

CALL TO ORDER

Mayor Warren Cooper called the meeting to order at 7:30 p.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly advertised and published in the Hunterdon County Democrat on January 12, 2012 and the Express Times on January 12, 2012; the Agenda has been posted at Borough Hall and distributed to the Courier News, the Express Times, the Hunterdon County Democrat, and the Star Ledger on October 17, 2012.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Robb Arent
Seth A. Grossman
Cathy Leach
Michele Liebtag
Brad Myhre
William Sullivan (arrived at 8:25pm)

Absent from Meeting:

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. 4 members of the public were also present.

PUBLIC COMMENTS

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

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

On motion by Brad Myhre, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the minutes of the September 19, 2012 regular Council meeting and the minutes of the September 27, 2012 Special Council meeting. And Resolution #2012-109, Resolution #2012-110 and Resolution #2012-111 as follows:

Resolution no. 2012 - 109

Tax sale redemption

Whereas, the Tax Collector has been paid by gmac to redeem Tax Sale Certificate No. 10-005 the amount of \$2382.90 on Block 33, Lot 1, 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 \$2382.90.

Warren E. Cooper, Mayor

Attest

October 17, 3012

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2012 - 110

CANCELLATION OF FEDERAL AND STATE GRANTS APPROPRIATED RESERVES

WHEREAS, the following federal and state grants appropriated reserve balances are still showing on the annual financial statements for the Borough of Frenchtown:

Clean Communities Program – 2010	- \$ 371.66
Delaware Valley Municipal Alliance Cluster – 2009	- \$ 914.06
Delaware Valley Municipal Alliance Cluster – 2010	- \$ 2320.53
FEMA Repetitive Flood Claims	- \$29389.25
Smart Growth Planning Grant	- \$20000.00
NJ DEP Stormwater Management - 2011	- \$ 1250.00
Municipal Stormwater Regulation Program – 2004	- \$ 2339.32
Municipal Stormwater Regulation Program – 2005	- \$ 4012.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Frenchtown that the above referenced federal and state grants appropriate reserve balances be cancelled.

Warren Cooper, Mayor

Attest:

October 17, 2012

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2012 - 111

CANCELLATION OF FEDERAL AND STATE GRANTS RECEIVABLE

WHEREAS, the following federal and state grants receivable balances are still showing on the annual financial statements for the Borough of Frenchtown:

Delaware Valley Municipal Alliance Cluster – 2010 -	\$ 2799.77
FEMA Repetitive Flood Grants -	\$29281.25
Smart Growth Planning Grant -	\$ 6578.87

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Frenchtown that the above referenced federal and state grants receivable balances be cancelled.

Warren Cooper, Mayor

Attest:

October 17, 2012

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTIONS

Resolution #2012-112 – Professional Services Contract

Mayor Cooper noted that this is a professional service contract for the Borough's Bond Anticipation

Notes. Using Bond Council may get the Borough a better interest rate. On motion by Robb Arent, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2012-112 as follows:

RESOLUTION #2012-112

PROFESSIONAL SERVICE CONTRACT

WHEREAS, the Borough of Frenchtown is in need of the services of Bond Counsel for the sale of Bond Anticipation Notes; and

WHEREAS, Bond Counsel would prepare bond anticipation notes and attend the sale of the bond anticipation notes; and

WHEREAS, Robert H. Beinfield of Hawkins, Delafield and Wood, LLP submitted a proposal dated October 10, 2012 in an amount not to exceed \$4,500.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract as required pursuant to N.J.A.C. 5:30-5; and

WHEREAS, the Council of the Borough of Frenchtown desires to award a non-fair and open professional services contract to Robert H. Beinfield of Hawkins, Delafield and Wood, LLP.

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, Robert H. Beinfield of Hawkins, Delafield and Wood, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Robert H. Beinfield of Hawkins, Delafield and Wood, LLP has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Robert H. Beinfield of Hawkins, Delafield and Wood, LLP. from making any reportable contributions through the term of the contract, and

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 Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the following persons and/or firms for the sale of Bond Anticipation Notes:

Robert H. Beinfield – Hawkins, Delafield & Wood LLP
2. A non-fair and open contract be awarded to Robert H. Beinfield of Hawkins, Delafield and Wood, LLP to provide services as Bond Counsel for the sale of Bond Anticipation Notes in an amount not to exceed \$4,500.00.

3. Notice of award of this contract is to be published in the official newspaper of the Borough of Frenchtown.
4. This resolution shall take effect immediately.

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2012-113 - Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Ridge Road improvement project

Mayor Cooper stated that this application would be similar to the grant application submitted to the NJDOT last year which was not funded. We are proposing to do a section on Ridge Road, resurfacing and limited drainage improvements. We are hoping to convince the NJDOT that it is an extension of a long range project. Horseshoe Bend Road is the principle 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 #2012-113 as follows:

**BOROUGH OF FRENCHTOWN
RESOLUTION #2012-113
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-2013-Frenchtown Borough-00634 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.

Warren E. Cooper, Mayor

Dated: October 17, 2012

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2012-114 – Appoint Matthew Kelly as full-time Police Officer (COPS Grant) for the Borough of Frenchtown

Brad Myhre reported that Chief Kurylka conducted a series of interviews. The Police Committee interviewed the 2 finalists. Matthew Kelly was the best of the two. He comes from Franklin Township, Hunterdon County as a Class 2 there. The committee believes he is the best fit for the community. Responding to Seth A. Grossman, Brad Myhre stated that he would lock in at a rate for a year. After one year, there is a COLA increase built into the COPS grant. That increase would have to come back to Council for approval. Robb Arent noted that as a courtesy to Council, we should meet them when we vote to hire them. Mayor Cooper stated that we will bring him in at the November meeting. Robb Arent stated that we always deferred fire and police to pick their employees with consent of Council. At the very least, we should meet him. We have no idea what he looks like. Brad Myhre stated that Matthew Kelly and his family will make themselves available in November. We wanted additional resources with Halloween coming up. Mayor Cooper apologized that he did not think about it. He stated that the Council could delay a vote until the November 7th if the Council desires. Robb Arent commented that he understands the need and agree to go ahead with the vote. Cathy Leach agreed with Robb Arent that the Council should have met him. She saw him pick up equipment but has not met him. Seth A. Grossman added that the Borough should maintain a protocol. He also understands that it would not be on the agenda if it was not a necessity. The protocol should be conveyed to the Police Chief. Attorney Cruz recommended that the last “be it resolved” be removed from the proposed resolution. Council agreed. On motion by Brad Myhre, seconded by Michele Liebttag and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2012-114 as follows:

RESOLUTION No. 2012-114
Appoint Matthew Kelly as full-time Police Officer (Cops Grant) for the Borough of

Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown and the Frenchtown Borough Police Department shall require the services of a Police Officer beginning October 17, 2012 and

WHEREAS, the Frenchtown Borough Police Chief has reviewed Matthew Kelly's application, qualifications, background check, medical examination, psychological examination, Police Training Commission qualifications and pension eligibility requirements and has found them all to be acceptable, and

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the General Operations Municipal 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 17, 2012, Matthew Kelly be appointed as Full-time Police Officer (Cops Grant) at the hourly basis at \$19.04 per hour.

BE IT FURTHER RESOLVED, that Officer Matthew Kelly will serve a minimum of one year in the position of Police Officer as a probationary period being subject to probationary status.

Warren E. Cooper, Mayor

ATTEST:
October 17, 2012

Brenda S. Shepherd, RMC
Borough Clerk

Vote on motion:

Ayes: Grossman, Leach, Liebttag and Myhre

Nayes: Arent

NEW BUSINESS

November 21, 2012 Regular Council meeting

Mayor Cooper stated that it was brought to our attention that council may not want to meet on November 21st because it is the night before Thanksgiving. Seth A. Grossman stated that if there is something important for us to meet, we should meet. Mayor Cooper stated that other than something that would come up, there is nothing currently. Attorney Cruz noted that he made the suggestion. All clerks set schedules such as the 1st and 3rd Wednesday's of the month. Sometime people go away and are not available. He raised it with the Mayor. He stated that the Council could make the call at the November 7th meeting.

Other new business

Seth A. Grossman noted that there is a Community Development Block Grant for disaster recovery grant program. This Application applies to damage from Hurricane Irene. This is a separate

program. He asked if the Borough has any projects. Mayor Cooper noted that the Borough received 75% funding from the estimated repairs from the pedestrian bridge, the sewer pipe repair, and out of pocket expenses for storm clean up from the fire, police and DPW departments. Brad Myhre recommended that Council take a look at it. There is a pre-application workshop on the 24th between 10am and Noon. Seth A. Grossman commented that the Borough should put an application in. Mayor Cooper added that he will look at the small city block grant website and see if anything comes to mind for the Borough. Attorney Cruz noted that the application has to be in by the 31st. The Council can authorize the Mayor and Clerk to sign the application if the town comes up with a project. Robb Arent noted that we can not double dip with FEMA money. On motion by Seth A. Grossman, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council authorized the Mayor and Clerk to sign any grant application if a grant is desired by the Borough for the Disaster Block grant as discussed.

OLD BUSINESS

Nishissackwick stream restoration

Cathy Leach reported that there was a preconstruction meeting today with the contractor for the project. John Kalogridis and Tom Kalogridis Jr. reviewed the plans of the 5 areas. We identified how the contractor will deal with each area. There will be a walk through. Because they need to access the playground area, that area of the park will be closed for about 3 weeks. Area 2 is where the telephone pole is. JCP&L will move that pole on Thursday and/or Friday. The contractor will stock pile material in the walkway to the park. The contractor was asked to store their equipment in Jonathon Perstein's lot. There was a question about access to Areas 3, 4 & 5. They will have to contact the homeowners. If not, we will have to come up with another plan. In Area 4, they will need to access the creek from Route 29. We will need to make sure no one is parked there. They will check to see if access is available from the cemetery. They will be at the park on Tuesday at 8:30 am at park. We will visit the quarry for stone. There will be extend bathroom hours at the park. The contractor will work 7:30 am to 4:00 pm, Monday through Friday and 7:30 am to 2 pm on Saturday. Seth A. Grossman asked if any roads will be closed? Cathy Leach responded that Hawk Street will be closed when they are unloading material. Route 29 will have police control. Mayor Cooper noted that there will be one lane closed on Route 29 to unload equipment for about 3 minutes at a time. Robb Arent commended that there is no heat or water for the park bathrooms. Mayor Cooper stated that it will take three or four weeks to do section 1. Cathy Leach added that normally the park bathrooms close at the end of October. We will leave them open an additional 2 weeks. Attorney Cruz stated that the Council would have to waive the ordinance if it prohibits work on Saturday. Mayor Cooper stated that the contractor is ready to go and is aware of the time constraints. They are willing to work on Saturdays and rain or shine. If the water level get high that would be a constraint.

Wastewater Treatment Plant Project

Robb Arent reported that they had the monthly construction meeting. The project is moving along. They poured the foundation and base walls at public works and the steel structure should be arriving the first week in November. They will begin erection of that when it arrives. They are also working on the clarifier they put at the Wastewater Treatment Plant. They need to find a subcontractor to do the concrete work there. There are issues with scheduling inspections. We had a meeting with Ken Rogers, the engineer, contractor and himself and we worked out the

issues. The recycling bins at the plant for cardboard will need to be moved. We will move them to the parking lot at Old Frenchtown Field on a temporary basis. We will put together a plan and will communicate it to the business association. Brad Myhre commended that once you put the recycling bins at the field, people may dump. We may have to have the police patrol. Robb Arent noted that they will be there at least a year. We could move them to the DPW site but not until January of 2013. The gates are closed at night and there will be heavy equipment on site. Mike Reino monitors the recycling bins and calls when they are full. That is where the Borough puts its recycling also. There has not been a problem with people putting things in that they should not. Mayor Cooper noted that the Business Association is having a meeting tomorrow. Seth A. Grossman commented that the Business Association does not have a list of all the businesses. He recommended that we find out who they are and drop off a flyer with the information. He will help. Robb Arent noted that the other issue is that Victor Gilardi would like to put a combination lock on the gate at the treatment plant. It is getting to a point where we have a deep open pit. It might be better to lock the gate. Brad Myhre noted that Victor did lock it up. The Fire Department was unhappy about it. The fueling station is down there and if they go down there at night, they have to open the lock. Robb Arent stated that he would rather them open a lock then someone fall in there. It would be a lot of keys if we decided to use a key. They are moving the fueling pad. It would be for only a few months. It is a hard hat area and should be secured. Mayor Cooper stated that the lock was put on, this is the suggestion and people were told. No one has an objection. Robb Arent also reported that we are getting an updated schedule. We are looking at a total completion in January of 2014.

River Mills

Attorney Cruz noted that about a month ago the Council authorized a reduction in the letter of credit for River Mills. The Developer made a second request for further reduction. Robert Clerico did not have time to review it under such short notice. This is not on tonight's agenda because we do not have a recommendation from Engineer Clerico yet. It will be on the next meeting agenda.

Attorney Cruz noted that he has received the title search on the parcel to be turned over to the Borough. He is waiting to received a partial release from the mortgage. Once that occurs, they will finalize the deed. There will be an ordinance to adopt. We will introduce that at the next meeting. You can only receive property through adoption of an ordinance. Robb Arent asked if they can bring in one copy of the survey. Attorney Cruz stated that we have an old environmental study and he asked Engineer Clerico to walk the site. Mayor Cooper stated that we talked about accepting the existing study. Engineer Clerico did walk the site and did not see any areas of concerns. We can not see what is underneath the ground. The property was part of a lumber mill. The Phase I study did not recommend that a phase 2 study occur. Mayor Cooper added that there have been questions on how soon Mr. Michael will begin construction. We have not gotten a date from him. We received a request by them to put in a sales trailer on the property. They are going through that process. Mr. Michael has asked us to expedite his requests in a more timely manner than we have done before. We are not always in receipt of things we need to do that. The Planning Board escrow account has been depleted. That needs to be paid off. There is a deficit that needs to be paid before any work can be done by the Planning Board.

Kingwood Avenue sewer pipe project

Mayor Cooper reported that he asked Engineer William Burr to contact FEMA as discussed at a prior meeting to determine whether we could make changes to the plan that was proposed for the Kingwood Avenue sewer pipe project. We were to also ask whether there would be a problem with volunteers to undertake the work. Attorney Cruz noted that you can present it to the insurance company. You would have to determine what the scope of work is that the volunteers will be doing, what kind of equipment they will be using, etc. There would have to be an agreement that they are employees of the organization followed by an indemnification from the organization. It is noble to encourage volunteers. Clerk Shepherd noted that volunteers are not covered under the insurance. Seth A. Grossman commented that the organization may be able to give us insurance for the volunteers. Cathy Leach recommended that these volunteers reestablish the trail. Mayor Cooper stated that he had asked Engineer Clerico to consider an alternative repair on the sewer pipe to replace the pylon. A new plan would put the pylon back in a more secure manner. It is possible to do it another way although Engineer Clerico kept saying "no". Mayor Cooper asked Engineer Burr to take a look at it for an alternative to the existing plan. It would not require putting a pylon in the stream. It would come in at about the same cost. Brad Myhre recommended getting that done as soon as possible. There is a time period to get it done without DEP approvals required.

Halloween Parade

Mayor Cooper noted that Brad Myhre, Michele Liebttag and himself met with the American Legion along with the police and fire departments. We are going to route the parade in the way it had been done in past year starting at the American Legion and ending downtown. Bridge Street will be closed to vehicular traffic. The reviewing stand will be Jack Opdyke's truck in front of the laudromat. The middle school band will be there. The parade steps off is 6:30 pm at the American Legion. Registration will start from 3 pm to 6 pm. Discussion ensued as to the liability coverage. Attorney Cruz recommended checking it with the insurance company. Mayor Cooper stated that he will shoot off an email to make sure the Borough is covered under the policy for the parade.

William Sullivan arrived at 8:25 pm

COUNCIL COMMENTS/COMMITTEE REPORTS

Michele Liebttag reported that they met to discuss the Halloween parade as previously noted. She added that we had the Borough wide clean up this past Saturday. She spoke to Raritan Valley to make sure areas that were overlooked the year before are not overlooked this year. There were no issues with pick up. Everything went smoothly. Robb Arent commented that Bridge Street was done by 7:30 am.

Michele Liebttag noted that there was a question about the salary discussed for Jerry Hoffman. There was an increase from \$2,000.00 to \$3,000.00. Would there be a retro check issue to him. Clerk Shepherd noted that he is being paid \$250.00 per month for a total of \$3,000.00 annually. Brad Myhre noted that Officer David Voll was granted an increase and should get retro pay. Clerk Shepherd asked when the increase became effective? Was it from the date of the Chief's letter in March? Brad Myhre stated that he would have to provide that information.

William Sullivan noted that he does not have an update. He added that he is part of the Frenchtown Long Range facilities at the Elementary school and the school has a mandate to look at how the school can best serve the town.

William Sullivan stated that he has passed on the message to Mike Reino about the doors at Borough Hall.

Mayor Cooper asked if there was any progress for a gas furnace for the fire department. William Sullivan noted that there is no money in the budget for a furnace. The cost would be approximately \$6,000.00. They missed out on the previous program for a complete system because they did not want to cooperate. He has not heard from them since. William Sullivan also noted that he asked Mike Reino to get three estimates to replace their boiler. Brad Myhre commented that the Borough does not own that building. William Sullivan asked why the Borough would put in a boiler then? He recommended giving them a budget and let them deal with it. Mayor Cooper stated that we are trying to work more closely with them. There has been excessive oil use. William Sullivan stated that they keep the building quiet warm. Mayor Cooper stated that they have a problem with their furnace. Brad Myhre noted that they are meeting with the Fire Department on the 29th and will sit down and discuss it. If we continue to pay the utilities, we should put in something more efficient.

Brad Myhre had no report.

Seth A. Gross had no report.

Cathy Leach reported that the library was opened this Saturday from 1 to 3 pm. It is posted on the Borough website, on the Frenchtown Borough facebook page and in the mailer sent out for Clean Up. She will check to see if they changed their sign. Robb Arent asked if there is a notice in the library about Saturday hours? Cathy Leach will check on that as well.

William Sullivan noted that the Frenchtown School is conducting a survey about the use of the facilities and it will be going on their website about use of facilities. We should send a link to the Borough's website. Mayor Cooper noted that Dave Cahill can put it on the website.

Clerk Shepherd reported that the General Elections is Tuesday, November 6th from 6:00 am to 8:00 pm.

Michele Liebttag reminded the Council that all council members are invited to participate in the Halloween parade. Mayor Cooper noted that George Muellick donated 10 gallons of his family's cider for the parade.

EXECUTIVE SESSION – Johnson v. Borough of Frenchtown litigation

On motion by Robb Arent, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to go into Executive Session at 8:25 pm and approved the following resolution at 8:45 pm:

RESOLUTION #2012-115

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. Johnson v. Borough of Frenchtown litigation
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 17, 2012

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

On motion by Robb Arent, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to go out of Executive Session at 9:06 pm.

CORRESPONDENCE

None addressed.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by Robb Arent, and second by William Sullivan to adjourn the meeting at 9:06 pm. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk