

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 December 26, 2012.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Robb Arent
Cathy Leach
Michele Liebtag
Brad Myhre
William Sullivan

Absent from Meeting:

Seth A. Grossman

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the meeting. There were no members of the public present.

PUBLIC HEARING

Ordinance #721 – Ordinance regulating the Salary & Wages of the Officials and Employees of the Delaware Valley Joint Municipal Court.

On motion by Cathy Leach, seconded by Brad Myhre and carried by favorable voice vote, the Mayor and Common Council approved to open the public hearing session on Ordinance #721. Having no comments, a motion was made by Brad Myhre, seconded by Michele Liebtag and carried by favorable voice vote, the Mayor and Common Council approved to close the public hearing session on Ordinance #721.

Ordinance #722 – An ordinance authorizing acceptance of a deed for block 14, lot 52, as shown on the tax map of the Borough of Frenchtown, County of Hunterdon, State of New Jersey

On motion by Brad Myhre, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council approved to open the public hearing session on Ordinance #722. Having no comments, a motion was made by Cathy Leach, seconded by Robb Arent and carried by favorable voice vote, the Mayor and Common Council approved to close the public hearing session on Ordinance #722.

Ordinance #723 – An ordinance to amend the salary & wages of the certain borough officials and employees for the year 2012

On motion by Michele Liebtag, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council approved to open the public hearing session on Ordinance #723. Having no comments, a motion was made by Michele Liebtag, seconded by Brad Myhre and carried by favorable voice vote, the Mayor and Common Council approved to close the public hearing

session on Ordinance #723.

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 William Sullivan and carried by favorable voice vote, the Mayor and Common Council approved the Regular Council meeting minutes of December 5, 2012 and the bills list dated 12/26/12 as follows:

PRESENTATION OF VOUCHERS - dated 12-26-12

The bills list dated 12/26/12 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 \$730,954.04, Capital Improvement Fund Account in the amount of \$1,926.25, the Animal Control Trust Fund in the amount of \$458.00, Sewer Utility account in the amount of \$34,432.63, the Sewer Capital Improvement account in the amount of \$445,046.72, and the Grant Fund in the amount of \$2,118.03.

RESOLUTIONS

Resolution #2012-135 – Approval of Change Order for the Nishissackwick stream restoration project

Mayor Cooper noted that this change order is for the additional work discussed at the last meeting. Cathy Leach noted that the brush is still along the side of the bridge by the bikepath. Robb Arent commented that he believes it is our brush. Mayor Cooper stated that we created that brush by cutting the trees from the hurricane. On motion by Brad Myhre, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2012-135 as follows:

RESOLUTION No. 2012-135
Authorizing Change Order No. 1 for the
Nishisakawick Creek – Stream Bank Restoration Project
Frenchtown Borough, Hunterdon County, NJ

WHEREAS the Borough of Frenchtown has contracted with Kalogridis Contracting, LLC to perform stream bank repairs along Nishisakawick Creek in the amount of \$286,855.00;

WHEREAS the Borough and NRCS-USDA have entered into grant agreement for NRCS-USDA to fund a portion of the project costs (82.5%);

WHEREAS NRCS-USDA personnel have recommended that the Contractor perform additional work outside of the original project scope;

WHEREAS the Borough Engineer agrees with this work and has obtained an estimate from the Contractor in the amount of \$24,875.00;

WHEREAS the Borough Engineer has confirmed that this work is less than 20% of the original contract amount and also that NRCS-USDA will pay a portion of this amount (82.5%) in accordance with the original grant agreement;

NOW THEREFORE be it resolved that the Mayor and Council of Frenchtown Borough approve Change Order No. 1 to Kalogridis Contracting, LLC in the amount of \$24,875.00 increasing the total amount of the contract to \$311,730.00.

ADOPTED: December 26, 2012

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 December 26, 2012.

SEAL

Brenda S Shepherd, Borough Clerk
Frenchtown Borough

Resolution #2012-136 – 2012 Budget Appropriation Transfer

On motion by Brad Myhre, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2012-136 as follows:

RESOLUTION NO. 2012-136

2012 BUDGET APPROPRIATION TRANSFER

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

Administration and Executive – Salary and Wages
Fire Hydrant – Other Expense
Liability Insurance

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

Administration & Executive – 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:

Administration & Executive – Other Expense \$667.00

TO:

Administration & Executive – Salary and Wages \$ 67.00
Fire Hydrant – Other Expense \$ 450.00
Liability Insurance \$ 150.00

Warren E. Cooper, Mayor

Attest:

December 26, 2012

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2012-137 – Release of Executive Session minutes for 2012

Mayor Cooper stated that we are following the law by releasing the Executive Session minutes. The minutes of the executive sessions were reviewed by Attorney Cruz and all of the minutes are released except that only part of the minutes of the May 2, 2012 is being made public at this time. The personnel matter is not being released. On motion by Cathy Leach, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2012-137 as follows:

RESOLUTION NO. 2012-137

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. requires the release of Executive Session Minutes when the matter is no longer of a confidential nature; and

WHEREAS, the Borough of Frenchtown Clerk and Attorney reviewed all of the Executive Session Minutes for 2012 that have not been released to the public in whole or in part at this time; and

WHEREAS, the Borough Clerk and Attorney recommend that the Executive Session Minutes identified in this Resolution be released to the public; and

WHEREAS, the Borough of Frenchtown Common Council is of the opinion, based upon the Borough Clerk's and Attorney's advice, that these matters are no longer of a confidential nature and appropriate to release the Executive Session Minutes identified in this Resolution as of the date of the passage of this Resolution; and

WHEREAS, the Minutes released must have typed thereon the following:

These Executive Session Minutes were released by Resolution of the Borough of Frenchtown, dated December 26, 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Frenchtown as follows:

1. The Borough Clerk is hereby directed to release in full the Executive Session Minutes for the following meetings:

February 1, 2012
May 2, 2012, portion dealing with Clerk
May 16, 2012
July 5, 2012
July 11, 2012; and
2. The Borough Clerk is hereby directed to partially release the Executive Session Minutes for the following meeting:

May 2, 2012; and
3. This Resolution shall take effect immediately.

Warren E. Cooper, Mayor

Attest:

December 26, 2012

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES

Ordinance #721 – Ordinance regulating the Salary & Wages of the Officials and Employees of the Delaware Valley Joint Municipal Court (Adoption)

On motion by Robb Arent, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #721 as follows:

ORDINANCE #721

**AN ORDINANCE
REGULATING THE SALARY & WAGE
OF THE OFFICIALS AND EMPLOYEES
OF THE JOINT MUNICIPAL COURT OF ALEXANDRIA, FRENCHTOWN,
HOLLAND
FOR THE YEAR 2012**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. All prior Salary Ordinances of the Joint Municipal Court are hereby repealed.
2. The following salaries for the year 2012 are hereby established for the following designated officials and employees of the Joint Municipal

Court:

Municipal Judge-----	\$	21,314.39
Court Administrator -----	\$	31,696.90
Deputy Court Administrator -----	\$	9,969.97
Prosecutor -----	\$	7,105.00
Public Defender -----	\$	1,333.34

The following hourly rates are hereby established:

Violations Clerk-----	\$ 54.19 per court session
Bench Log and Recording -----	\$ 54.19 per court session
Clerical Assistant-----	\$ 6.16 per hour

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #722 – An ordinance authorizing acceptance of a deed for block 14, lot 52, as shown on the tax map of the Borough of Frenchtown, County of Hunterdon, State of New Jersey (Adoption)

Mayor Cooper noted that this ordinance will be tabled. Attorney Cruz stated that he has been speaking with the attorney for River Mills periodically and the Attorney has sent him an email assuring the Borough that they are working on terminating the easement. It has not yet been resolved. But, they are working on it. He recommended tabling the ordinance until it is resolved. Attorney Cruz added that he also had a discussion with the attorney about the parcel being landlocked. The ordinance was tabled.

Ordinance #723 – An ordinance to amend the salary & wages of the certain borough officials and employees for the year 2012 (Adoption)

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #723 as follows:

ORDINANCE # 723

**AN ORDINANCE
TO AMEND THE SALARY & WAGES
OF THE CERTAIN BOROUGH OFFICIALS AND EMPLOYEES FOR THE YEAR 2012**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. The following salary rates for the year 2012 are hereby amended for the following designated officials and employees of the Borough of Frenchtown:

Fire Marshall ----- \$5,000.00

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

OLD BUSINESS

Nishissackwick stream restoration

Mayor Cooper noted that the project is now complete. They may need to do some more plantings. Responding to Robb Arent, Mayor Cooper stated that the cement pier is staying. It was not included in the original specs because Linda Peterson recommended that it stay to reposition the flow, reorient it to create an eddy. He will check on Robb Arent's recommendation that there may still be a tree under the Kingwood Avenue bridge. The project was remarkably well done and it happened in record time. Mayor Cooper added that he received calls from residents of other municipalities on how we did the project so fast. He is working with Attorney Cruz reaching out to property owner about their contribution.

Wastewater Treatment Plant Project

Robb Arent reported that the contractor is suppose to start erecting the DPW building. They started on the clarifier at the sewer plant. They are setting the forms for the walls. The bottom was poured already.

River Mills

No report was given.

Kingwood Avenue sewer pipe project

Mayor Cooper stated that we are still waiting for communication from Engineer Clerico on our applications. Responding to Mayor Cooper, Brad Myhre stated that Engineer Clerico said he did not need anything from the Borough.

Pedestrian bridge in the Borough park

Mayor Cooper noted that the work on the pedestrian bridge in the park was suppose to start today.

Brush pick up

Mayor Cooper stated that he received an email from Mike Reino that they did a final pass through for leaves and brush. Do you want him to continue? Council agreed that it should be complete.

COUNCIL COMMENTS/COMMITTEE REPORTS

Cathy Leach noted that the Council received a national park survey and asked if anyone has any comments. They want to have a work shop and asked for input as to the workshops. She asked if it is for the general public. Mayor Cooper responded that he thought it was for municipalities along the Delaware River. He added that he replied to the survey this evening and asked if they would add discussion on fracking. Cathy Leach stated that she would want to discuss responsible recreation.

MAYOR'S COMMENTS

Mayor Cooper asked for Council's opinion on recreating an ice skating rink in the Borough park if it gets cold enough. Robb Arent noted that it could not be done last year. It was in the mechanics of it. He asked about the liability? Cathy Leach stated that we would have to allow use of it in the evening. There is a light pole on the side. She added that we need someone to maintain it and we should talk to the Chief about it. Cathy Leach added the fire department could fill it. Mayor Cooper asked Clerk Shepherd to check with the insurance carrier about it.

CORRESPONDENCE

Brad Myhre noted that in the back of the Council packets, there are requests to carry vacation and comp time. He added that Chief Kurylka has also submitted a request which he apologized was not copied to the Council. He noted that Chief is requesting to carry 8 vacation days and 6 comp days to 2013. Mayor Cooper added that Paul Murphy is requesting to carry one vacation day, Daniele Lattig is requesting to carry 1 week of vacation, Victor Gilardi is requesting to carry 1 week of vacation, Gerry Case is requesting to carry 1 week of vacation and Brenda Shepherd is requesting to carry 1 week of vacation and 80 hours of comp time. He apologized that the Council's offer was not understood by the Clerk and therefore, not accepted. The Clerk accumulated comp hours for the extra meetings instead. Mayor Cooper noted that the Clerk verified the times requested for Murphy, Lattig, Gilardi, Case and Shepherd. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to allow the following vacation days and comp hours to be carried to 2013:

Chief Kurylka - 8 vacation days and 6 compensatory days

Paul Murhpy - 1 vacation day

Daniele Lattig – 1 week of vacation

Victor Gilardi – 1 week of vacation

Gerry Case – 1 week of vacation

Brenda Shepherd - 1 week of vacation and 80 hours of compensatory time.

Mayor Cooper noted that the Borough received a letter from Linda Peterson regarding the final inspection from NRCS for the creek project. The letter was read into the record and is attached to this set of minutes.

Mayor Cooper asked the Borough Attorney if he had a report.
Attorney Cruz wished everyone a Happy New Year.

Mayor Cooper asked the Borough Clerk if she had a report. Borough Clerk Shepherd reported that the Rabies Clinic will be held on Saturday, January 26, 2013 from 1-3 pm at the firehouse.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by William Sullivan and second by Michele Liebttag to adjourn the meeting at 7:58 pm. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk