

### **CALL TO ORDER**

Mayor Warren Cooper called the meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly noticed to the Hunterdon County Democrat on March 12, 2014 and the Express Times on March 12, 2014; 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 March 12, 2014.

### **FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

### **ROLL CALL**

Present for the Meeting:

Cathy Leach  
Michele Liebttag  
Brad Myhre  
Jack Opdyke  
William Sullivan

Absent from Meeting:

Seth A. Grossman

Borough Clerk, Brenda S. Shepherd, was present for the Meeting. 1 members of the public was also present.

### **PUBLIC COMMENTS**

The Council approved to open the public comment session.

Nate Barson of Animal Control and Investigative Services, noted that there is a slightly revised one proposal. There were questions he attempted to clarify. Brad Myhre asked about not charging a boarding fees. He agreed for the remainder of 2014, because some of the municipality were concerned about not having to do that before, what would the cost entail. He offered to waive the boarding fee for 2014 so you had an opportunity to tract that. Typically, across the board, boarding is separate from animal control in terms of cost. It provides accountability because unfortunately, when you do not get a report, you end up with situations like before where things are unaccounted for. Each animal is individually documented and you receive a boarding cost. Responding to Mayor Cooper as to fees for euthanasia, Mr. Barson stated that typically, the cost is \$35.00. For the most part, we do not euthanize anything unless it is severely injured. In that case, he typically does not pass the bill onto the municipality. Responding to Brad Myhre as to where the animals are boarded, Mr. Barson stated that they have three facilities they work with, Paw Prints in Flemington, Animal Alliance who has a West Amwell location and Tabby Place in East Amwell. They have other options that are available but we work with those three locations because they are minimal in cost. Other county options in his opinion have been less in quality as seen with Hunterdon Humane. He believes their future has a promise with Mr. Amado working with them. Anything he works on you can be assured will go well. It may be an option in the future. They are discussing that. Right now, it is closed for animal control and surrender. Responding to Council as to euthanizing, Mr. Barson noted that they are legally required to hold stray animals that are picked up for seven days before it is euthanized or put up for adoption. Legislation was recently passed that expanded it for surrendered animals. Surrendered animals that are not stray have to be offered for adoption for 7 days. We meet all the statutory requirements. He does not feel comfortable with euthanizing except for contagious or vicious animals. We work with veterinarian facilities and other facilities that are non-profit that handle

animals and getting them adopted well beyond the seven days. Council thanked Mr. Barson. Having no other comments, the Council approved to close the public comment session.

### **Energy Auction**

Mike Stroller, a representative from Emex which is the energy market exchange, a DCA approved vendor for energy procurement. This allows municipalities to use our reverse auction platform to procure electricity and gas and by passing the normal RFP process and it is done with a simple resolution. Reverse Auction A traditional energy procurement you can pick a third party provider. It is the same they do for commercial properties. The traditional procurement broker will take your bills to various vendors and get 1 bid for the energy service. Direct Energy had the best rate and we recommend 12 month term. They only have one shot at it. When we do the reverse auction, if you approve to move forward to do the auction, we send an invite to your administration and we need one person to attend. It is an email link that will have a link to our platform on the website as well as a conference line. The bidders are all lined up to bid, they have your energy information, and they get to bid in full transparency as opposed to doing the sealed RFP. They are going to be bidding and rates are entered on the board and they can repeat bid over and over again. The auction is set for 5 minutes. We built something into the platform to prevent the Ebay scenario. We do not let the clock run out. Once there are two minutes left and a new low bid comes up, we reset the clock to 2 minutes and it give the bidders time to review their bids and can go lower and the clock resets to 2 minutes again. Someone else has time to rebid. The more time the clock resets, the better off the municipality is because it is shaving the rate. When the last 2 minutes ticks down, you know vendors cannot go any lower. You are giving everyone the full opportunity to go as low as they possibly can. You are left with whatever bid and there will be several options that we will discuss with you and we will be making recommendations. The length of time is 6 to 24 months. We will provide within an hour or two rates, the full analysis and you have the option to go forward with it or not. There is no down side to holding an auction just the ability to see what you can save. Your cost on the supply portion of the commodity is a little over \$24,000.00. Given the experience we have had with your type of municipality, you are looking at approximately a 10% savings, \$2,000.00 per year savings. Responding to Brad Myhre as to a typical length of a contract in order to get a return from the energy provider, Mr. Stroller responded that 90% of municipalities are going with 24 months. Mayor Cooper noted that the Borough is bring in two new buildings, the DPW that came on line just recently and the WWTP to come on line sometime over the summer. Both of those structures have a solar panel component to it. How will that effect the auction. Mike Stroller stated that he would like to see the specs on that to share with the analyst. Mayor Cooper stated that more than half of our electricity is coming from the old WWTP so we are talking about \$13,000.00 coming from all other buildings last year. Mike Stroller stated that when he is talking about \$24,000.00, it is the supply portion of the electric bill which is 60% of your electric bill. The full electric bill will be \$35,000.00 to \$40,000.00. We will not know how much the solar will impact this but it would be worth knowing. Cathy Leach commented that the street lighting would be a constant. Mike Stroller stated that he will take a look at the street lighting because it does not look like he has that billing. Sometimes the street lighting is too small of a load. Mayor Cooper stated that he will get the information on the two new buildings and the impact of the solar. Responding to Mayor Cooper, Mr. Stroller stated that they handle 100 or so municipalities throughout the State and are seeing a 10% savings for small municipalities. Market is changed in the past year with the natural gas which effects electricity pricing. They do a reverse auction for natural gas as well. He asked if it would be worth it for the town to reverse

auction gas? Mike Stroller responded that it is not worth it for smaller municipalities if you do not get 10,000 therms. They are seeing smaller municipalities with 5,000 to 7,000 therms. We can take a look at it. Responding to Cathy Leach, Mr. Stroller stated that there is no fee for the auction. They get paid from the supplier on the back end. Mayor Cooper stated that he will get the additional information to Mike Stroller. Then we will be in a better position to take a resolution on May 7<sup>th</sup>. Mike Stroller provided the Council with a pamphlet packet which includes a copy of their brochure, a copy of the DCA approval, a copy of their award as business member of the year by the Conference of Mayors and the standard resolution. Responding to Michele Liebtag as to other vendors, Mike Stroller noted that there are a few other vendors but they are the only ones that target municipalities. Most of the others do coops and residential aggregation which they do not do. Mayor Cooper thanked Mike Stroller.

### **2014 Municipal Budget**

Mayor Cooper noted that the budget is the version that reflects the changes from the last Council meeting and the changes that the Administrative Committee made two weeks ago. He added that Diane Laudenbach is here this evening if we have questions. We have been told we are to receive FEMA payments awarded in earlier years. We cannot confirm that the money has been transferred to us. Brad Myhre stated that he reached out to the County OEM and the State Police are distributing the payments now. The County is not aware of when the funds will be disbursed. Mayor Cooper stated that one of the goals of this budget was to fund the position of a Borough Administrator. Not for lack of trying but the Administrative Committee could not adopt a budget that includes that position. According to the auditor, the budget is under the cap by \$12,000.00 but over by \$16,000.00 for the levy cap. The auditor said we could offset that amount with surplus. The Administrative Committee did not want to do that. We went through the budget and came up with recommendations for the \$16,000.00 over the levy cap figure. Looking at sheet 10, general balance, we cannot use more than \$7,900.00. We are recommending \$5,000.00 but can increase it if need be. In 2013, we are constrained by how much we had in that line as of the annual financial statement. We would add the additional revenue of \$2,900.00 which would reduce the cap. Diane Laudenbach stated that the Borough has money in the Capital Improvement Fund. You can take that money and offset the budget. Only capital improvement funds can be used for down payments. Mayor Cooper stated that this budget includes \$20,000.00 in the capita budget. Subsequent to a brief discussion on the capital improvement funds and projects, Brad Myhre stated that he does not think the Borough should take any more out of that fund. Diane Laudebach noted that you cannot use the capital fund balance for down payments. Brad Myhre recommended leaving it as is. Responding to Brad Myhre as to a Chapter 159 for the FEMA money, Diane Laudenbach stated that the State of New Jersey considers FEMA money a reimbursement for money already expended. These funds go into surplus which can be used in 2015 to offset the budget. Mayor Cooper stated that the Borough has \$313,000.00 in surplus. Diane noted that it does not include the appropriation reserve which will not generate surplus until next year. The revenue will not build surplus unless you take in more than anticipated.

Mayor Cooper stated that Chief Kurylka provided a detailed salary and wage request. He wanted us to fund part time hours of 55 hours per week but based his request on 62.7 hours per week. The request also asked to increase the secretary's hours from 26 hours to 32 hours per week. By keeping those hours the same as last year and the 2% COLA increase, we were able to come up with a figure that is \$10,000.00 less than in the current budget request. As to DPW, the Borough granted part time hours so the OT hours can be limited. We could save \$3,000.00 to \$5,000.00 Cathy Leach noted that if a tree falls at night, we will need emergency hours of OT. Mayor

Cooper stated that this year, the OT hours are outside the cap. The overtime was \$4,000.00 and Mike Reino is requesting \$10,000.00 for OT. Council consented to cut the DPW budget.

Mayor Cooper stated that we do have the option of imposing an open space tax for the parks. His recommendation is to move \$6,000.00 out of the parks and fund that with a 1% open space tax this year. That 1% would be \$12,000.00 to \$13,000.00. Responding to Mayor Cooper, Diane Laudenbach stated that the tax will levy back to the first of the year. Cathy Leach commented that the Council said we were not going to levy that tax this year. Mayor Cooper responded that the Council needs to be aware that our expenses will increase this year if we go ahead with a pavilion. Cathy Leach stated that she is not anticipating any expenses this year except for some expense for legal advice from Attorney Cruz. There is no commitment on our part to provide any funding. Cathy Leach added that she met with Patty Wilson Monday night and this project is still far out into the future and it is suppose to be funded by donations. Mayor Cooper stated that there is a desire to use some funds until we come up with a plan for the parks such as new swings and we need to replace some of the trash receptacles. Cathy Leach noted that the Green Team was going to help with funding for trash receptacles. Brad Myhre added that we did not favor an open space tax when we are increasing the sewer rates and an increase in this budget. Mayor Cooper noted that the municipal budget will always increase. We did not fully understand the 2% cap and did not fully fund the prior budget. Seth A. Grossman recommended that the open space tax discussion be pulled and that the Council make other recommendations to reduce the budget. We can address open space again. Mayor Cooper noted that the Council is close to the figure we need to get to for this budget. Brad Myhre stated that he is confident the Council can reduce the DPW salary and wage item by \$3,000.00 and recommended reducing it by \$5,000.00.

Michele Liebttag commented that the hours for the part time employee would increase if we decrease over time hours. Brad Myhre responded that DPW should not be producing over time hours when they have the part time employee. As to the police budget, the Council asked Diane Laudenbach if she could provide Council with the first quarter figures for the police budget. Mayor Cooper commented that the Chief may be spending with the anticipation that we are fully funding his line items. We do not know if the Chief was scheduling the secretary for 32 hours. Brenda Shepherd confirmed that the secretary is only working 26 hours per week according to the payroll. Brad Myhre stated that there is also the PBA negotiations to consider. Mayor Cooper stated that the Council has a fiduciary responsibility to the taxpayers by saying to the department heads that this is the amount we are budgeting for your department this year. Seth A. Grossman commented that our department heads have always tried to give us what we need. Diane Laudenbach provided the Council with the first quarter payroll figures for the police department at \$57,354.00 which would equate to \$229,416.00 for the year. One payroll for the DPW is \$4,200.00 which would be \$109,000.00 for the year. Diane Laudenbach noted that these figures do not include a cost of living increase. Brad Myhre recommended that the Council reduce the police salary and wage by \$8,876.00, the DPW salary and wage by \$5,000.00 and put the \$2,900.00 in the revenue budget. This will solve the tax levy issue and give us flexibility. Council agreed to Brad Myhre's recommendation.

Mayor Cooper stated that the Salary and Wage Ordinance will need to be introduced when the budget is introduced. He noted that the budget process was very difficult with the health benefits increase, debt service on the DPW building and the sewer budget. Mayor Cooper also stated that Diane Laudenbach has been a great help in developing the budget over the last few weeks. We

have begun to develop a system of subaccount line items to track for example vehicle maintenance, supplies, in each department. We are trying to retro fit the 2013 budget. Diane Laudenbach stated that it will be the responsibility of the department head to indicate which subaccount a bill is to be paid from. She would not have more than 6 subaccounts. Brad Myhre stated that vehicle maintenance should be tracked because we spend a lot of money in that area. We should bid that out. He would also like to take the 15% administrative fee toward that. Diane Laudenbach noted that Franklin Township charges \$20.00 per hour and they are taking a portion of that money for vehicles but it is an unanticipated revenue as we do not know what that amount will be. It is not a guaranteed source of income. Michele Liebtag stated that this will help us formulate a capital plan going forward for vehicle purchases. Mayor Cooper stated that the second suggestion was to advance the tax lien sale so that we have an opportunity to take advantage of those sales this year. We recommend advancing it to September or October so it will help offset or boost tax revenue. Diane Laudenbach commented that the Borough never spends the full \$4,000.00 of clean communities grant and there is recycling tonnage grant money left too. The town could purchase receptacles for the park with this money as was previously discussed. Mayor Cooper thanked everyone for their input and noted that the Administrative Committee worked hard.

### **Animal Control**

Mayor Cooper noted that we have a proposal from Animal Control & Investigative Services LLC from Nate Barson and one from Animal Control Solutions. Both have a yearly contract for \$2,400.00 for 2014 and a \$200.00 per month fee for the remainder of 2014. There are additional costs for boarding fees. Nate Benson has no additional boarding fees for 2014. We have attached to Mr. Dodd's proposal a fee schedule for boarding. Nate Barson noted that the State requires 7 days for boarding. The maximum is 7 days at \$105.00. If the animal is picked up, they pay the boarding fee. Responding to Michele Liebtag as to not making a payment on time, Mayor Cooper stated that we have not yet sought input from other municipalities although he did speak to the Holland Township Mayor and heard that they were looking at Animal Control Solutions. Nate Barson noted that there is a strict fee of \$150.00 for emergency and non-emergency. He would not give you an a la carte figure because he has to staff an officer in the area. It does say that the contract can be extended month to month at the identical rates. Mayor Cooper noted that the Borough will not make a decision tonight because Hunterdon Humane stops servicing us May 1<sup>st</sup>.

Mayor Cooper noted that Mr. Dodd from Animal Control Solutions will come before Council on May 7<sup>th</sup>.

### **MAYOR AND COUNCIL REPORTS**

Cathy Leach noted that the Shakespear group is requesting use of the Borough Park in the playground area to do McBeth. They want to schedule the performance for May 30 and May 31<sup>st</sup>. with a raindate of June 1<sup>st</sup> and also they would like to practice. The issue with them is that it is a group of moms and they do not have official insurance. Is council willing to allow them to submit a waiver request? They will provide a request or hold harmless agreement. Brad Myhre recommended working with our insurance carrier. Brenda Shepherd will call the insurance company.

Cathy Leach also reported that Secret Garden Montisourri noticed that there is trash in the recycling bins. They want to hang a banner on the fence as a reminder to recycle and they want

to hang it on Earth day. She talked to Mike Reino about about putting in garbage cans because there are only recycling bins there. We do not want a permanent fixture. She thought a temporary sign would be fine. Council consented.

Brad Myhre noted that he spoke to Attorney Cruz and since it is a special meeting and the following information just came in that the Council could take action. Brad Myhre stated he has been in touch with Flemington Ditchman dealership where we got the unmarked Expedition. Steve Califer was generous with the last one. When we took the gator there, we indicated the necessity for a larger vehicle with towing capacity. Ditchman took in a 2004 Expedition which is listed at \$12,000.00. They offered it to us at \$6,000.00 and will give us a \$1,000 trade in for the old vehicle. The cost for this vehicle will be \$5,500.00 which would come out of the police budget. The vehicle should be good for three years. Next year, the priority should be to get them a new truck. Mayor Cooper stated that Diane Laudenbach has confirmed that funds are available. On motion by Brad Myhre, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Council approved the purchase of the 2004 Ford Expedition from Flemington Ditchman at a cost of \$6,500.00 with a \$1,000.00 trade for the 2000 Ford Expedition for a cost of \$5,500.00 to be paid by the Police O&E budget.

Mayor Cooper stated that there is a group in town taking responsibility to manage the Mayor's Wellness Campaign. There were 4 residents who took advantage of the first walk scheduled. His wife is offering a free yoga class at the end of the month. Mayor Cooper also noted that they have two events schedule, softball games for family fund, Saturday, May 10th and May 4th, Milford vs. Frenchtown. Coleen from the Frenchtown Inn is arranging something. Notifications will be sent out.

Mayor Cooper reported that the group of individuals who put together the Dana Dinner last September has scheduled an additional Dana Dinner on May 20<sup>th</sup> at Lovin Oven.

Mayor Cooper noted that the SPCA is trying to take over the Hunterdon Humane. There are court issues. There is also a desire from one freeholder to transform that facility to accept animals that are collected by Animal Control Officers. He had a conversation with the Animal Control Officer and Dr. Tindall and that will not happen until the end of the year.

Mayor Cooper commented that you may have noticed the giant sculpture at the DPW. It was donated to the Borough by Christopher Zeloff. Cathy Leach stated that she has an issue that you accepted it without Council discussion. Mayor Cooper responded that the situation was immediate.

Mayor Cooper noted that we had requests from older residents having difficulty with their recycling containers and he reached out to Republic Services and they have smaller versions of the receptacles. Michele Liebttag stated that we will be doing a municipal mailer and that announcement will be made. They are available for pick up. Mayor Cooper stated that they have 3 dozen available that are not as new as the current ones.

Mayor Cooper reported that there is a Hunterdon 300th event on April 26<sup>th</sup> from 7-9 pm at the Flemington Court House. At the Poetry Reading, 4 Frenchtown poets will be reading. They are asking people to register.

Mayor Cooper noted that the Lions Club Egg Hunt is this Saturday.

Mayor Cooper stated that he would like permission from Council to begin meeting with department heads to see what is going on since we are not bring on a Borough Administrator. He would like to meet with the department managers on a regular basis. Seth A. Grossman asked if there will be a form that we can see rather than oral reports. Michele Liebttag stated that this will help get job descriptions so we can take the step of putting together a personnel manual.

Jack Opdyke reported that they had the monthly meeting today. There seems to be a lot of activity and they are moving forward. Mayor Cooper took the opportunity to question Chinoy on the projected dates, trying to pin them down to a time frame instead of the open ended procedure. DPW is done and the CO was issued. The rock has been removed. Mayor Cooper stated that we are looking at a potential start up of the plant in July and completion of the project in October. We will talk about Tomar Construction in executive session. We determined that we are at 75% completion and that is based on the cost not construction. We had a contingency fund of \$524,000.00 for change orders and an additional \$300,000.00 for administrative oversight. We have used \$250,000.00 of that. We will be meeting Wednesday to discussion the schedule.

Jack Opdyke commented that 4 months ago, we voted to raise the speed limit to 25 mph on Milford Road. Brad Myhre noted that the Chief spoke with Mike Reino and he was not aware of it. He ordered the signs two weeks ago.

Michele Liebttag stated that if anyone has announcements for the mailer, let her know. The recycling schedule will be in that mailer. The Farmers Market is starting May 25<sup>th</sup>. By May 1<sup>st</sup>, the recycling carts will be available. The mailer will include what is not acceptable at the recycling center.

Michele Liebttag called the Council's attention to a letter in the correspondence packet from UNITEHERE requesting not to solicit Revel in Atlantic City. They have been difficult to work with as an employer. Mayor Cooper noted that we are not planning to hold meetings there.

Cathy Leach reported that she did meet with Patty Wilson about her project. She is still working out the details. She asked her to provide us with specific plans including a site plan and building construction plans. And she would meet with NJDEP to review it and run by what the legal requirements would be with Attorney Cruz. She invited Patty Wilson to present her plan to Council at any time. Ms. Wilson wants to have the plan in place by mid June.

As to the Park Clean Up, Cathy Leach reported that Sarah Ruppert thought there were 50 volunteers. Brad Myhre commented that they did great job. Cathy Leach reported that some people put mulch into wheelbarrows and some did some trailing cleaning. It is too early to do planting. We will do that at a later date. She thanked Sarah Ruppert and the Green Team for organizing the event. The Fire Department did not pick up the liner because it was wet. Mike Reino has room to store the liner. The sand box is filled. Cathy Leach also thanked Opdyke lumber for the donation.

Seth A. Grossman reported that the Frenchtown Business and Professional Association applied for a New Jersey Tourism Grant for \$2,500.00 for basic marketing.

Seth A. Grossman also reported that the Streetscape grant is underway. Brad Myhre got support letters from the Freeholder Board and Leonard Lance from the 23<sup>rd</sup> District. The Chamber will also provide one. Mayor Cooper asked that they also get one from HART. He added that the State has moved the due date from May 15<sup>th</sup> to June. We want to meet with the Bridge Commission to see if they will provide additional funds.

Brad Myhre stated that in your correspondence packet is an invitation from JCP&L offering a tour of the dispatch office and overview of the storm response and outage restoration process.

Brad Myhre reported that there was a report of a potential gun man by Kingwood School. It triggered a lock down of their school. As Frenchtown was getting out of school, they put the kids back in school. All schools today were on high alert. There is nothing to substantiate that it is a further threat. A man may or may not have been loading a rifle into a car near the school. Mayor Cooper stated that he spoke with the Prosecutor's officer and they did not know enough. Chief and Officer Murphy were escorting the teachers and kids to their vehicles in shifts. We had extra officers on the scene today. The Prosecutor is to send out additional information.

Mayor Cooper noted that we got the Relay for Life proclamation. He will put that on the May 7<sup>th</sup> agenda with Council's approval.

#### **EXECUTIVE SESSION**

Mayor Cooper stated that the Council will have to go into executive session for 2 items. On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to go into executive session at 10:05 pm and approved Resolution #2014-52 as follows:

#### **RESOLUTION #2014-52**

#### **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. Personnel - Salary Negotiations
  - b. Contract Negotiations – Tomar Construction
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.

- s4. 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: April 16, 2014

ATTEST:

\_\_\_\_\_  
Brenda S. Shepherd, RMC  
Borough Clerk

Mayor Cooper excused Clerk Shepherd from the Executive Session and noted that Attorney Cruz informed him that the Council can take the minutes of the Executive Session.

The Council came out of executive session at 10:40 pm.

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 10:45 pm.

Respectfully submitted,

\_\_\_\_\_  
Brenda Shepherd, RMC  
Borough Clerk