opdyke vouchers bills list as attached to this set of minutes.

RESOLUTIONS

Resolution #2013-80 –Resolution authorizing the issuance of not exceeding \$1,550,423 Bond Anticipation Notes of the Borough of Frenchtown

Mayor Cooper stated that this is a Bond Anticipation Note Resolution. This is an effort to consolidate a number of existing BANs. Sections 1.5 details how the money is used. Section 6 indicates all these ordinances that are being combined into single issuances of BANs. We are not authorizing any spending not already discussed. Seth A. Grossman commented that we get a better rate if we combine them. Attorney Cruz noted that Bond Anticipation Notes are temporary financing. The law requires that you refinance them periodically. You are rolling them all into one and hopefully, you get a better rate. Usually TD Bank is the only one that bids. Efforts have been made to solicit other bids. Mayor Cooper added that we have to secure funding even though we expect to receive reimbursement from NJDOT, etc. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-80 as follows:

RESOLUTION #2013-80

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$1,550,423 BOND ANTICIPATION NOTES OF THE BOROUGH OF FRENCHTOWN,
IN THE COUNTY OF HUNTERDON, NEW JERSEY.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS
FOLLOWS:**

Pursuant to a bond ordinance of the Borough of Frenchtown (herein called “the local unit”), entitled: “Bond ordinance toward the COAH Housing Contract with the Hunterdon County Housing Corporation, in and by the Borough of Frenchtown, in the County of Hunterdon, New Jersey and appropriating \$50,000 therefor and authorizing the issuance of \$47,500 bonds or notes of the Borough to finance part of the cost thereof”, finally adopted on April 3, 2002 (#590), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$15,648 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance amending bond ordinance no. 597 finally adopted December 4, 2002 in and by the Borough of Frenchtown, in the County of Hunterdon, providing for the installment of bike lanes and related improvements along Trenton Avenue in the Borough of Frenchtown, in the County of Hunterdon, New Jersey, appropriating \$395,000 therefor, including a \$250,000 grant expected from the New Jersey Department of Transportation, and authorizing the issuance of \$137,750 bond or notes of the Borough to finance part of the cost thereof”, finally adopted on December 3, 2003 (#605), Bond

Anticipation Notes of the local unit in a principal amount not exceeding \$115,039 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the installation of a park and ride and related improvements along River Road and providing for a village green along the Delaware River, for and by the Borough of Frenchtown, in the County of Hunterdon, New Jersey, appropriating \$825,000 therefor, and authorizing the issuance of \$783,750 bonds or notes of the Borough to finance part of the cost thereof", finally adopted on March 1, 2006 (#639), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$88,736 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor

Pursuant to a bond ordinance of the local unit, entitled: "Bond ordinance providing for construction costs for Railroad Avenue improvement project sections 1, 2 and 3 for and by the Borough of Frenchtown, in the County of Hunterdon, New Jersey, appropriating \$700,000 therefor, including \$480,000 expected to be received as three separate NJ Trust Fund Grants expected to be received from the State of New Jersey Department of Transportation, and authorizing the issuance of \$665,000 bonds or notes of the Borough to finance part of the cost thereof", finally adopted on March 3, 2010 (#683), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$665,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any

Bond Anticipation Notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$700,000, and authorizing the issuance of \$666,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Frenchtown, in the County of Hunterdon, New Jersey”, finally adopted on September 27, 2012 (#720), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$666,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 5 described, shall be combined into a single and combined issue of bonds in the principal amount of \$1,550,423.

The following matters in connection with said Bond Anticipation Notes are hereby determined:

All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or treasurer of the local unit (the “chief financial officer”), provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) three years from the date of the first note issued pursuant to the bond ordinance referred to in Sections 1 to 5 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow

it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer's signature upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

Warren E. Cooper, Mayor

Dated: October 2, 2013

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2013-81 – Appoint a part time temporary DPW employee for the Borough of

Frenchtown

Mayor Cooper stated that we had anticipated hiring a part time temporary DPW employee early on when we were developing the budget. This employee will work less than 30 hours so it does not trip benefits. Attorney Cruz stated that there is a blank in the resolution where the Council will need to put in an end date. Subsequent to Council discussion, the Council agreed to put the date of December 31, 2013 in that blank space. Responding to Jack Opdyke as to the specific purpose, Mayor Cooper responded that Mike Reino, our DPW manager, and the committee had recommended when budgeting this year that we bring in a part time employee to catch up with work and allow Mike Reino and Mike Roden to get to other work. For one reason or another, we were not asked to put that person in place. Seth A. Grossman noted that he interviewed Mike Angeloni with Mike Reino. Mr. Angeloni has extensive experience in this field, ground maintenance, and he knows how to work on machines. He lives in Pittstown so it is not that far away. He is available to work hours into his situation. Seth A. Grossman stated that we feel strongly that he is qualified for the job and Mike Reino feels he can work with him. We have on going stuff such as road repairs, leaf pick up, preparation of parks and the fields before winter, clean up, etc. This is a good stop gap especially when you get a high qualified person. On motion by Seth A. Grossman, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-81 as follows:

RESOLUTION No. 2013-81

Appoint a part time temporary DPW employee for the Borough of Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown and the Frenchtown Borough Public Works Department shall require the services of a part time temporary DPW employee effective October 2, 2013 until December 31, 2013; and

WHEREAS, the hours for the part time temporary DPW employee will be less than 30 hours per week; and

WHEREAS, there will be no health benefits, no sick, vacation or compensatory time for this employee; and

WHEREAS, the Frenchtown Borough Public Works Manager has reviewed Michael Angeloni's application and qualifications, and has found them all to be acceptable; and

WHEREAS, the Frenchtown Borough Chief of Police has run a motor vehicle check on Michael Angeloni and found it acceptable; and

WHEREAS, a background check was performed on Michael Angeloni and was found to be acceptable; and

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the Public Works Salary and Wage budget to pay for this employee.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, effective October 2, 2013, Michael Angeloni be appointed as part-time temporary DPW employee at the hourly rate of \$15.30 per hour.

Warren E. Cooper, Mayor

ATTEST:

October 2, 2013

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2013-82 - Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Ridge Road Section 2 Roadway Improvements -

Mayor Cooper reported that we attempted to get a grant for this last year but did not get it although we did get a grant for Horseshoe Bend Road. We will try again. He believes the road should get funding from the State because it is a through road to two other municipalities. Mayor Cooper added that as we get the ability to do road improvements, we would include sidewalk improvements. This will give people the ability to walk into the town. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-82 as follows:

**BOROUGH OF FRENCHTOWN
RESOLUTION #2013-82
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE RIDGE ROAD SECTION 2 ROADWAY
IMPROVEMENTS**

WHEREAS, William H. Burr, P.E., Borough Engineer, has prepared an application to the New Jersey Department of Transportation Local Aid Bureau for funding the Ridge Road Section 2 Roadway Improvements; and

WHEREAS, the Mayor and Common Council of the Borough of Frenchtown has reviewed said application and approves the grant application for the above stated project;

THEREFORE BE IT RESOVED that the Mayor and Common Council of the Borough of Frenchtown authorized Mayor Warren E. Cooper to submit an electronic application identified as MA-2014-Frenchtown Borough-00680 to the New Jersey Department of Transportation on behalf of the Borough of Frenchtown for the Ridge Road Section 2 Roadway Improvements.

BE IT FURTHER RESOVED that Mayor Cooper is hereby authorized to execute the grant agreement on behalf of the Borough of Frenchtown and that his signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ADOPTED: October 2, 2013

I, Brenda S. Shepherd, Municipal Clerk of Frenchtown Borough, do hereby certify this to be a true copy of a resolution adopted by the Borough Mayor and Council at a meeting held on October 2, 2013.

SEAL

Brenda S Shepherd, Borough Clerk
Frenchtown Borough

Resolution #2013-83 – Authorization for Mayor to sign the NJDEP Land Use Regulation (LURP) Application form and Authorization to pay the NJDEP LURP Application Fee for Creek Road – Stream Bank Stabilization Project

Mayor Cooper noted that the Borough will receive FEMA funding for the project. Enginer Burr has prepared the LURP application. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-83 as follows:

RESOLUTION No. 2013-83

**FRENCHTOWN BOROUGH, HUNTERDON COUNTY
AUTHORIZATION FOR THE MAYOR TO SIGN THE NJDEP LAND USE
REGULATION (LURP) APPLICATION FORM AND AUTHORIZATION TO PAY THE
NJDEP LURP APPLICATION FEE FOR THE
CREEK ROAD – STREAM BANK STABILIZATION PROJECT**

WHEREAS, The Mayor and Council has authorized the Borough Engineer to prepare construction plans and specifications for the Creek Road – Stream Bank Stabilization Project; and

WHEREAS, In order to construct the proposed stream bank improvements, the Borough will need to obtain Freshwater Wetlands and Flood Hazard Area permits from NJDEP; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Frenchtown Borough, at its meeting of October 2, 2013, that the Mayor is authorized to sign the NJDEP Land Use Regulation (LURP) application form on behalf of the Borough.

BE IT FURTHER RESOLVED that the Mayor and Council authorize the payment of the required NJDEP application fee in the amount of \$4,450.00. Said fee is to be paid out of Bond Ordinance #733 and is subject to the Certification of Funds to be provided by the Borough Chief Financial Officer.

ADOPTED: October 2, 2013

I, Brenda S. Shepherd, Municipal Clerk of Frenchtown Borough, do hereby certify this to be a true copy of a resolution adopted by the Borough Mayor and Council at a meeting held on October 2, 2013.

SEAL

Brenda S Shepherd, Borough Clerk
Frenchtown Borough

Resolution #2013-84 – Resolution Authorizing Timothy D. Bradley, P. E., to send the attached letter to Tomar Construction, LLC.

Mayor Cooper stated that the letter attached details the agreement that we discussed last time which would provide Tomar with an extension on deadline to complete project but in sections thanks to the recommendation of Brad Myhre. This provides that Council will be given recommendations from Engineer Timothy Bradley at the end of each month between now and January 14, 2014 that will certify that Tomar met the timetable up to that date, at the end of the month. William Sullivan complimented Councilman Myhre on the recommendation to keep the contractor in check. Everyone benefits and we will get the project done. Jack Opdyke concurred and noted that it is an excellent negotiating tool. On motion by Brad Myhre, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-84 as follows:

**BOROUGH OF FRENCHTOWN
RESOLUTION NO. 2013-84**

AUTHORIZING TIMOTHY D. BRADLEY, P.E., TO SEND THE ATTACHED LETTER TO TOMAR CONSTRUCTION, LLC

WHEREAS, Tomar Construction, LLC, is the contractor constructing the Borough of Frenchtown's Wastewater Treatment Plant; and

WHEREAS, on June 14, 2013, Tomar requested an extension of time to complete construction, resulting in a new contract completion date of January 14, 2014; and

WHEREAS, the Borough Common Council believes it is in the best interests of its residents to grant the extension based upon thirty (30) day increments and on the terms and conditions contained in that draft letter from Timothy D. Bradley, P.E., to Chinoy John, P.E., dated October 3, 2013, and attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that Timothy D. Bradley, P.E., is hereby authorized to send the attached letter to Tomar Construction, LLC.

This Resolution shall take effect immediately.

Warren E. Cooper, Mayor

Dated: October 2, 2013

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES

Mayor Cooper noted that we will be holding back on Ordinances #736 for clarification. And, Ordinance #738 is not ready for introduction.

Ordinance #737 – An ordinance amending the revised General Codes of the Borough of Frenchtown, Chapter II, Administration, amending sections 2-21.2 entitled Police Committee and Police Commissioner (Introduction)

Mayor Cooper noted that this ordinance is in reference to a housekeeping item brought to us by the Police Department. Chief Kurylka is asking the Council to amending a line which identified who in the Borough should be considered the appropriate authority. Brad Myhre added that the Chief has attended several workshops and although we believe our ordinance appropriately lays out who oversees the department, Chief believes that “appropriate authority” needs to be in the ordinance based on the workshops he attended. The Chief feels strongly that this language needs to be in the ordinance. Cathy Leach asked that the fifth line from the bottom be corrected to read Police Commissioner. Brad Myhre noted that Chief Kurylka also asked about if there was a vacancy in that position. Attorney Cruz noted that a vacancy will not last that long and does not think it is necessary to address in the ordinance. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #737 as follows:

ORDINANCE #737

**AN ORDINANCE AMENDING THE REVISED GENERAL CODES OF THE
BOROUGH OF FRENCHTOWN, CHAPTER II, ADMINISTRATION, AMENDING
SECTIONS 2-21.2
ENTITLED POLICE COMMITTEE AND POLICE COMMISSIONER**

PURPOSE:

The purpose of this ordinance is to amend Chapter II, Administration, of the Revised General Codes of the Borough of Frenchtown to amend Section 2-21.2 entitled Police Committee and Police Commissioner.

Section 2-21.2 is amended to read as follows:

The Mayor shall, at the first meeting of the Borough Council in January of each year, appoint from among the members of the Borough Council a Police Committee and a Police Commissioner, the latter of who shall be the appropriate authority and whom shall serve as the Chairman of the Committee and who shall serve in such capacity without compensation. The Police Commissioner shall preside over the Committee and shall have supervisory authority over the Police Department to ensure the efficient and effective operation thereof and shall be obligated to enforce the laws of the State and ordinances of the Borough. The Police Commissioner shall have further power to suspend from duty any member of the Police Department for the violation of any section of this chapter or of any rule or regulation governing the Police Department, until the complaint and charge against such member shall be disposed of by a majority vote of the Borough Council as herein provided

This ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted:

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Mayor Cooper asked to move item (f) up on the agenda. Council consented.

Health insurance

Mayor Cooper reported that we learned this week from our CFO, Diane Laudenbach, that she believes we underfunded the line that pays for health insurance premiums to Borough employees, in the amount of approximately \$12,600.00. This is a very serious problem. We are still trying to figure out how that came about. Brenda Shepherd thinks that Diane Laudenbach may have given us a figure that already had taken out the contribution that employees pay toward the benefits. If that is the case, we misunderstood when we put the budget together. Diane Laudenbach and the auditor did not catch it as we made the adjustments to the budget. The administrative committee met this morning trying to figure out a way to fully fund the line. Diane Laudenbach has recommended a spending freeze in the Borough until we can make sure we can pay that. We would like to impose that spending freeze. The \$12,600.00 as Brad Myhre pointed out is just less than a penny on the tax rate. For us it is a lot of money. We would like to immediately impose spending freeze as of today. We have some recommendations for tonight on how we can approach this and we are looking for input from Council. Going forward we will meet again and watch this and come back after we let some things happen. Brad Myhre recommended a spending freeze for non-essential items until we see where we are at. Brad Myhre stated that some of the things we looked at this morning were things like the police department updating new jackets, etc. We asked that they hold up on that. If DPW can stretch the life out of a tool, we ask that they do that. Normal operation expenses will continue. Responding to William Sullivan, Mayor Cooper noted that housekeeping will continue. He added that the Administrative Committee met to figure out how to compensate for the short fall. We are under the assumption that we will have to make adjustments to the spending plan for the year. We tried to identify where we could do that. We came up with three places. One area is the newly hired DPW part time hours which we approved 20 hours. We recommend that we hold the hours to 15 hours per week. The second area is that we approved the police department replacing Jennifer Terepka and recommend that the new secretary be held to 25 hours per week through the end of December. The third recommendation which will not make us popular with staff is that we hold off on the purchase of the new computers until the end of the year if we see the money is there. We allocated about \$10,000 for that. We are looking for council input. Seth A. Grossman commented that there is a cost to go to the League of Municipalities. See if it is necessary for everyone to go. He knows that it is necessary for Brenda Shepherd to go to get certifications. He added that we are talking about the door replacements. At this point the most important are the two doors on the police station. It will reduce the cost considerably. That might be a responsible place to look. Jack Opdyke noted that he met with Chief Kurylka and it is his opinion that we have a security issue. He is not concerned with the front door. The side and back doors are problem. They are standard doors and can be bought reasonably. We can put a push bar on it. It would be considerably less than the \$10,000.00 bid we had. Responding to Mayor Cooper, Jack Opdyke believes it will

cost \$2,500.00 to \$3,000.00. William Sullivan stated that he believes that is coming out of the capital budget. William Sullivan stated that we just talked about hiring a qualified individual. He would hate to jeopardize it because it may not be enough hours and he may seek employment elsewhere. He would rather see us cut materials because we have a labor shortage in Public Works. He is a valuable employee and he would like to see us take advantages of his labor. We will get more money out of his labor. Before we make it 15 hours, he would like to make sure this is acceptable to the employee. Seth A. Grossman supported William Sullivan. We really need someone. We should go for a cut in materials. Mayor Cooper stated that we can let Mike Reino know that we need to save \$2,500.00 out of your budget and let him determine that. William Sullivan stated that he thinks he can do it with the amount of stone and salt he has sitting around rather than cutting the labor. Council agreed. Mayor Cooper asked if the Council was okay with cutting the other two areas. William Sullivan commented that every time you wait on computers, the better the technology and you may get a better computer for less money. Brenda Shepherd noted that the computers are also out of the capital budget. Mayor Cooper stated that we will go back to take a look at it. The spending freeze will give us some breathing room.

Mayor Cooper asked to move items (d) and (e) up on the agenda. Council consented.

Green team update

Dominikija Prostack noted that the Green Fair really rocked. At the Sustainable Jersey meeting last night, they spoke about it and a lot of people were impressed that there were about 80 vendors, etc. We have gotten good feedback and continue to get feedback for little things we can change to make it better. She believes that we paid for the Green Fair. She will find out at the meeting tomorrow morning. We did a silent auction to help raise funds. We had an additional sponsor a few days before the fair with another \$200.00 dollar donation. There were many more people than last year. We wanted to try to track but it is difficult. We want to try to work sooner in the year on volunteerism. Sara Ruppert and Holly Low were the co-chairs and she and they felt like chickens with our heads cut off continually trying to move around and answering questions and getting the children that were volunteering in the right direction. Eyes of the Wild wants to come back next year. We also have a woman who wants to talk about eatable wild plants who is interested in being part of the speaking team. It is getting a lot of attention.

Dominikija Prostack stated that the next thing on her list is about the recycling center. She sent a photograph. She is a little concerned about the piles of wood that are construction wood, painted wood, varnished doors, plywood with wire, pressure treated wood, etc. She is concerned because DPW said they will pull it out but may not get every piece out. They admit that the wire will cause problems with the tub grinder. The other side is why do we want to pay them to clean up that mess? Michele Liebttag noted that she already talked to Mike Reino about it and it is handled. He will take care of it and will reach out to Dominikija which he has not done yet. Dominikija Prostack recommended that we get a sign and could put the sign in a bucket with cement so you can move it around and it is not permanent. Mayor Cooper stated that we need to get all the stake holders together and figure out what our recycling system will be and where and how we will collect things and how the layout will be. Mike Reino is on board with that and we need to set up a time to do that. Michele Liebttag noted that Mike Reino said he was not ready to have that conversation because the DPW is not complete. William Sullivan added that we are not sure where everything is

going to be laid out so making decisions is premature. Having ideas and concepts is where we are at. Mayor Cooper stated that he agrees that making decisions is premature but it is a good time for everyone to get together to try to get a concept of what we are going to be aiming at. That will allow Mike Reino to go forward to have a mental map of what needs to find a home. Michele Liebttag stated that she talked to Mike Reino and he knew that as construction is completed we would get together. He is aware of the placement, etc. and it is a matter of letting the process go through and then getting together. Mayor Cooper stated that according to a meeting that he was part of on Monday at the WWTP, the contractor and engineer has applied for a Temporary Certificate of Occupancy for the DPW so we are at the place now where the conversation can go forward. William Sullivan noted that Mike Reino has great foresight and he is very logical. The DEP says we should do this and regulations say we can not or we have to do it here and then somehow we have to make sense of it. Mike Reino is confident with it and willing to work it. Michele Liebttag stated she will give him a call and was not aware that he had not gotten back to Ms. Prostack.

Dominikija Prostack wanted to bring up the electric along the fence at Old Frenchtown Field. There is electric from the baseball field and then there is electric that runs along the fence. There are maybe two or three outlets after the opening midway. We would like to see more electric and she heard that Chief Kurylka would also like to see that for events. She is not asking Council to spend money. We are looking for your blessing to look into what the cost would be to get more electric along the fence and even put in a 240 outlet. What they did for the electric vehicles was use one cord from one outlet and took turns plugging into it. Council did not have any objections.

As to the town wide yard sale, Dominikija Prostack noted that Sarah Ruppert and her talked about it and thought it would make more sense to do it in the spring as a fund raiser for the Green Team. She would like to see if the Council would consider making it obligatory for residents for that weekend to get a permit to be part of the town wide yard sale. It is done like that in other towns. We did one two years ago and had great participation and then she did one last year and part of the people participated and put in a donation and the other part just set up shop. That was frustration when you are paying advertising fees. The left over money was given to the food pantry. She would like the Council to think about it. One of the thoughts was to register and give a suggested donation or pay a registration fee to participate. That would require the fee ordinance to be change. Attorney Cruz noted that you can take donations but you can not demand payment for a permit without it being in the fee ordinance.

Sustainable Jersey

Mayor Cooper noted that Sustainable Jersey just announced their grant recipients and Frenchtown was awarded a \$20,000.00 grant from the Walmart Sustainable Jersey small grant program to institute a commercial school and residential waste composting program. That will have to be discussed when you get together with Mike Reino as to where to put this. What this involves is a rocket composter which takes food waste, grinds it up, treat it and it come out the other end. It requires housing and electricity so we need to find a place for it and we need to figure out how we will collect food waste but it produces mulch at the other end of the machine which we can use throughout the Borough at the community garden, schools, Borough properties and for residents as well. The big important part of this is the amount of weight it could potentially take out of the waste stream. That is a significant cost to us and being able to pull out some of that tonnage could have a

big effect on the budget. This is a big deal. Dominikija Prostack stated that it takes a few days to produce compost. Mayor Cooper added that we will be arranging a trip to Chatham, NJ. Chatham schools have similar machines and programs in place. He noted that we all know that one of the featured speakers at the Green Fair was Mike McGrath, the man who has the radio program on WHRY on Saturdays, "You bet your garden". He mentioned the fair on his program and his talk was "everything you think you know about compost is wrong". Among the things he talked about was not to bother composting food waste because it does not work. You cannot take meat and bones and expect that it will be mulch the next season because it will be the same but just discolored. That is not what we will be doing. Dominikija Prostack noted that this will handle meat, cake, bread, small bones, fish, eggs, etc. She added that she did speak with Donna Drews last night, the co-chair of Sustainable Jersey, and our grant application was considered the top application for non certified towns and it was rated the second application in the \$20,000.00 category. Also, there were no \$50,000.00 grants. She wished we would have applied for that. She was speaking with people today about this program, and she told them her vision was to sell this and upgrade to a bigger model. They said with your population and what you should expect is 26% of your waste after recycling is food waste. They said the 8700 we are looking at is too small. We will move forward. Responding to William Sullivan, Dominikija stated that what is thrown into the garbage forgetting any recyclables is 26% food waste. Mayor Cooper stated that the tonnage number could be reduced by 26%. She added that we should be looking at 400 lbs per capita for recyclable which means that each person in this town has about 400 lbs of recycling per year. We could use that number as a goal. Mayor Cooper stated that Dominikija Prostack, Brendan Edmunds and himself worked on the grant application.

Discussion of Best Practices Checklist

Every year over the last few years, every municipality has to submit to the State a checklist of best practices. All of these have to do with infrastructure and management practices. Every governing body has to discuss it before it is sent to the State. What you see before you is the combined efforts of Brenda Shepherd, Diane Laudenbach and the Administrative Committee. If we are right about this, then we will have achieved the number of yeses or a combination of yeses, prospective and n/a to not have our State aid impacted. Each item is quite detailed. They are asking us to do things in ways we have not done before and maybe we should. They keep switching to new items for everyone. You had to get at least 41 items in the yes, n/a or prospective columns to avoid not having you municipal aid cut. If you look on the next to the last page, we scored a 42 which is 84%. However, if they agree, zero percent of the State aid would be withheld. If we were wrong, they would withhold 1% of the last payment of our state aid. The last payment is 5% of our total for the year. We have a score of 42. We have room to lose one more question. There are good recommendations that we should look to implement in 2014. Attorney Cruz stated that all you have to do is discuss the checklist and reflect that you had a discussion in the minutes so that the Clerk can do the certification. Mayor Cooper noted that the prospective ones you have to implement next year. Brad Myhre noted that some of them we are half way there but did not feel good enough to say yes. Mayor Cooper stated that there is a fair enough discussion of p-cards. This does not ask that you do it. It asked that you have the discussion of the pros and cons with your CFO. We have not but we shall. If the CFO thinks it is a valuable thing to do we will look into it. A lot of these make more sense for a municipality like Newark because they are so vast in their budgets. He added that Items 19, 20 & 21 we could do. We could not choose perspective on some. The current

responses reflect what is accurate in the Borough. The Council had no other comments.

Approval of Social Affairs Permit for Frenchtown American Legion Post 113 for October 26, 2013 from 6:00 – 12:00 pm

On motion by Brad Myhre, seconded by Jack Opdyke and carried by favorable voice vote, the Mayor and Common Council approved the Social Affairs Permit for Frenchtown American Legion Post 113 for October 26, 2013 from 6 pm to Midnight.

Halloween

Mayor Cooper stated that Halloween falls on October 31st. Last year we changed the Trick or Treat hours because it was after the storm. In the past trick or treat had been conducted between 6 pm and 8 pm. Council consented.

Halloween Parade

Mayor Cooper stated that the date they want to hold the Halloween parade is the October 26th which is the Saturday before Halloween. He will not be here. We will need someone to take the roll of announcing the participants. Brad Myhre stated that we have to make sure we have the PA system up there. Someone asked that we bring back Tex Culton to announce. William Sullivan stated that he will talk to him. Mayor Cooper commented that he would like to see it go downtown like it was done in the past. We have not had that meeting yet. Jack Opdyke stated that the town is welcomed to any platforms any time. Council thanked Jack Opdyke.

Budget for Administrator Position

Mayor Cooper stated that we wanted to talk about budgeting for the Borough Administrator positions. We are still working on trying to identify funds we may have available for the 2014 budget. We have identified some sources for 2013 going forward for the last few months of 2013 as a way of starting the discussion. The Administrative Committee met this morning and we do not know yet what this position will cost us. However, we want to remind everyone that part of this person's responsibilities will be to administer the work efforts and other aspect of the sewer plant and sewer collection as we do with our other municipal employee. Where appropriate, their pay would come out of the sewer funds. As much as the principle job would be the sewer project and as he mentioned last time, there was money put into the project loan packet for the Borough's oversight of the project. We figure a maximum of \$12,000.00 to cover the November and December cost and half of that would come out of the sewer funds, about \$6,000.00. That money would be available out of the loan's contingency funds. In addition, we would have to pay the match out of the municipal budget. We are scrutinizing the budget and part of that could come out of the unused funds in the gas budget. We prepared a budget anticipating \$4.00 per gallon. We used less gas and cost was not as high. Also, there is money available in the recycling grant that would be appropriate to use. Brad Myhre noted that the clean communities grant can be used to offset salaries of people doing recycling work, setting up the recycling center and food waste collection. Cathy Leach is this enough to offset this year? And, will we have a real plan next year? Mayor Cooper responded in the affirmative and stated that we think we have identified funds for this year and we will use a broader approach to next year's budget. We hope to come back in the next couple of weeks and give everyone an idea. Seth A. Grossman stated this year's scope is the project manager of sewer project. It may be tough to have an impact as Borough Administrator for this year. Mayor Cooper noted

that as to the sewer project, even though we may be able to turn the switch on in January, there is still a great deal of work to be done and then the demolition. We are also talking about implementing a new sewer fee structure. There is a lot of sewer related work for this individual. We are looking for a mechanism or resources to pay for much but not all of this person's salary out of the municipal budget. Not all of this person's salary will come out of the municipal budget. Some will come out of the sewer budget and a fair amount would come out of the project itself. That is the discussion we hope to have at the October 15th meeting. William Sullivan commented that if we are on a spending freeze and willing to cut someone's hours down to 15 hours per week why we are actively pursuing spending money to do a something that is already being done without that person. He recognized the need for this person but we were willing to stop the computer purchase for 4 months. Can we not postpone this and use the money to fill that \$12,000.00 gap. Mayor Cooper responded that the short answer is "yes we could". The longer answer is should we? The answer to should we is "no" because the sewer project really needs to be managed more closely than it has been. We have gotten a good response from Tomar because Jack Opdyke and he are on them and Brad Myhre's involvement in developing this deal and Seth A. Grossman as well. We can not afford to let up. Seth A. Grossman stated that he is interested in seeing this administrative position come about and he also realizes this is a shift in the way things are done and he thinks like William Sullivan said that it may be a way to solve the \$12,000.00 gap but there may be other ways to solve that. He also thinks that as to the sewer project, if we do not pay attention to it we may loss hundreds of thousands of dollars. Someone from the community might ask that question and we have to have a good answer. William Sullivan stated that he understands that and there is a greater need. Mayor Cooper stated that we introduced the ordinance to create the position and have to have a public hearing at the November meeting. Seth A. Grossman noted that we want to have good solid answers on what we are moving forward with. People will really question it and why we are doing this and they have every right to have good answers and he thinks we have good answers to it. Brad Myhre stated that this morning we discussed the health insurance shortfall and no disrespect to our employees but who has the Council's back and the Mayor's in terms of checking on things on a daily basis. We got the email last evening that we had to make a payment to health insurance and we have to find the money and so late in the year, this is an issue. It is frustrating. Michele Liebttag stated that there are many examples for bringing in this person particularly if you look at the best practices checklist particularly in the budgeting, planning for the future, and surplus projects. She thinks while bringing in this person initially will hurt, at the back end it will be much more rewarding and it will make our financial situation better. That is the justification. Mayor Cooper stated that it is important to remind ourselves and the public that this is not something we just cooked up. This is a position that this body and its predecessors have recognized for years. There was a governing body goal setting meeting in the summer of 2011 where every member of the Governing Body including Mayor Sworen recognized a need for this position to be filled. If money was not an issue it would have been done three or four years ago. We have been struggling with lingering effects of the recession, the lingering effects of tax collection, the on going 2% cap impact, state aid cuts, etc. There is never going to be a good time to make this change. Because of the sewer project, it is both an important time to make it happen and it provides us with an opportunity to help offset a huge hit to the budget because we have another source of funds to help us get through the first year. Brad Myhre added that as Frenchtown looks at development in the future, it will be great having an administrator to help manage those projects and oversee them. Those projects will help offset the cost of that position. Seth A. Grossman added that it is important that the Mayor and

Council stand as unified as possible. It is not just one person's idea. It is well documented. The professional requirements of municipal government have grown in last 10 years. Municipalities that can get a professional manager to move things along from Public Works to sewer to legal aspects and to every day type of workings and what Council needs to get the job done from planning issues, etc. has absolutely now become a reality. He has always felt that it is a difficult thing to put on the Mayor, and by de facto becomes an unpaid borough administrator. He is not paid to be a borough administrator but as a Mayor. Those duties get collapse together and it gets confusing. Mayor Cooper stated that the reality of the situation is that there is only so much that we can as part time and volunteers can do. What ends up happening is that the responsibilities get shifted to our employees, chiefly to our Borough Clerk and that is what we need to keep in mind as we go forward. We will continue the discussion next month as we bring you more numbers.

OLD BUSINESS

Recycling

Michele Liebttag stated that Diane Laudenbach got the request to go out for quotes for the multiple year contract for recycling including the carts. As to the trash contract, Brenda Shepherd has notified the company that we are extending for one year. She added that Republic Services did a great job at the Green Fair. Cathy Leach and herself staffed the borough booth on recycling and the parks department. We received several questions and we partnered with Republic Services covering each others questions. They would be interested next year in doing a single stream recycling demonstration because that is what many people asked is how they remove the different types of materials. They thanked us for the invitation.

George Michael property

Mayor Cooper noted that George Michael's wife Jan passed away last night. At the Planning Board meeting last Wednesday, the Planning Board approved the request from George Michael that we talked about last time, that the height of two buildings that run closest to bike path be allowed to increase 10 feet to put in another floor. Initially it was called a storage room. It had been a flat roof design and they wanted to increase the heights with a pitched roof with an additional room with a bathroom on that floor. The Planning Board disagreed with some of that and in the back and forth, the developer decided he would accept that no bathroom would be placed on that level and a restriction that only three bedrooms could be created in that unit. They made the argument to planning board that the peaked roofs actually fits the notion of these industrial buildings once having been industrial buildings converted into some other use because flat roofs would have been eliminated and as time went on, peaked roofs would have been added. So what we asked them to do was redesigned the end caps of those peaked roofs. It matches the kind of change that would have been accomplished in the 30's and 40's. He will come back to us with that change and our Planning Board Architect will review it.

Crosswalk striping

Mayor Cooper reported that the crosswalk striping that we have been talking about for the last few month has been accomplished. It was done last week and it looks great. He congratulated the Safe Streets and Road Committee, Engineer Burr and Hart for making it happen.

Rivernet Business Class proposal

Mayor Cooper stated that at the last meeting, he mentioned that he would go back to Rivernet to discuss their proposal for maintenance and care work here. They originally asked us to approve a plan that would include a \$250.00 per month fee. He discussed it with them and they have agreed to make it \$200.00 a month. The Administrative Committee is asking the Council to allow us to enter into that agreement. He would like to do it now because we are holding off on the computer purchases. William Sullivan stated that we just imposed a spending freeze and this will be the first exception to the spending freeze. Mayor Cooper stated that this was already in the works. William Sullivan noted that Rivernet has been taking care of us in anticipation of the contract but we put a spending freeze in tonight and then we are going to spend money. Mayor Cooper noted that without this agreement, the fee is higher. Cathy Leach commented that it is a normal operating expense. Mayor Cooper added that we could have voted last month on it but it would have cost us an additional \$50.00 per month. On motion by William Sullivan, seconded by Cathy Leach, and carried by unanimous favorable roll call vote, the Mayor and Council approved the contract with Rivernet Computers in the amount of \$200.00 per month as amended by Attorney Cruz deleting the paying of interest and the term and termination of the contract.

Wastewater Treatment Plant Facility update

Mayor Cooper stated that he mentioned that they expect to get a Temporary Certificate of Occupancy for the DPW. We agreed to send out a letter to Tomar Construction. We received today a letter from Kleinfelder Omni where Timothy Bradley wrote a letter to Tomar Construction in reference to the extension request. Mayor Cooper read the letter which is attached to this set of minutes. On motion by Jack Opdyke, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Council approved the 30 day extension with Tomar Construction LLC.

Philadelphia University Sustainable Design project

Mayor Cooper reported that the students held a charette this past Thursday night. There were 26 residents and business owners from the Borough participating. There was a lot of excitement and interest. They are focusing on a project involving Borough Park and a project envisioning the Old Kerr Hatchery as a community cultural center. We should get more input going forward. They will come before Council in December with their proposals. This is not costing us except for an occasionally purchase of food for them. There is no obligation on the Borough.

One of the things we will see from them shortly is concrete ideas for the parks so we would be able to incorporate that into a parks plan that we can share with the community ahead of the ballot referendum question.

No bids received for gasoline or diesel fuel

Mayor Cooper reported that no bids were received for the gasoline and diesel fuel. Brad Myhre stated that at this point, the county arrangement is working for now and the gas pumps should be operational at the DPW. Mayor Cooper noted that Ken Rogers has to sign off on the electrical. Brad Myhre stated that at this point, let it stay as is. Responding to Mayor Cooper, Attorney Cruz noted that you have to go to bid twice to negotiate. He added that there are fuel cooperatives that may be an option. Morris County has one. Brad Myhre commented that this was done because the gas pumps were off line at the sewer plant and we were trying to utilize local services. We will continue to work with the County.

Bids on the Kingwood Avenue Sewer Pipe project (Resolution #2013-85)

Mayor Cooper noted that we have in our packets Resolution 2013-85 which represents the bids on the sewer pipe replacement project. We had 9 bids ranging from \$43,665.00 to \$193,250.00. The low bidder CMS Construction Inc. out of Newark with the \$43,665.00 was determined by Engineer Clerico to be responsive. It came in lower than anticipated. Brad Myhre stated that what we got back from FEMA was 75% at the projected cost of sixty some thousand so it is close to what we got in reimbursement. We are just paying for the engineering costs. FEMA does not pay engineering costs. On motion by William Sullivan, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-85 as follows:

RESOLUTION #2013-85

WHEREAS, the Borough of Frenchtown advertised, and subsequently received bids, for the Kingwood Avenue Bridge Sanitary Sewer Support Pier Project on September 27, 2013, as outlined on the attached bid summary and;

WHEREAS, nine (9) bids were received as follows:

<u>Contractor</u>	<u>Bid Amount</u>
CMS Construction Inc., Newark, NJ	\$ 43,665.00
Colonnelli Bros., Hackensack, NJ	\$ 48,520.00
Adamsville Maintenance Inc., Hillsborough, NJ	\$ 55,030.00
HC Constructors, Whitehouse Station, NJ	\$110,627.00
T.R. Weniger, Piscataway, NJ	\$118,260.00
Kalogridis Contracting LLC, North Brunswick, NJ	\$127,212.00
KDP Developers, Inc., Stewartsville, NJ	\$132,605.00
Montana Construction, Lodi, NJ	\$171,111.00
Tony & Son Inc., Rahway, NJ	\$193,250.00

WHEREAS, the Borough Project Engineer, Robert J. Clerico has reviewed the bids submitted and determined that CMS Construction Inc., Newark, New Jersey has submitted the lowest responsive bid for contract work in the amount of \$43,665.00 and;

WHEREAS, the Chief Financial Officer has certified that the funds are available from the Sewer Capital Improvement Fund account number 786-9292438.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the bid for the Kingwood Avenue Bridge Sanitary Sewer Support Pier Project be awarded to CMS Construction Inc., Newark, New Jersey for their bid in the amount of \$43,665.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantities installed at the unit prices bid, as outlined in the Plans and Specifications prepared by Robert J. Clerico, P.E., Borough Project Engineer.

Warren E. Cooper, Mayor

ATTEST:

Brenda Shepherd, Clerk

Action on computer purchase

Mayor Cooper noted that we do not have the document on the computer purchase so there is no action to be taken.

Mayor Cooper drew everyone's attention to the spending report that includes the sewer budget. It is stapled to the Opdyke Lumber bill list.

COUNCIL COMMENTS/COMMITTEE REPORTS

Jack Opdyke noted that he has been out of touch for about a week. His oldest daughter got married. Council congratulated Jack Opdyke. Mr. Opdyke stated that he got back Monday night and will get his feet back into it tomorrow.

Seth A. Grossman commented that he did not know about the meeting. Mayor Cooper stated that he was there and you did not miss much. They are waiting for the Temporary Certificate of Occupancy for the DPW. We did hear this morning from Victor Gilardi that he is upset with the steel sink because it was suppose to be something different. Michele Liebttag noted that Victor Gilardi said they are doing a lot of change orders, swapping out of items. Mayor Cooper noted that Rory from Kleinfelder discussed with Tomar that they will be putting together a punch list. They also gave us a schedule for this and next week's work and they look to be on tap to meet the October deadline. One potential concern is that it is a tight working site right now and to install one particular piece of equipment requires that they dig a 20 some odd foot deep cut to insert within just few feet of the clarifier tank that is 50 years old. There is some suspicion that it might be broken so we have asked them to make sure that their design for shoring up the wall is agreed to by our engineer before they start the work. The work is suppose to be done this week or early next week. The meetings are at 9:00 am on Mondays. The next Monthly meeting is Wednesday the 16th.

Michele Liebttag noted that she spoke with Diane Lutz earlier today to see how we can move forward to have a more formalized agreement with Milford-Holland Rescue. She talked to Attorney Cruz about doing a resolution which was Diane Lutz's request which is what the other municipalities sharing services have done. She called her back for copies of the resolutions passed by the different municipalities so we have something for the next agenda. As a sign of good faith and the fact that they have been serving the Frenchtown community for nine years, they have put Frenchtown as a serving area on their vehicle. It is a good showing of support and good faith. She will have the resolutions for next meeting. She will have Attorney Cruz review it and have Milford Holland Rescue sign off on it.

Michele Liebtag also note that in the correspondence, there is a resolution requesting that the County take over the animal control officer's responsibilities. It is a resolution passed by Holland Township. We need to pass this resolution. We should talk about this. Mayor Cooper noted that he had a conversation with Tadgh from the County Health Department and he was thinking that there may be some possibility of this happening with the new Freeholder Board. Brad Myhre stated that it is a great responsibility for the County. He recommended that we do the resolution for the next meeting.

Brad Myhre reported that the Police Department is down to three applicants for the police secretary position. The police committee will interview for that position. Also, at the next meeting, we will have an ordinance to make sure people will have numbers on their houses particularly as we have outside rescue services providing services here and it is very important. Changes have to be made to the proposed ordinance. Responding to William Sullivan, Attorney Cruz noted that there is a penalty provision. Brad Myhre stated that initially we were going to leave the enforcement to the Fire Marshall position because that is one of the jobs they can do but Jerry Hoffman is moving out west. Mayor Cooper noted that he is no longer working for Longhill Township.

Seth A. Grossman noted that Jack Opdyke, himself and the Mayor had an official sewer committee meeting. Adam Liebtag is the Chairperson of that committee. We did set a meeting for October 17th and November 21st. This is the biggest public investment that we have. We are dealing with water treatment, water treatment management and the sewer rates. All of these have tremendous effects that the Borough Council will have to deal with. Adam Liebtag will put together the minutes. We will bring the minutes to you on a monthly basis. This is a very successful beginning of a very important meeting of this group. This is an overall general schematic plan. That gives us a chance once we go out to the community for input and make changes to give this body the substantial plan and cost estimates so we can go out for grants. There is no intention for this to come out of the municipal budget. The point is to get us to the position so we can make those grant application. That will be done through the engineering department. We are taking on a month or more of meetings to whatever group wants to discuss it. We will bring it back to Council in December. We will invite the entire public and will go to other groups. After we do these community meetings, we will bring the final plan to the Council. Michele Liebtag asked if it would be appropriate to sit with Michael Reino and talk about recycling containers and how it fits into the schematic or do you have a concept. Seth A. Grossman noted that we have a general design. We could have Mike Reino look at it. We spent some time on where the lights would be and what the recycling containers would look like. Mayor Cooper added that he had a conversation with the representative from JCP&L to see how much we could reduce the overhead wiring and not much can be done without spending a lot of money. We will look for opportunities as these buildings get worked on to see if we can get the owners to be mindful on how they route wiring to them. There is not much we can do because it requires a lot of distribution boxes.

Cathy Leach noted that she sent out notices and posted on the Borough website the dates set for trail clearing at the Frenchtown Park on Saturday October 19th from 8:00 am to Noon. She asked everyone to spread the work and invited anyone who wants to help. There are a lot of trees down. William Sullivan stated that if Cathy Leach would like he will forward the local Scout Master's

email address. They like that kind of stuff. Cathy Leach stated that the Environmental Commission and the Green Team will be major providers of support. Mayor Cooper noted that Tom Woodruff who is on the Environmental Commission has a brush hog type mower that he is willing to use to clear the trail into the Frenchtown Preserve. He does not have a trailer for it. He has to drive that across Kingwood Avenue. He is working that out with the Police Chief.

Brad Myhre reported that the Water Company will begin working on the water line on Route 29 which will be to the sewer plant. That will be reduced to one lane traffic at certain points during day. The Chief is working with the water company to make sure it will be the minimal disturbance possible. As part of that, he and Mike Reino met with the Water Company and they will be staging their materials at the park by the creek and will restore it back when they are done. This is only the main line being installed.

Brad Myhre reported that we got our Sandy Reimbursement monies except for the large project, the Creek Road project. Money is starting to come in.

Michele Liebttag stated that she wanted to send a thank you to the Student Council advisor at the school for volunteering and helping. She asked if the Borough had a specific Certificate we could send or she can make a thank you with the Borough graphic? Brad Myhre stated that he will provide her with the Borough graphic.

Brenda Shepherd reported that the Special General Election is October 16, 2013 from 6:00 am to 8:00 pm. Mayor Cooper noted that we will be meeting on October 17th. Brenda Shepherd noted that you were going to discuss it tonight. Mayor Cooper asked if there was anything the Borough needs to move prior to the November 6th meeting. Michele Liebttag stated that she would like to move the EMS resolution as quickly as possible. Council asked if it could wait until November as long as you let Diane Lutz know we will be doing it. Mayor Cooper suggested that we consider meeting prior to November 6th for several reasons, the agreement with Milford Holland EMS and the discussion for the Borough Administrator so that we can go forward. He would like to have Council look at a basic outline for the parks development plan prior to the election because people will be voting on that prior to our meeting in November. Brenda Shepherd stated that she though we were not going to meet because she will be working 14 hours the night before for the elections. Subsequent to discussion the Council agreed not to meet on October 17th.

EXECUTIVE SESSION

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

Attorney-Client Privilege – PBA Local 188 – Representation Petition

Mayor Cooper stated that the Council will have to go into executive session for 2 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 10:00 pm and approved Resolution #2013-86 as follows:

RESOLUTION #2013-86

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. Attorney-Client Priviledge – PBA Local 188 – Representation Petition
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: October 2, 2013

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

The Council came out of executive session at 10:35 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by William Sullivan, and seconded by Cathy Leach to adjourn the meeting at 10:35 p.m. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk