

CALL TO ORDER

Council President Seth A. Grossman 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 noticed to the Hunterdon County Democrat on January 9, 2014 and the Express Times on January 9, 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 August 6, 2014.

FLAG SALUTE

Council President Seth A. Grossman asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Seth A. Grossman
Cathy Leach
Michele Liebttag
Jack Opdyke (arrived at 7:40 pm)
William Sullivan

Absent from Meeting:

Robb Arent
Warren Cooper

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 15 members of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session. Marcy Skully noted that she works for the laundromat and they are closing August 31st because of the sewer rates going up. He is charged ½ a unit for every washer. The laundromat is a service to the community and we had quite a few customers that are upset because this will be gone. There will be no service to the area. She does not know what can be done about it. She is concerned for customers and herself. She is also concerned for John Matthews. He has not raised prices since the last rate increase. Service will be taken away from quite a few customers. Having no other comments, the Council approved to close the public comment session.

DEPARTMENT HEADS REPORTS

DPW Report

Cathy Leach noted that Public Works Manager Mike Reino provided a report which was submitted into the record as attached hereto.

OEM

Karen Harmon, OEM Coordinator, and Amy Cochran, Deputy OEM Coordinator, provided the attached report.

Karen Harmon noted that as to the shelter at the American Legion, there is no generator so the facility would be a holding facility. We will start looking for grants for that.

Karen Harmon also noted that once the Creek Road Bank Stabilization project is done, we can close out the Sandy Funds.

Amy Cochran noted that Karen Harmon created a Facebook OEM page. Whenever we get a 911 emergency from the County OEM, Karen Harmon will make sure that Facebook page has that. Karen Harmon noted that she will also post the river readings. She added that the Mayor also puts something on the Borough website.

Amy Cochran reported that at a recent training session, they learned that the OEM guidelines will be changing. We are ahead of the game. They want every town to have an OEM Coordinator and a Deputy OEM Coordinator. Most towns do not have that.

Amy Cochran added that we will have to form a Local Emergency Planning Council (LEPC). It is a state requirement. The LEPC members must operate as a planning team to develop a section of the Emergency Operations Plan. That Council should be composed of 15 members. One person can represent more than one Annex area of the Emergency Operations Plan. We also have to come up with an emergency drill which could be tabletop or an actual plan. Seth A. Grossman noted that Borough Council will look into that appointment. Karen Harmon noted that Mike Atheras said he would represent the Fire Department.

Karen Harmon asked that ask that the Council complete the first responder forms.

Hills Streets Infrastructure Committee

Seth A. Grossman noted that as of today, that committee has not been put together. The history is about the private roads on the hill. There is great concern about the roads. Those roads are private roads and there is some discussion about it. Serious planning is required. That committee has not been completely established. Engineer Burr has done an estimate of \$2 to \$3 million. There is a process we must go through. Where would we get the funds and how is that divided up? That all has to be determined and all the property owners would have to agree. The Committee will meet as soon as the Mayor comes back.

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 Jack Opdyke, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving Resolutions #2014-78, & #2014-79 as follows, the minutes of the July 2, 2014 regular meeting and the bills list dated 8/6/14:

RESOLUTION NO. 2014-78

EXTENDING THE GRACE PERIOD FOR THE 3RD QUARTER 2014 TAX INSTALLMENT

WHEREAS, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed to the date taxes are due.

WHEREAS, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2014-2015 tax bills in accordance with the above stated statute.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3rd quarter 2014 property tax installment be August 20, 2014 and that any tax payments received after August 20, 2014 will be assessed interest from August 1, 2014.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on August 6, 2014.

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2014-79

**EXTENDING THE GRACE PERIOD FOR THE 3RD QUARTER 2014 SEWER
INSTALLMENT**

WHEREAS, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2014-2015 sewer bills.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3rd quarter 2014 sewer installment be August 20, 2014 and that any payments received after August 20, 2014 will be assessed interest from August 1, 2014.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on August 6, 2014.

Brenda S. Shepherd, RMC
Borough Clerk

APPROVAL OF MINUTES – Executive Session – June 4, 2014

On motion by Cathy Leach, seconded by Jack Opdyke and carried by favorable roll call vote with Michele Liebttag abstaining, the Mayor and Common Council approved the Executive Session meeting minutes of June 4, 2014.

APPROVAL OF MINUTES – Executive Session – June 18, 2014

On motion by Jack Opdyke, seconded by Cathy Leach and carried by favorable roll call vote with Michele Liebttag and William Sullivan abstaining, the Mayor and Common Council approved the Executive Session meeting minutes of June 18, 2014.

RESOLUTIONS

Resolution #2014-80

Attorney Cruz commented that the NJDOT does this periodically. It is a reaffirmation of the “no passing” zone. This was done in Raritan Township a month and a half ago. Seth A. Grossman noted that it is not instituting new passing zones. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-80 as follows:

RESOLUTION NO. 2014-80

**RESOLUTION SUPPORTING THE USE OF A “NO PASSING ZONE” ON ROUTE 29
IN THE BOROUGH OF FRENCHTOWN AS RECOMMENDED BY THE NEW JERSEY
DEPARTMENT OF TRANSPORTION.**

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic Investigation on Route 29 in the Borough of Frenchtown; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 29 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along (US) (NJ) Route 29.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that it supports the use of a “No Passing Zone” on Route 29 in the Borough of Frenchtown as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as required.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on August 6, 2014.

Brenda S. Shepherd, RMC

Borough Clerk

ORDINANCES

Ordinance #749 – Ordinance #749 -an ordinance naming that street internal to the River Mills development on that property shown as block 34, lot 1 on the Borough of Frenchtown tax map as “River Mills Drive.” (Introduction)

Attorney Cruz noted that the developer of River Mills requested the internal road be named River Mills Drive. Naming of a street can only be done by ordinance. He asked that the developer obtain consent of the county dispatch, the Fire Department, the Tax Assessor and Post Office. They have submitted letters from everyone except the Post Office who indicated that they had no objection and we are welcome to name the street. We wanted to make sure there is no duplication of names or confusion for emergency responders. Seth A. Grossman noted that the street is the alleyway from Bridge Street to Second Street by Alchemy. He took the liberty of asking if it ever had a name. No one has ever heard that it was anything other than the alley. Michele Liebtag noted that Mike Atheras said it was Park Street. William Sullivan commented that the tax map shows it as unnamed. On motion by William Sullivan, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #749 as follows:

**BOROUGH OF FRENCHTOWN
ORDINANCE NO. 749**

AN ORDINANCE NAMING THAT STREET INTERNAL TO THE RIVER MILLS DEVELOPMENT ON THAT PROPERTY SHOWN AS BLOCK 34, LOT 1 ON THE BOROUGH OF FRENCHTOWN TAX MAP AS “RIVER MILLS DRIVE.”

WHEREAS, there currently exists a development under construction in the Borough of Frenchtown on Block 34, Lot 1 (“Property”) as shown on the Tax Map of the Borough and commonly known as River Mills; and

WHEREAS, the Borough Common Council finds it to be in the best interest of the Borough, and to avoid confusion, to name that street internal to the Property and the River Mills development as “River Mills Drive”; and

WHEREAS, through the naming of this street, the Borough is not and will not accept “River Mills Drive” into its streets and roads system because “River Mills Drive” is and will remain a private street.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Borough of Frenchtown, in the County of Hunterdon, and State of New Jersey, that the street internal to the Property and the River Mills development is hereby named as "River Mills Drive"; and

BE IT FURTHER ORDAINED that through the naming of this street, the Borough is not and will not accept "River Mills Drive" into its streets and roads system because "River Mills Drive" is and will remain a private street; and

BE IT FURTHER ORDAINED that upon adoption of this Ordinance, the Borough Clerk is hereby authorized and directed to forward a certified copy of this Ordinance to the Borough Engineer, the Borough Police Department, the Borough Fire Department, the Post Master of the local post office, the County of Hunterdon and the New Jersey Department of Transportation; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon adoption and publication according to law.

Ordinance #750 – An ordinance authorizing the Borough of Frenchtown to accept a deed for the property commonly known as block 14, lot 52 as shown on the Frenchtown tax map; a public access easement through block 34, lot 1 as shown on the Frenchtown tax map and a deed restriction for four (4) affordable housing rental units, units 2a, 2b, 2c and 2d, on the property shown as block 34, lot 1 on the Frenchtown tax map from Frenchtown Bridge Street, LLC. (Introduction)

Attorney Cruz noted that this ordinance is for the open space lot, the public access easement through the development to the river and the 4 affordable housing units. All of these documents are in possession of the Borough or recorded or sent for recording. The public access easement and affordable housing units are recorded. The Municipality can only accept conveyance of property by ordinance. Seth A. Grossman noted that we will adopt the ordinance at next month's meeting. Attorney Cruz noted that the public access easement was required by Planning Board approval and the Redeveloper's agreement for the sidewalks and streets. On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #750 as follows:

AN ORDINANCE AUTHORIZING THE BOROUGH OF FRENCHTOWN TO ACCEPT A DEED FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 14, LOT 52 AS SHOWN ON THE FRENCHTOWN TAX MAP; A PUBLIC ACCESS EASEMENT THROUGH BLOCK 34, LOT 1 AS SHOWN ON THE FRENCHTOWN TAX MAP AND A DEED RESTRICTION FOR FOUR (4) AFFORDABLE HOUSING RENTAL UNITS, UNITS 2A, 2B, 2C AND 2D, ON THE PROPERTY SHOWN AS BLOCK 34, LOT 1 ON THE FRENCHTOWN TAX MAP FROM FRENCHTOWN BRIDGE STREET, LLC.

WHEREAS, Frenchtown Bridge Street, LLC ("Developer"), the developer of River Mills, is required by the Redevelopers Agreement with the Borough of Frenchtown to convey Block 14, Lot 52 as shown on the Frenchtown Tax Map to the Borough; and

WHEREAS, the Developer is also required by the Redevelopers Agreement to grant a Public Access Easement through Block 34, Lot 1 as shown on the Frenchtown Tax Map; and

WHEREAS, the Developer is further required by the Redevelopers Agreement to designate four (4) units within River Mills as affordable rental apartments, Unit 2A being a two-bedroom low income rental apartment; Unit 2B being a three-bedroom low income rental apartment; Unit 2C being a two-bedroom moderate income apartment; and Unit 2D being a two-bedroom moderate rental apartment on the property shown as Block 34, Lot 1 on the Frenchtown Tax Map; and

WHEREAS, the Developer tendered to the Borough the necessary Deeds and Easement to accomplish these conveyances.

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

1. Through this Ordinance, the Borough of Frenchtown is authorized to accept a Deed conveying Block 14, Lot 52 from Frenchtown Bridge Street, LLC.

2. Through this Ordinance, the Borough of Frenchtown is authorized to accept a Public Access Easement through Block 34, Lot 1 from Frenchtown Bridge Street, LLC.
3. Through this Ordinance, the Borough of Frenchtown is authorized to accept a Deed Restriction for four (4) affordable housing rental units, Units 2A, 2B, 2C and 2D on Block 34, Lot 1 from Frenchtown Bridge Street, LLC.
4. This Ordinance shall take effect upon adoption and publication according to law.

NEW BUSINESS

Approval of reservation of rights letter to the Borough's insurance company

On motion by Cathy Leach, seconded by Michele Liebtag and carried by favorable voice vote, the Common Council approved the reservation of rights letter to the Borough's insurance company.

Approval of contract for Veterinary Services

Michele Liebtag noted that because we are using Animal Control Solutions, once they respond to a call in Frenchtown, the animal will be brought to this veterinary service group. It is a partner contract for Animal Control Solutions. Attorney Cruz stated that you are agreeing if the owner does not pay the fee, the Borough would be responsible for it. On motion by Michele Liebtag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Common Council approved the contract for veterinary services with Mobile Veterinary Service and Clinic, LLC and Voorhees Corner Veterinary Clinic LLC. for 2014.

Approval of additional 2014 appointments

On motion by Cathy Leach, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Common Council approved the additional 2014 appointments:

Brenda S. Shepherd - Right-to-Know Coordinator

Michael Atheras - 9 1 1 Coordinator

Approval of purchase of curtains for the Borough Hall meeting room

Seth A. Grossman stated that Councilman Sullivan worked very hard on this. Seth A. Grossman added that Bonnie Pariser worked with him on this and we are proposing a purchase from overstock.com in the amount of \$1,066.00. The ones that he and Bonnie Pariser agreed to are the golden wheat color ones. Responding to Michele Liebtag, Seth A. Grossman noted that they are not striped and they are longer than the oversized window. They are the cheapest and easiest to obtain and they will hold up. The funds will come out of the Buildings and Grounds budget which we do have the funds for. Responding to Cathy Leach, Seth A. Grossman stated that the curtains can be returned. Cathy Leach commented that her only concern is that they need to be dry cleaned.

On motion by Cathy Leach, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Common Council approved the purchase of curtains for the Borough Hall meeting room from Overstock.com in the amount of \$1,066.00. Seth A. Grossman thanked the Council.

Approval of Social Affairs Permit for Frenchtown American Legion Post 113 for August 30, 2014 from 1:00 – 8:00 pm

On motion by Cathy Leach, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Common Council approved the Social Affairs Permit for Frenchtown American Legion Post 113 for August 30, 2014 from 1:00 – 8:00 pm.

Fire Prevention Official

Michele Liebtag noted that the Administrative Committee talked about it and she needs to have a conversation with Attorney Cruz to move forward. We have a candidate that Jerry Hoffman recommended. The Mayor was in agreement to have this candidate serve through the rest of the year. He is not a Frenchtown resident and is serving as a part time fire inspector in a neighboring municipality.

Approval of Administrative Agent contract

Seth A. Grossman noted that this is a contract to provide administrative agent services for the Borough as required by COAH. William Sullivan noted that Frenchtown is one of the few certified municipalities in the old standards of COAH. Attorney Cruz noted that the Administrative Agent qualifies the potential tenants and owners of property and markets these properties consistent with the COAH requirements. Clerk Shepherd noted that the former Administrative Agent has retired. On motion by William Sullivan, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Common Council approved the Administrative Agent Contract with Norwescap Inc. for Administrative Agent Services in the amount of \$150.00 per hour.

OTHER NEW BUSINESS

Referring to the new operations buildings of the sewer plant, Jack Opdyke noted that the countertops are not sufficient for the chemicals we will be using. Sewer Plant Operator Victor Gilardi is requesting soapstone countertops be installed in the new lab area. It would be installed by a third party rather than having Tomar install the less than sufficient countertops. Tomar agreed to let the third party come in and install them. Victor Gilardi has obtained a quote from Solid Timer Construction in the amount of \$2,890.00. Responding to Seth A. Grossman, Jack Opdyke noted that the funds will come from the sewer operating budget. The Borough can request a credit from Tomar. Attorney Cruz noted that the engineer will prepare a change order to reduce the contract. Responding to William Sullivan as to requirements for more than one quote, Attorney Cruz noted that it is below \$2,900.00 and is not required. On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Common Council approved the purchase and installation of soapstone countertops for the new sewer plant lab area at a cost not to exceed \$2,900.00.

OLD BUSINESS

Recycling – Food Waste recycling

Michele Liebtag reported that she is setting up a date with the vendor to talk about food waste pick up or disposal. She is hoping to get together next week. The Green Team was awarded a grant and was looking at doing a food waste composter but that cost is over the grant amount. We are looking at other options and working with the Green Team.

Wastewater Treatment Plant Facility update

Jack Opdyke noted that the good news with the Wastewater Treatment Plant is that we are getting near. At the last meeting on Monday, the contractor is planning a full scale clean water testing on

August 15th and a full wastewater test on August 20th. They will be recycling back into the old system before it goes into the river. Not long after that, Victor Gilardi will introduce the seed. We are looking at a possible full operation by the end of the year. They have made progress and are much more cooperative. The meetings have been less contentious and more productive. There are issues with the road. They made a major effort to clean it up. Seth A. Grossman noted that Marty Howard wrote a letter about the parking of their vehicles on his private property. Jack Opdyke responded that the contractor has decided that cooperation was the better way to go. They do not allow their employees to eat lunch out there anymore and they are moving their vehicles inside the plant. He asked Victor Gilardi to talk to Marty Howard. Ultimately, the road will be tore up to put in water line. One of the issues that comes up is the question of where is the right of way so we know what to restore. Attorney Cruz noted that he did see an email from Marty Howard after the meeting where he expressed pleasure and was thankful that the Mayor and Council did take action to mitigate those activities that were going on. He agrees that someone should call Marty Howard.

As to the sewer rate committee, Seth A. Grossman stated that we were suppose to meet a month ago but because of vacation schedules, we have not met. He keeps hearing about the rates. Jack Opdyke responded that he can get in touch with Adam Liebttag. He has been so focused with the Wastewater Treatment Plant but has not heard anything on the rates. Seth A. Grossman stated that we need to address some of these issues. Michele Liebttag noted that there is a sewer advisory committee meeting this Friday at 7:30 am at Borough Hall. The last meeting was in June that Seth A. Grossman ran.

Frenchtown Bridge Street LLC

Seth A. Grossman noted that we introduced the two ordinances this evening. Responding to Council as to when they will start construction, Jack Opdyke commented that the building permits have not been issued. Attorney Cruz noted that they are close to being issued.

As to the Eighth Street property, Attorney Cruz noted that the Council agreed to hire a planner. It is before the Planning Board. By the end of August, the Planner will have the report prepared.

Hilltop Streets

Seth A. Grossman noted that this was discussed earlier in the meeting.

COUNCIL PRESIDENT COMMENTS

Creek project

Seth A. Grossman noted that from the information he received from Engineer Burr, the property owners were in agreement to pay certain costs. In his memo, he stated what the costs were. Engineer Burr is pursuing that reimbursement from the property owners.

Ridge Road

Seth A. Grossman noted that Engineer Burr sent a letter about the project. We have until December 2015 to have a signed contract. The project has to be engineered and bid specs have to be put together and then we can go out to bid. This could happen this fall if the Borough wants so we could have the project completed in the spring. We will discuss it at the next meeting.

COUNCIL COMMENTS

Michele Liebtag noted that the Police Department report is in the Council packets. It is official that Patrolman David Voll is gone as of July 31st. She also reported that Chief is re-cooperating and doing well after surgery.

CORRESPONDENCE

None discussed.

EXECUTIVE SESSION

Litigation - TD Bank, NA, v. Borough of Frenchtown – Real Estate Tax Appeals for 2012, 2013 & 2014

On motion by Jack Opdyke, seconded by Michele Liebtag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:39 pm and approved Resolution #2014-81 as follows:

RESOLUTION #2014-81

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) Litigation - TD Bank, NA, v. Borough of Frenchtown – Real Estate Tax Appeals for 2012, 2013 & 2014
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

5. This Resolution shall take effect immediately.

The Council came out of executive session at 9:02 pm.

ADDITIONAL COUNCIL PRESIDENT COMMENTS

Seth A. Grossman commented that his Buildings and Grounds budget was almost gone. He learned that Council should get print outs that shows what your budget line item is and ask for a printout of what costs have occurred throughout the year. If you are promising to get things done and you think you had money in the budget, you can review your expenses.

Seth A. Grossman added that we adopt our budget later in the year so by July when we adopt our budget, your line item could be severely affected. You may find that very few funds are left. There are always expenditures that happen. If you want something done before the budget is adopted, get it put in the temporary budget by March. Seth A. Grossman stated that he wanted to share that with Council so that Council can be aware of what they are spending. You have to be aware of what you are spending. In our form of government, the commission assumes certain executive powers over the budget. He worked with the CFO and Mayor and we put in a significant amount of time.

ADJOURNMENT

Being no further business to come before the Council, the meeting was adjourned at 9:05 pm on motion by William Sullivan, seconded by Jack Opdyke and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk