

CALL TO ORDER

Mayor Warren Cooper called the special meeting to order at 8:00 a.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly notices to the Express Times and the Hunterdon County Democrat on December 24, 2013; the Agenda has been posted at Borough Hall and distributed to the Courier News, the Express Times, the Hunterdon County Democrat, and the Star Ledger on December 24, 2013.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Seth A. Grossman
Cathy Leach
Michele Liebttag (by phone)
Brad Myhre
Jack Opdyke
William Sullivan

Absent from Meeting:

Borough Clerk Brenda S. Shepherd was present for the meeting. One member of the public was present.

PUBLIC COMMENTS

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

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 Seth A. Grossman, seconded by Brad Myhre and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 12/30/13 as attached to this set of minutes.

RESOLUTIONS

Resolution #2013-114 – 2013 Budget Appropriation Transfer

Mayor Cooper noted that the insurance issue has been resolved by moving funds into that account. Responding to William Sullivan as to the rescue squad, Michele Liebttag noted that the Borough is trying to do a formal arrangement with Milford Holland Rescue Squad because the number of calls

were over budget. On motion by Michele Liebttag, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-114 as follows:

RESOLUTION NO. 2013-114

2013 BUDGET APPROPRIATION TRANSFER

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

FAO – Other Companies – Other Expense
Tax Assessor – Other Expense
Group Insurance – Other Expense

WHEREAS, it appears that there will be for 2013 an unexpended balance in the following account:

Planning Board – Other Expense
Buildings and Grounds – Other Expense
Gasoline – 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:

Planning Board – Other Expense	\$ 2150.00
Buildings and Grounds – Other Expense	\$ 2000.00
Gasoline – Other Expense	\$ 3750.00

TO:

FAO – Other Companies – Other Expense	\$6450.00
Tax Assessor – Other Expense	\$ 450.00
Group Insurance – Other Expense	\$1000.00

Warren E. Cooper, Mayor

Attest:

December 30, 2013

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2013-115 – Resolution authorizing a settlement with the DEP

Mayor Cooper noted that the Council had discussions and had Sewer Operator, Victor Gilardi, reach out to the DEP with the Council's resolution. On motion by Jack Opdyke, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2013-115 as follows:

RESOLUTION NO. 2013-115

WHEREAS, the Borough of Frenchtown owns and operates a Wastewater Treatment Plant which is reaching the end of its useful life; and

WHEREAS, the Borough is in the process of constructing a new Treatment Plant which will result in the Borough spending in excess of \$10,000,000.00 for the design and construction of the new Treatment Plant; and

WHEREAS, the New Jersey Department of Environmental Protection issued the Borough two (2) Notices of Violation for exceeding the fecal coliform levels at the existing Treatment Plant during the February and March, 2013 monitoring periods; and

WHEREAS, the DEP's initial penalty assessment for the two (2) Notices of Violation was \$40,000.00; and

WHEREAS, the Borough advised the DEP of the remedial steps it is taking to cure the two (2) Notices of Violation and reminded the DEP that the Borough is constructing a new Treatment Plant and the DEP agreed to reduce the total amount of the penalty from \$40,000.00 to \$6,000.00; and

WHEREAS, the Borough's Licensed Operator advised the Mayor and Council of the Borough of Frenchtown of the remedial steps being taken to cure the two (2) Notices of Violation and recommended that the Borough agree to the reduced penalty in the total amount of \$6,000.00 for the two (2) Notices of Violation; and

WHEREAS, the Borough's Licensed Operator also advised the Mayor and Council that the payment of this penalty will not impact the Sewer Utility's Operating Budget or sewer rates; and

WHEREAS, while there are sufficient funds within the Sewer Utility Budget to pay the penalty, the Mayor and Council believe that it is appropriate to request that the DEP waive the penalty in its entirety because of the substantial investment that the Borough is making in a new Treatment Plant and that the Borough's limited resources be utilized for the new Treatment Plant; and

WHEREAS, the Borough believes it appropriate for the DEP to consider the following in evaluating the Borough's request:

- (a) The Borough has an excellent compliance history;
- (b) Any violations have been infrequent;
- (c) The Borough's Licensed Operator took immediate steps to remedy the two (2) Notices of Violation, which Violations have been cured;
- (d) Because of the Borough's investment in the new Treatment Plant, receiving the two (2) Notices of Violation has a deterrent effect;
- (e) The Borough's Licensed Operator fully cooperated with the DEP; and
- (f) Any diversion of Borough funds from the operation of the existing but aging Treatment Plant and from construction of the new Treatment Plan have a negative impact on the Borough's residents.

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

1. That the Borough of Frenchtown requests, through this Resolution, that the New Jersey Department of Environmental Protection waive the penalty for the reasons stated in this Resolution and because of the investment that the Borough is making in a new Wastewater Treatment Plant.
2. That a copy of this Resolution be sent to Harry Kachrod at the New Jersey Department of Environmental Protection Compliance & Enforcement Program.
3. That in the event the DEP does not waive the penalty, that the Borough accepts the reduced penalty in the sum of \$6,000.00.

4. That this Resolution shall take effect immediately.

Warren E. Cooper, Mayor

Attest:

December 30, 2013

Brenda S. Shepherd, RMC
Borough Clerk

COUNCIL COMMENTS

Brad Myhre asked about the carry over of vacation requests. Mayor Cooper asked that the Council hold off on any approval until there is a resolution on the discrepancy. Jack Opdyke asked if the Borough has a liability of vacation time? Clerk Shepherd noted that the Employee handbook allows employees to carry one week of vacation. If an employee leaves, their vacation time is prorated. Sick days can be carried but an employee cannot take sick days with them if they leave.

ADJOURNMENT

Being no further business to come before the Mayor and Council, a motion was made by William Sullivan, and seconded by Jack Opdyke to adjourn the meeting at 8:10 a.m. Motion carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk