

**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 the Express Times on November 11, 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 November 14, 2012.

**FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

**ROLL CALL**

Present for the Meeting:

Robb Arent  
Seth A. Grossman  
Michele Liebttag  
Brad Myhre  
William Sullivan

Absent from Meeting:

Cathy Leach

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

Mayor Cooper noted that last weeks meeting was cancelled because we anticipated a storm and we missed the opportunity to observe Veteran’s day. He recognized the Veterans serving our Country and our appreciation to those Veterans.

**PUBLIC COMMENTS**

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

Steve Jelley and Joyce Jelley of 11 Fifth Street noted that they came to the September 5<sup>th</sup> Council meeting to request access to the gas line on Fifth Street because of the moratorium placed on that roadway. Council requested that we post a \$5,000.00 bond and an escrow of \$500.00 for inspections. Elizabethtown Gas has completed the work. The Borough Engineer inspected and did not submit report. He hopes that the Council will make a decision to return the \$5,000.00 bond setting a conditional approval subject to the engineer submitting a favorable report. They must find out what the engineer report will cost in reference to the escrow account. Mayor Cooper noted that we did hear from engineer and he did not think there would be a problem to give back the \$5,000.00. We did not receive a written report from the engineer. However, with Council’s permission, he would like the money to be available to the Jelley’s if the engineer’s report comes back clear and on Tuesday when the CFO is in, she could cut a check. On motion by Michele Liebttag, seconded by Seth A. Grossman and carried by favorable roll call vote with William Sullivan abstaining, the Mayor and Common Council approved to authorize the CFO to cut a check in the amount of \$5,000.00 as the release of bond to Steve and Joyce Jelley subject to receiving a clear engineer’s report that allows the release of the bond.

Richard Vanselous of 22 Ward Street asked if the Borough will pick up the brush from the storm or hire someone or if the residents have to take it somewhere? Mayor Cooper stated that the Council will talk about it. William Sullivan noted that we are not sure what we will do but we will do something. He will consult with DPW because of the construction at the DPW site. Mr. Vanselous stated that the neighbors are cutting trees and putting the brush along the curb. Mayor Cooper stated that the Borough will call Mr. Vanselous when we know what we will do.

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 Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the minutes of October 3, 2012 regular Council meeting and the minutes of the Regular Council meeting of October 17, 2012 and Resolution #2012-116 and Resolution #2012-117 as follows and the bills list dated 11/7/12:

**RESOLUTION NO. 2012-116**

**2012 BUDGET APPROPRIATION TRANSFER**

WHEREAS, it appears that the unexpended balance in the following accounts will not be sufficient to pay outstanding bills:

SEWER UTILITY – Group Insurance  
SEWER UTILITY – Audit Services

WHEREAS, it appears that there will be for 2012 an unexpended balance in the following account:

SEWER UTILITY – Other Expense

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

SEWER UTILITY – Other Expense \$7,072.57

TO:

SEWER UTILITY – Group Insurance	\$2,862.57
SEWER UTILITY – Audit Services	\$4,200.00
SEWER UTILITY – PERS	\$ 10.00

---

Warren E. Cooper, Mayor

Attest:

November 7, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

RESOLUTION NO. 2012-117

2012 BUDGET APPROPRIATION TRANSFER

WHEREAS, it appears that the unexpended balance in the following accounts will not be sufficient to pay outstanding bills:

SEWER UTILITY – Group Insurance  
SEWER UTILITY – Audit Services

WHEREAS, it appears that there will be for 2012 an unexpended balance in the following account:

SEWER UTILITY – Other Expense

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

SEWER UTILITY – Other Expense	\$5,572.57
-------------------------------	------------

TO:

SEWER UTILITY – Group Insurance	\$2,862.57
SEWER UTILITY – Audit Services	\$2,700.00
SEWER UTILITY – PERS	\$ 10.00

---

Warren E. Cooper, Mayor

Attest:

November 14, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

**PRESENTATION OF VOUCHERS - dated 11-07-12**

The bills list dated 11/07/12 was approved as part of the consent agenda as attached to the original set of minutes which includes the Current Fund account in the amount of \$619,084.86, the Planning Trust Account in the amount of \$24,472.83, the Capital Improvement Fund in the amount of \$37,326.41, the Animal Control Trust Fund in the amount of \$600.69, the Unemployment Account in the amount of \$611.00, Sewer Utility account in the amount of \$20,584.43, the Sewer Capital Improvement account in the amount of \$160,990.09, the General Trust Fund account in the amount of \$61.79, the Grant Fund in the amount of \$10,643.60 and the Off Duty Police Officer's Trust in the amount of \$1,300.00.

**RESOLUTIONS**

**Resolution #2012-118 –Resolution authorizing the issuance of not exceeding \$665,000 bond anticipation notes of the Borough of Frenchtown, in the County of Hunterdon, New Jersey**

Mayor Cooper noted that this is the first of two bans. This one is for \$665,000.00 which includes the present cost of the Railroad Avenue Improvement Project. We expect to receive a grant for that. Brad Myhre noted that the project has not yet been closed out. The contractor never submitted is final bill for the last phase. The state will not release the funds until we have the final bill and close the books. He understands that Engineer Clerico has the final bill. Mayor Cooper stated that he will get Engineer Clerico to address the issue and will report to the Council and Borough Attorney at the next meeting. On motion by Robb Arent, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2012-118 as follows:

**RESOLUTION #2012-118**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$665,000 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 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.

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 Section 1 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: November 14, 2012

Attest:

---

Brenda S. Shepherd, RMC

Borough Clerk

**Resolution #2012-119 - Resolution authorizing the issuance of not exceeding \$393,000 bond anticipation notes of the Borough of Frenchtown, in the County of Hunterdon, New Jersey.** Mayor Cooper noted that this Bond Anticipation note is a combination of COAH housing, the bike lanes on Trenton Avenue and the Village Green project. Brad Myhre noted that the initial plan for the village green park was delayed and the DRJTBC allow the Borough to change the project to the Bridge Street project. 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 #2012-119 as follows:

**RESOLUTION #2012-119**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$393,000 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 \$16,250 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 \$282,750 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 \$94,000 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 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 3 described, shall be combined into a single and combined issue of bonds in the principal amount of \$2,920,200.

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 3 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: November 14, 2012

Attest:

---

Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2012-120 – Reduction in Bond for Frenchtown Bridge St., LLC**

Mayor Cooper stated that Frenchtown Bridge Street LLC requested a reduction in their letter of credit. There is a memo from Engineer Clerico showing an amount of money to be set aside for work being done by River Mills. Engineer Clerico inspected the improvements and circumstances and authorized a reduction to \$183,121.56. On motion by Seth A. Grossman, seconded by Robb Arent and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2012-120 as follows:

**RESOLUTION NO. 2012-120**

**WHEREAS**, Frenchtown Bridge St., LLC, posted an Irrevocable Standby Letter of Credit (Performance), dated August 1, 2012, regarding grading for a residential development known as River Mills at Frenchtown; and

**WHEREAS**, the Letter of Credit was for \$607,111.20 and was based upon an engineering estimate titled “Site Improvement Initial Phase Grading – Construction Cost Estimate, River Mills at Frenchtown, Borough of Frenchtown, Hunterdon County, New Jersey”, prepared by Van Cleef Engineering Associates, dated July 23, 2012 (“Engineer’s Estimate”); and

**WHEREAS**, Frenchtown Bridge St., LLC, requested an initial reduction in the amount of the Letter of Credit because of the work that had been completed; and

**WHEREAS**, the Borough Engineer inspected the improvements and by an amendment to the Engineer’s Estimate, dated September 19, 2012, recommended a reduction in the Letter of Credit to \$247,582.20; and

**WHEREAS**, Frenchtown Bridge St., LLC, requested a second reduction in the amount of the Letter of Credit because of work that had been completed; and

**WHEREAS**, the Borough Engineer inspected the improvements and by an amendment to the Engineer's Estimate, dated November 8, 2012, recommended a reduction in the Letter of Credit to \$183,121.56 upon certain conditions; and

**WHEREAS**, the Borough of Frenchtown Common Council determined that, based on the opinion of the Borough Engineer, it is reasonable to reduce the Letter of Credit posted by Frenchtown Bridge St., LLC, to \$183,121.56 upon the conditions recommended by the Borough Engineer.

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

1. The Irrevocable Standby Letter of Credit (Performance) issued by The First National Bank be reduced to \$183,121.56.
2. The reduced Letter of Credit specifically applies to the repair of the existing curb and pavement areas that were damaged by Frenchtown Bridge St., LLC, on Third Street as a result of the detention basin wall construction.
3. That Frenchtown Bridge St., LLC, obtain a written sign-off regarding the constructed walls and any site safety issues identified by Ken Rogers for the following:
  - a. Installation of the required rail fencing around the Detention Basin along with the hand railing on the steps;
  - b. Installation of a temporary barrier or permanent guiderail between the north side of the detention basin and the adjoining section of Third Street;
  - c. Installation of temporary safety fencing along the top of all remaining retaining walls.
4. That Frenchtown Bridge St., LLC, establish a mutually agreeable time frame with the Borough for completion of the remaining bonded improvements. These would include all of the items listed in the Borough Engineer's November 8, 2012 Memorandum attached to this Resolution, except for Item E.
5. This Resolution shall take effect immediately.

---

Warren E. Cooper, Mayor

Attest:

November 14, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

## **NEW BUSINESS**

### **Discussion of storm response**

Mayor Cooper noted that this item will be postponed until the December meeting. The Police department will be here for a presentation.

### **Discussion of debris removal**

Mayor Cooper stated that he had hoped we would have gotten something from Mike Reino. In a conversation with him, Mike Reino recommended that we try to use the Old Frenchtown Field as a collection point and hire someone to come in and chip whatever comes in. We do not have room at the existing DPW site. William Sullivan stated that it is more than the local people can drag down. He is a property manager and his properties were hit hard. He saw the damage in Frenchtown and does not know how much brush there will be. If it looks like it is too much of a burden to load it, we could get Mike Reino to go around with the chipper for a few days and then dump the chips in Old Frenchtown Field or we could come up with a plan to hire a company to come through town. That would require that everyone put their brush to the curb. Michele Liebttag asked if it is the responsibility of the homeowner to take their own trees down? Attorney Cruz stated that the Borough should not go onto private property. William Sullivan stated that the property owner would have to get it to the curb if they can. On the Shade Tree Commission, we tell the contractor to leave the logs. Someone will take them. Michele Liebttag noted that Raritan Valley disposal can pick up curbside and charge per day or they could station 30 cubic yard dumpsters. She will follow up on a daily rate. Debris vs. brush is a different price. Brad Myhre stated that FEMA is offering reimbursement. We would have to fill out paperwork for it. It is 75% reimbursement. If the Borough undertakes it, we must make sure we can do it. William Sullivan commented that a contractor will get it done in a timely fashion. He added that it is a busy time of the year with leaf collection and if we have a snow storm, DPW will be busy with that. Michele Liebttag stated that we can try to capture money from FEMA if we hire a contractor. Council consented to look into hiring a contractor. Brad Myhre recommended asking the contractor who does the tree trimming for the

Shade Tree Commission. William Sullivan stated that the Shade Tree Commission contractor is the same size as our DPW. He will reach out to them. Michele Liebttag stated that she will get a price from RVD. Mayor Cooper stated that he is concerned with communicating to the residents how and when it will happen. William Sullivan stated that it should be limited to brush only and not debris. When you start getting household items, the price goes up. Attorney Cruz recommended that the quote be limited to certain size branches. Brush and limbs is too broad. You need to get an idea on what the limitations are. That will determine the price you receive and will it also be a price per day. This could be considered an emergency so you do not have to get quotes. If you have the ability to get as many quotes as possible, if you have time, that would be better. With a daily rate, you will need a definition as to whether it includes labor and equipment, etc. You would also have to set an amount "not to exceed". This is labor intensive so it is important to get the specifications. You could have a special meeting by conference call if necessary or you could meet the night before Thanksgiving to resolve this issue and get the word out. Attorney Cruz asked if Michele Liebttag knew when RVD would be available. If you meet next Wednesday, would they be available the week of November 26<sup>th</sup>? Michele Liebttag stated we would need to give residents time to get the stuff out.

#### **Postponement of leaf pick up**

Mayor Cooper stated that leaf pick up was postponed for a brief period of time when we knew the hurricane was coming. We did not want people to put out leaves as it would have created a problem with flooding, clogging of storm drains, etc. Leaf pick up is back on.

#### **OLD BUSINESS**

##### **Nishissackwick stream restoration**

Mayor Cooper stated that he passed around an email from Engineer Burr with an update. Things are going well. We are prepared to move from the park area to further downstream to Sargent Russell's and Jonathon Perlstein's property. There was a problem with the dump truck. The axel broke. They moved the trackhoe across Kingwood Avenue today and started the excavation work in that area. They did decide to do planting in Areas 1 and 2 instead of at the end of the project. We will need a check for the Hunterdon County Soil Conservation District in the amount of \$975.00. Council consented. Mayor Cooper also noted that we will need to approve expenses for additional landscaping in Area 4. The DEP decided we need additional landscaping in that area. The landscape supplier was recommended by Linda Peterson and William Burr. It would be cheaper than going through the contractor. He requested authorization to spend \$800.00 for the additional landscaping and allow the CFO to cut the check. On motion by William Sullivan, seconded by Brad Myhre, and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to spend \$800.00 for additional landscaping in Area 4 of the Nishisackwick Creek project per the NJDEP requirements and authorized the CFO to cut the check.

##### **Wastewater Treatment Plant Project**

Robb Arent reported that there is a construction meeting next Wednesday. He added that if the Council is interest he will forward to the Council the minutes of the construction meetings.

### **River Mills**

Attorney Cruz stated that at the last meeting you asked for a survey. If you look at the survey, the lot to be conveyed to the Borough is in the upper left hand corner known as Block 14 Lot 52. He added that he has the release of mortgage from the bank. He also asked George Micheal's Attorney to give him any easements that may affect that property. To the right of this property is Block 14 Lot 104. George Michael granted an easement over Block 14 Lot 52 in 2005. It is an access easement and it may mean a driveway to Block 14 Lot 104. This was a wrinkle that came up last week. We need an idea of where the easement is. He is not sure whether it is in his title. Responding to Council, Attorney Cruz noted that George Michael can burden his own land. Lot 104 was landlocked at one point. All these property were owned by the Stout family at one time. He does not see this as a big issue but sees it as an issue that has to be worked out. Robb Arent stated that the Council should have a discussion whether to accept this property or not. If we have to have a private driveway through the middle of the park, that may not work. He feels that they knew it was going to be a park. Attorney Cruz noted that the easement was identified but he is not sure where it runs. The Attorney is looking into it. This easement is for the benefit of the adjoining property. You would need consent of the property owner to release the easement but it is not favoring to land lock land. This easement could have preceded the approval. It is an issue that has come up and still needs to be addressed. Seth A. Grossman stated that this does not kill the property deal and there are ways to work things out. Robb Arent stated that if it does not benefit us, we have to consider it. Attorney Cruz stated that there is movement on their end. We have the release of mortgage. Attorney Cruz added that one of the conditions of Engineer Clerico's memorandum and the resolution at item 4, this item is consistent with Engineer Clerico's recommendation that Frenchtown Bridge Street LLC establish a mutually agreeable time frame with the Borough for completion of the remaining bonded improvements. These would include all the items listed in the Borough Engineer's November 8, 2012 memorandum attached to this resolution except for Item E. He is giving you a request for completing the outstanding improvements not necessarily for building the buildings.

Robert Clerico indicates they are moving to get the sales trailer sited on the property. That is the first part so they can start selling units. Responding to Robb Arent, Mayor Cooper stated that the last he was told was that one of the two side buildings, the residential condos, would be built first followed by the retail building along Bridge Street followed by the second of the two condos. Paul Johnson commented that Building B is being planned to be built first, then Building C and depending how sales go then Building A and then Buildings F and G. Attorney Cruz stated that the Borough was promised that schedule. He asked that Paul Johnson get that to us, the schedule of the order of the buildings and then the timelines for beginning construction. Paul Johnson stated that the schedule he has is the early start. That will depend on sales. The email he sent to Robert Clerico is that they expect the earliest they could work on the site is January according to the NJDEP. Paul Johnson does not know if George Michael wants to do the site improvements first or the buildings or start them at the same time. It depends on what happens at the sales center. It is a slow time to sell and that is the constraints. Responding to Seth A. Grossman, Paul Johnson stated that they still need power, plumbing and landscaping for the sales trailer. We have been pushing to get that for two months. The process is taking that long. The intention is to building Buildings B and C first. One they will put elevators in and the other they will not.



There will be models once they are built. Sales will pick up once we have a model. We will have a building done by the end of 2013. On motion by Seth A. Grossman, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2012-120 as follows:

**RESOLUTION NO. 2012-120**

**WHEREAS**, Frenchtown Bridge St., LLC, posted an Irrevocable Standby Letter of Credit (Performance), dated August 1, 2012, regarding grading for a residential development known as River Mills at Frenchtown; and

**WHEREAS**, the Letter of Credit was for \$607,111.20 and was based upon an engineering estimate titled "Site Improvement Initial Phase Grading – Construction Cost Estimate, River Mills at Frenchtown, Borough of Frenchtown, Hunterdon County, New Jersey", prepared by Van Cleef Engineering Associates, dated July 23, 2012 ("Engineer's Estimate"); and

**WHEREAS**, Frenchtown Bridge St., LLC, requested an initial reduction in the amount of the Letter of Credit because of the work that had been completed; and

**WHEREAS**, the Borough Engineer inspected the improvements and by an amendment to the Engineer's Estimate, dated September 19, 2012, recommended a reduction in the Letter of Credit to \$247,582.20; and

**WHEREAS**, Frenchtown Bridge St., LLC, requested a second reduction in the amount of the Letter of Credit because of work that had been completed; and

**WHEREAS**, the Borough Engineer inspected the improvements and by an amendment to the Engineer's Estimate, dated November 8, 2012, recommended a reduction in the Letter of Credit to \$183,121.56 upon certain conditions; and

**WHEREAS**, the Borough of Frenchtown Common Council determined that, based on the opinion of the Borough Engineer, it is reasonable to reduce the Letter of Credit posted by Frenchtown Bridge St., LLC, to \$183,121.56 upon the conditions recommended by the Borough Engineer.

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

6. The Irrevocable Standby Letter of Credit (Performance) issued by The First National Bank be reduced to \$183,121.56.
7. The reduced Letter of Credit specifically applies to the repair of the existing curb and pavement areas that were damaged by Frenchtown Bridge St., LLC, on Third Street as a result of the detention basin wall construction.

8. That Frenchtown Bridge St., LLC, obtain a written sign-off regarding the constructed walls and any site safety issues identified by Ken Rogers for the following:
  - a. Installation of the required rail fencing around the Detention Basin along with the hand railing on the steps;
  - b. Installation of a temporary barrier or permanent guiderail between the north side of the detention basin and the adjoining section of Third Street;
  - c. Installation of temporary safety fencing along the top of all remaining retaining walls.
9. That Frenchtown Bridge St., LLC, establish a mutually agreeable time frame with the Borough for completion of the remaining bonded improvements. These would include all of the items listed in the Borough Engineer's November 8, 2012 Memorandum attached to this Resolution, except for Item E.
10. This Resolution shall take effect immediately.

---

Warren E. Cooper, Mayor

Attest:

November 14, 2012

---

Brenda S. Shepherd, RMC  
Borough Clerk

**Kingwood Avenue sewer pipe project**

Mayor Cooper stated that there is nothing to discuss on this item this evening.

**Pedestrian bridge in the Borough park**

Mayor Cooper noted that we have a plan that was submitted by Robert Clerico. We submitted that to FEMA for reimbursement. Brad Myhre stated that the estimate for FEMA was around \$18,000.00 and the Borough received 75% of that based on prevailing wage. Mayor Cooper stated that we have a contractor that may be able to do that work. We were told we can not have our volunteers do that work. We can ask the contractor to take a look at the plan and see what number they may come up with and if it is under the \$17,500.00 threshold, we can get that taken

care of. Brad Myhre added that Robert Clerico has the plans and if we have to, he could move forward with going out to bid.

### **November 21, 2012 Regular Council meeting**

Mayor Cooper stated that we will meet on November 21<sup>st</sup> to discuss the brush removal issue. The agenda will be limited to that one item. Seth A. Grossman stated that he could present the Downtown Revitalization and Planning report that evening. Mayor Cooper believes it would be a disadvantage to the Council and public on the night before Thanksgiving. He added that the Committee has done a lot of work and he recommended doing it at the December 5<sup>th</sup> meeting.

### **Forgiveness of interest on 3<sup>rd</sup> quarter tax payment for Block 19 Lot 6.01**

Mayor Cooper stated that we had gotten a request to forgive interest on the third quarter tax payment for Block 19 Lot 6.01. We did get clarification on this. The check was brought to the Borough and the Borough stamped it paid prior to the due date and we apparently misplaced the check. This is not the property owner's responsibility. On motion by Seth A. Grossman, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to forgive the suspected interest that accrued on the third quarter taxes for Block 19 Lot 6.01, 36 ½ Seventh Street.

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

Michele Liebttag stated that the fire committee is meeting after this meeting. She did the outreach for brush pick up and hopes to have resolution there. Michele Liebttag stated that Jerry Hoffman had one question about his salary adjustment. Brenda Shepherd prepared a memo for the committee. They will give it to Jerry Hoffman as an explanation to his request.

William Sullivan stated that DPW is spending most of their time with leaf collection. The leaf vac is working and may work for a few more years. Responding to Mayor Cooper, William Sullivan stated that they made the decision that we would continue for the next five years. We will look at other alternatives. There will be no convention this year for him to look at alternatives. Mayor Cooper recommended that we develop an alternate plan by November 2017. William Sullivan stated that leaf pick up program is as delicate as a social security check. The willingness of people to change is a problem. He never thought people would have such a problem with the loss of service. There are people who can not image doing it any other way.

Robb Arent reported that it is the time of year for new contract for services of all the generators that operate the sewer facilities. Victor Gilardi solicited four quotes and got two back. He is recommending accepting the lowest quote at \$2,256.00 for a year's worth of service. The other quote was \$3,145.00. It is for the maintenance of the generators that keeps the power going when the power goes out. There is one at the plant and one at each pumping station. The maintenance is done on a quarterly basis. On motion by Robb Arent, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to authorize Modern Group Systems to service the sewer generators at a cost of \$2,256.00 for 2012-2013.

Brad Myhre congratulated the police, fire, public works, the clerk's office and professional staff in town doing work during Hurricane Sandy. It was very busy and a lot of hours went in with the CERT team and we kept our police department open 24/7 for three days. We got more call volume in those three days than we do in a month. There were questions about power outages, trees, homeowner damage, FEMA questions, etc. We are trying to see if we will get reimbursement because we were one of the fuel stations that had fuel and things got crazy. In addition to our personnel manpower, we had to get Sheriff deputies in to help because traffic was backed up Harrison Street, Milford Road and across the bridge. We had to use a lot of overtime. CERT was out there as well. William Sullivan commented that it was well done compared to a lot of other areas in the state. Seth A. Grossman stated that everyone was pleasant to the people. Brad Myhre stated that we did a great job and it made sense to hold trick or treat when we did. CERT, fire and police departments were helpful with that. It went over well.

Brad Myhre reported that we will be working on FEMA claims going forward. We had some damage to the police building. Some siding was ripped off the building, there was some damage to the roof and gutters and there was some damage to Borough Hall. We had a couple of homes in town that were severely damaged. We will get them the necessary FEMA information for individual assistance. We will have to see what the impact is on the budget because we had a lot of over time with the hurricane. We will apply for reimbursement. There is some advice that came out in a local finance notice on how you can do some of this outside of the cap. Robb Arent applauded Chief for getting JCP&L while on their lunch break to restore power on Front Street to restore power to the sewer pumping station. Robb Arent stated that the sewer plant is supposed to be a priority. Brad Myhre stated that last year, it cost us a lot of money to run those generators after the storm. Mayor Cooper stated that he reminded them when he called in to JCP&L for the conference call. Seth A. Grossman stated that we should support getting a generator for the gas station pumps so we have fuel supply per Chief Kurylka's recommendation in his report. Robb Arent stated that the Borough has its own fuel supply. Robb Arent commented that our OEM director did a good job. Michele Liebttag stated that it was well organized. Brad Myhre reported that he will be going to a meeting tomorrow at 9:00 am at Warren Tech with FEMA about reimbursements.

Brad Myhre stated that on Sunday, Chief Kurylka and the Business owners, Frenchtown Angels, coordinated a truck with relief supplies for the Hurricane victims, and they will take it down to the Seaside area. He will get everyone more information and they will load the truck at Design Plan.

Seth A. Grossman reported that he sent the Downtown Revitaliation committee report out to everyone by email. They had a community meeting with the Frenchtown Downtown Revitalization and Planning committee last night. We completed that and the report is good. He transferred the final report to the Mayor and Council. There are good planning and recommendations in the report. Mayor Cooper stated that it is on the Borough's website. Responding to William Sullivan, Seth A. Grossman stated that there was no recommendation for seeking funding. There is a recommendation to implement the recommendations. Mayor Cooper thanked Seth A. Grossman and the committee. He recommended that copies be available for those who do not have email or internet. Seth A. Grossman noted that he will provide a report at the Council meeting.

## **MAYOR'S COMMENTS**

Mayor Cooper noted that he received a call from Rabbi Kornfeld, the leader of the Habakkuk community in Clinton asking if Frenchtown would be interested in having a menorah and a service on the first night of Hanukkah in the downtown since we have a Christmas tree each year. He told Rabbi Kornfeld that he would bring it to Council. He also mentioned it to Russ Hoge last night. The Business Association is involved in putting up the donated Christmas tree and Russ Hoge asked for volunteers to put the Christmas tree up. Last year, it was Russ Hoge and himself who put up the tree. In this request from Rabbi Kornfeld, we would be asked to purchase the menorah, it is the size of a Christmas tree, that we would have to store it. It would be put up with other displays each year. The cost would be \$1,000.00 for the 6 foot model. William Sullivan stated that if someone wants to donate it, he would not have a problem with it but we do not want to store it. Seth A. Grossman noted that the Christmas tree is put up on private property. Brad Myhre stated that he believes it will be a problem if a menorah is purchased with public funds. We would be endorsing another holiday. Mayor Cooper stated that we will not pay for it, we will not be responsible for up keep and we will not store it. We do not object to a display next to the Christmas tree on private property. Robb Arent asked when the Christmas Tree lighting ceremony will be. Seth A. Grossman noted that the Business Community invites the Council to be there. Mayor Cooper stated that he will ask when it will be.

Mayor Cooper reported that the FEMA disaster recovery center for Hunterdon County residents is opened to the public at 77 Park Avenue.

Mayor Cooper noted that there will be a Administrative Committee meeting on Sunday at 10:00 am.

Mayor Cooper also reported that he will be meeting with Principal Dave Bailey from the Frenchtown Elementary School and Tara Shepherd from Hart on Wednesday to discuss safe streets in Frenchtown.

Robb Arent displayed the brochure from Belk Company who did the photo shoots in town.

### **CORRESPONDENCE**

None addressed.

### **ADJOURNMENT**

Being no further business to come before the Mayor and Council, a motion was made by Robb Arent, and second by Michele Liebttag to adjourn the meeting at 9:05 pm. Motion carried by favorable voice vote.

Respectfully submitted,

---

Brenda Shepherd, RMC  
Borough Clerk