

### **CALL TO ORDER**

Mayor 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 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 September 3, 2014.

### **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  
Jack Opdyke  
William Sullivan

Absent from Meeting:

Cathy Leach

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

### **PUBLIC HEARING**

**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.”**

The Mayor and Common Council approved to open the public hearing on Ordinance #749 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #749 by favorable voice vote.

**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.**

The Mayor and Common Council approved to open the public hearing on Ordinance #750 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #750 by favorable voice vote.

### **PUBLIC COMMENTS**

The Council approved to open the public comment session.

John Anderson of JCP&L stated that a lot of this year has been spent refining processes. One item being addressed is road openings during storms. They have a plan in place to make road openings a priority. There will be crews getting roads opened. This is a higher priority so roads are passible for first responders. Mr. Anderson added that they have the critical facilities list updated which

includes this building. They will work with Frenchtown OEM to make any critical facility a priority if effected. Lastly, JCP&L is working on estimated times of restoration. When there is a storm rolling through, you may see that the estimated time of restoration is not known. There is a tremendous amount to be accessed with storm damage. Once we have a global population calculation, the data base will reflected the estimated time of restoration. We are managing the process. Technology is moving quickly and it is all positive. We are increasing communication and trying to provide information. Robb Arent commented that JCP&L did a great job cleaning up the trees after Hurricane Irene and the October snowstorm and that is the reason we did not lose power after Super Storm Sandy. John Anderson noted that the work is never done and it is an ongoing process. What we learned from Irene, the October snowstorm and Sandy makes us a better company. The outage notifications are not going to the general public. Mayor and Council members receive emails when 100 customers or greater are effected. There is a significant cohesiveness within the county. This improves communication. He thinks it is working. Mayor Cooper commented that the Borough appreciates it. Council thanked Mr. Anderson.

Skye Van Saun of Eighth Street noted that she was at the Riverfest and one of the booths had information about the PennEast pipeline. She also read in the paper that some of the municipalities are directly affected and are having trouble getting people from PennEast to come to give them information. Evacuation areas are within a certain number of miles. This means that Milford and Frenchtown, etc. would have to be evacuated. Skye Van Saun asked that Frenchtown get them to speak to us. Mayor Cooper noted that he has been in touch with the company that represents PennEast and asked them to appear at our October 1<sup>st</sup> meeting so they can provide information to the community on what they intend to do. The actual pipe lines does not come through Frenchtown. The easement is in Frenchtown. There are a lot of other concerns. We will let everyone know.

Dorsey Reading, property owner, noted that he has a petition signed by a group of people from the corner of Trenton Avenue, Race Street and Bridge Street. He asked Council to consider lowering the time limit to 15 minutes or a half hour for the four parking space in front of the motorcycle parking area. This would allow tenants to be able to unload groceries or to allow trucks to make deliveries. On the back of the petition is the streetscape information. Some of the people would benefit greatly from short term parking. Dorsey Reading gave Council the petition. Mayor Cooper stated that the Council will discuss it in October. We will have the Police Chief look at it and provide his comments.

John Mathieu, owner of the launderette, noted that he was proposing to close the launderette. He emailed a proposal to Robb Arent and ask if his proposal was presented to the Council. He does not know how much water the launderette uses. He could bring manufacturers here to tell you how much machines use. Mayor Cooper noted that the commercial operations in town pay different sewer fees than individual residents. Some formula is used to say how much each entity pays as a sewer fee. John Mathieu added that the fee is \$750 per sewer unit. A sewer unit is one resident. Town takes a use and assigns a unit or partial sewer units to the use. Mayor Cooper noted that Laundromats get charged a certain number of sewer units and you feel that number is incorrect and you would like the Council to look at that. John Mathieu responded that he would like to meter the laundromat for 30 days and it will tell you how many gallons of water is used in that month. Then, he is asking to take the number of gallons that are assigned to one sewer unit and divide it into the number of gallons used in one month. According to the EPA unit, an average household uses 300 gallons a day minus 30% for such things as watering the lawns, washing cars, etc. It comes down

to 210 gallons a day. Therefore, you would take the 6,300 gallons and divide it into the total consumption of the laundromat and that would give you the sewer units to be charged. The Laundromat is on a well. He would pay to install a non resetable water meter. He asked that the Council consider this proposal and his proposal to determine how it would be billed. Mayor Cooper noted that John Mathieu was going to close the Laundromat because of the sewer billing. Robb Arent added that at his request, John Mathieu held off closing the Laundromat so we had an opportunity to discuss Mr. Mathieu's proposal.

Anthony Grecco, resident and business owner, noted that he has a restaurant and is also paying heavy sewer billing at 3.5 units. He asked Council to look at restaurants as well. Mayor Cooper noted that the Sewer Advisory Committee has been working on the new sewer rate proposal. John Mathieu noted that the current ordinance has a specific number of units for laundromats. It is its own category.

Greg Crance, President of Delaware Tubing, thanked Frenchtown for working with them, especially the Police Department. They had a few break downs and the Police Department was very helpful. They are working with Kingwood Township. Mr. Crance noted that Riverfest was fantastic. He thanked Frenchtown and the Police Department again and stated that if anyone has any concerns to please address them and they will work with the community.

Adam Liebttag, resident of 21 Fifth Street and Sewer Advisory Committee chairman noted that he cannot stay for the whole meeting but wanted to report that the Committee is ready to move forward with the new rate system. The Ad Hoc Sewer Rate Committee report included a full compliment of representation from residents and business owners. Council adopted that report. The committee did not follow through and is now ready to do that. It is part of the bond strategy, to maintain our commitment. We lost time over the summer. We proposed an aggressive and ambitious time table. For the next meeting, we will have a draft ordinance to you by the end of September. He would urge Council to get working on that. There will be a lot of public outreach and education that has to happen. There will be a flat rate to every user and a usage rate based on consumption. It may or may not affect the laundromat or restaurants. In order to start the process, the committee will put it to the Council. Beginning in 2015, we will be ready to enact it. The second thing discussed is that there are development projects that will have a sewer impact. The Committee has to discuss the development impact. River Mills had a sewer component and we need to understand the revenue. He asked Council to allow him to interface with the Borough Attorney or the Planning Board Attorney so we can understand that component. We need to know how much revenue will be coming in so we can determine the flat rate portion. Robb Arent noted that Attorney Cruz and he reviewed the developer's agreement. Adam Liebttag noted that Robb Arent is not on the Sewer Advisory Committee and asked Council if Robb Arent can sit on the sewer advisory committee. Council consented.

Referring to the launderette, Adam Liebttag noted that the launderette provides a vital service to the town and we would not like it to close but we are not inclined to change the ordinance now when we know we will change it in the near future. Perhaps this is a good compromise but at a minimum, speaking for himself and not the committee, he likes data and we wanted to make decisions on data and not what someone may remember from 20 years ago. Mayor Cooper asked if there was a recommendation on how the rate would be handled with the launderette and possible metering. Adam Liebttag noted that in the Ad Hoc Report, any user noted tied into the water system, would either install their own meter and provide data or we would use an average of the

data we collected and apply that number to that. If someone does not agree with the average number, they can install a water meter. William Sullivan noted that in Brick Township, they only use flow meters and if you want to install a secondary flow meter for car washing, lawn watering, etc., you can get that data. Has the committee thought about getting that type of water information from the water company? Adam Liebttag stated that they are having a meeting on the 12<sup>th</sup> of September and he would like to nail down how we are dividing units, and how we phase into this. How we go from the current usage system to the majority of the fees as usage is prudent. He also thinks we should give residents and businesses a chance to tighten up faucets, install water control features, etc. to minimize their usage and we should give them time to do that. This is a phase in the process. He does not know if we want to go with the costs and the effort of getting all the water data for the entire year. Robb Arent has some data from multiple years. We will bring back our suggestions. Mayor Cooper commented by involving Robb Arent, we do not have to address your other questions. Jack Opdyke noted that he has missed several meetings due to scheduling and added that Robb Arent knows how much time he has put in on that and has done a great job with the statistics and all the data. Diane Laudenschick noted that the committee asked for the addresses to be separate out but she has not gotten an answer. The Water Company does it by account numbers. Adam Liebttag noted that they are still trying to figure that part out.

Having no other comments, the Council approved to close the public comment session.

## **DEPARTMENT HEADS REPORTS**

### **Finance**

Chief Financial Officer Diane Laudenschick presented the attached report.

Responding to the Mayor, Diane Laudenschick noted that she has concerns with the current finance program as there is no way to generate specific reports. Edmonds is able to provide date driven reports. Vital, our current program, only had a report showing a check register and bills list which only includes the current year and the prior year. Edmonds will go back forever. Diane Laudenschick noted that she provided a capital improvement ordinance for the Council to consider. She would like to start the new program at the beginning of the year. She uses this program in other municipalities. Robb Arent noted that there is a balance remaining in the original capital improvement ordinance for this program. The difference is the additional funding from sewer. We do not have a sewer authority so the sewer department is run through the Borough. Diane Laudenschick pays the sewer bills through that program. Mayor Cooper noted that the Council could introduce the ordinance this evening and adopt it in October.

Mayor Cooper noted that the Borough can adopt a system wherein the taxpayers can pay the Borough through a credit card system or cut a check to the Borough. This particular company uses convenience fees which is a service charge paid by the fee payer or taxpayer. The fee is 2.5% or a minimum charge of \$3.00.

Responding to Mayor Cooper, CFO, Diane Laudenschick noted that as to the fixed assets list, the police and fire department still need to provide one. Mayor Cooper noted that Sewer Plant Operator, Victor Gilardi insists that he does not have anything that crosses the \$5,000.00 threshold value at this time but will when the new plant comes on line. Diane Laudenschick noted that the fixed assets list is a repeated recommendation in the audit and she has been working an entire year to get those lists.

As to SRECS, Mayor Cooper noted that Engineer Timothy Bradley was filing the paperwork. Diane Laudenbach commented that the Borough has not had any revenue yet. She added that once you are registered, there is no reason to pay a professional to input the usage figures.

### **Tax Assessor**

Tax Assessor David Gill provided the attached report which includes the summary of the tax book, the average residential unit with assessment including the ratio, a comparison of the tax rates and expenditures.

Mayor Cooper commented that the Tax Assessor's website is an incredible source of information. Responding to Mayor Cooper, David Gill noted that the ratios establish whether your assessments are correct. The Borough went from 78% to 98%. The ratio tells whether the town needs to reassess. If you go over 100%, the town would be over assessed. He added that he has provided the tax rate breakdown over the years. Responding to Mayor Cooper, David Gill noted that the assessment is not done per pupil for the schools. Mayor Cooper noted that every year, the portion of taxes paid for the high school fluctuates. If you keep your assessment close to 100%, the better off you are. You are likely to stay about the same unless another town puts you out of place. Mayor Cooper noted that this is why you will never get a year when municipalities will change to a per pupil basis. Robb Arent commented that he finds it interesting that in 2014, the tax rate is \$2.92 per hundred and only .70 comes to the local government, \$1.26 goes to the district school and the regional school is not too far behind the local government.

David Gill noted that the deed transfers for 2013 and 2014, shows 58 properties changed hands. This is shown on the website as well as the building permits issued by Block and Lot. If building permits are not closed out within a certain period of time, an inspection is done and if the property owner is using the new construction, he takes the assessment back to January 1<sup>st</sup>. Information on the last sale, details of the house, square footage, and tax dollar is at the bottom.

Responding to Mayor Cooper as to tax appeals, David Gill noted that the Borough has 2 or 3 per year and the Borough is usually successful. He can send a report. If a tax appeal is filed, he does an appraisal after he inspects. Hunterdon County use to require an appraisal. He uses a sales grid and takes this house and compares it to other sales. It does not work well with commercial properties. David Gill noted that he buys his own equipment and programs and would like to see if the town will contribute toward that. He likes to replace his computer every two or three years.

### **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.

Mayor Cooper asked CFO Diane Laudenbach to explain this resolution. Diane Laudenbach noted that when Flemington Borough set up a new account with TD Bank, the State set up there automatic debt for pension and debited our pension payments from Flemington's account. We do not owe the state money. The Auditor, also Flemington's auditor, recommended reimbursing Flemington Borough. There is no additional expense to the Borough. We have the money in our account outstanding to someone.

On motion by Seth A. Grossman, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving Resolution #2014-82 as follows, and the bills list dated 9/3/14 attached:

**RESOLUTION NO. 2014 – 82**

**REFUND ERRONEOUS PAYMENT TO BOROUGH OF FLEMINGTON**

**WHEREAS**, at the end of 2010 and the beginning of 2011, the State of New Jersey had entered a wrong digit in the account number from which to debit the Borough's PFRS payments, and

**WHEREAS**, there has been remaining outstanding payments due to the State of New Jersey PFRS in the amount of \$ 32,825.27 on the payroll account reconciliation, and

**WHEREAS**, numerous attempts have been made to resolve the issue with no success, and

**WHEREAS**, calls to the State of New Jersey Division of Pensions and Benefits have resulted in a response that no payments are due from the Borough of Frenchtown for their PFRS payments, and

**WHEREAS**, the Borough of Flemington and the Borough of Frenchtown now employ the same auditor, and

**WHEREAS**, the Borough of Flemington is requesting the Borough of Frenchtown reimburse them for the erroneous payments deducted from their account by the State of New Jersey PFRS, and

**WHEREAS**, the Chief Financial Officer has received proof of the payments remitted for the Borough of Frenchtown PFRS by receiving copies of the bank statements for the Borough of Frenchtown.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a reimbursement to the Borough of Flemington, 38 Park Avenue, Flemington, New Jersey, 08822 in the amount of \$32,825.57.

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WARREN E. COOPER, Mayor

Attest:

September 3, 2014

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Brenda S. Shepherd, RMC  
Borough Clerk

**PRESENTATION OF VOUCHERS**

**Current Fund - Opdyke voucher**

On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote with Jack Opdyke abstaining, the Mayor and Common Council approved the Current Fund Opdyke voucher attached to this set of minutes.

**APPROVAL OF MINUTES**

**Regular Meeting – August 6, 2014**

On motion by Seth A. Grossman, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the minutes of the Regular Council meeting of August 6, 2014.

**RESOLUTIONS**

**Resolution #2014-83 – Audit Resolution**

On motion by Robb Arent, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-83 as follows:

**BOROUGH OF FRENCHTOWN  
RESOLUTION 2014-83**

WHEREAS, NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Audit Report for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorizes the Local finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the Members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendation”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as state aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of RS 52:27BB-52 to wit:

RS 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined

not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Common Council of the Borough of Frenchtown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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Warren E. Cooper, Mayor

Dated: September 3, 2014

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown do hereby certify that this is a true copy of the Resolution passed at the meeting held on September 3, 2014.

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2014-84 – Resolution authorizing the Borough of Frenchtown to enter into a Cooperative Pricing Agreement**

Mayor Cooper noted that this would afford the Borough the opportunity to get goods and supplies that the County would get. There is no additional cost to do so. On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-84 as follows:

**Resolution 2014-84**

**A RESOLUTION AUTHORIZING THE BOROUGH OF FRENCHTOWN TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreement for its administration; and

WHEREAS, the **County of Hunterdon**, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on September 3, 2014 the governing body of the Borough of Frenchtown, County of Hunterdon, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of

the Borough of Frenchtown

**AUTHORITY**

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

Borough of Frenchtown

By: \_\_\_\_\_  
Warren E. Cooper, Mayor

ATTEST:

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

**ORDINANCES**

**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.” (Adoption)**

On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption 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. (Adoption)**

On motion by Seth A. Grossman, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #750 as follows:

**BOROUGH OF FRENCHTOWN  
ORDINANCE NO. 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.**

**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**

### **Fire Prevention Official -**

Michele Liebttag noted that the Council spoke about this briefly last month. Jerry Hoffman recommended an individual to replace him. We are recommending William Majewski to fill the position until the end of the year. Mr. Majewski currently serves Alexandria Township, and Franklin Fire District. He has years of municipal experience. He went through the background check. He would be paid at the same rate as Jerry Hoffman, at a prorated annual salary starting from September 3<sup>rd</sup>. Responding to Council, Michele Liebttag noted that he is serving as part time fire official based on the needs of the town. He would have office hours and do inspections. Most frequently are the inspections for the sale of homes. Mike Atheras has been graciously assisting the Borough. On motion by Michele Liebttag, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-85 as follows:

### **RESOLUTION No. 2014-85**

#### **Appoint a Fire Prevention Official for the Borough of Frenchtown**

**WHEREAS**, the Borough Council of the Borough of Frenchtown shall require the services of a Fire Prevention Official effective September 3, 2014 until December 31, 2014; and

**WHEREAS**, there will be no health benefits, no sick, vacation or compensatory time for this employee; and

**WHEREAS**, the Borough of Frenchtown has reviewed Gunther A. Majewski's application and qualifications, and has found them all to be acceptable; and

**WHEREAS**, the Frenchtown Borough Chief of Police has run a motor vehicle check on Gunther A. Majewski and found it acceptable; and

**WHEREAS**, a background check was performed on Gunther A. Majewski and was found to be acceptable; and

**WHEREAS**, the Chief Financial Officer has determined that there are sufficient funds available in the Fire Prevention Official's budget to pay for this employee.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, effective September 3, 2014, Gunther A. Majewski be appointed as Fire Prevention Official at a prorata annual salary rate of \$5,000.00.

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Warren E. Cooper, Mayor

ATTEST:

September 3, 2014

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Brenda S. Shepherd, RMC  
Borough Clerk

### **Parking downtown**

Mayor Cooper noted that we have gotten a request from Dorsey Reading. Mayor Cooper recommended holding off on the discussion to review the materials. Seth A. Grossman commented that he is glad to see that Dorsey Reading talked to the neighbors and got a petition. It would be good to see some of those people show up to reaffirm the petition. Michele Liebttag commented that Council should share it with the police and get back comments. Jack Opdyke added that the police would have to be very active in this if we do it. Parking rules are of no value if no enforcement is done.

### **Annual Contract with Rivernet Computers**

Mayor Cooper stated that the contract is at the same price. We heard from Diane Laudenschach about an alternative. He is recommending postponing making a decision until the next meeting. Mayor Cooper added that he would like Rivernet to continue for a month until Council discusses it. William Sullivan noted that Rivernet gives us drop in visits and has done an outstanding job with the website. Robb Arent noted that he talked to Dave and they provide two onsite visits at no charge. They do not consider going to the Police Department an onsite visit. Their access is 24 hours a day and we have their cell phone numbers. There is enough they do beyond what is in writing and they are local. They also do the website at no cost. This all making continuing with them worthwhile.

### **Closing of Laundromat**

Robb Arent noted that although he always thought Bridge Street would look better without a Laundromat, there are a lot of people that utilize it. John Mathieu proposed something with the Sewer Advisory Committee. At some point, we needed to put in some system of billing so we pulled the EPA numbers. At that time, laundromats used a certain number of units per machine. Machines have become more water efficient since that time. The Ad Hoc Sewer Committee

recommended a blended rate. Robb Arent commented that he think John Mathieu's proposal is worthwhile to look at. His formula is reasonable based on calculations of usage for a month. Robb Arent stated that the first thing is for John Mathieu to put in flow meter. Mr. Mathieu is willing to take that risk. William Sullivan commented that the Council has the authority to adjust the ordinance if it feels the number should be changed. The Council will look at the data for this specific business at this point. We are currently in the process of adjusting everyone. He asked if the month of September is average for water usage? John Mathieu noted that September is an average month. Jack Opdyke asked if 30 days is long enough to monitor the water flow? Mayor Cooper noted that the Ad Hoc Sewer Committee picked one quarter of the year for usage data and 30 days may not be enough to get a good reading. Mayor Cooper added that while he agrees that this particular business is of great importance to the residents in town, he is concerned that we will interfere with the market place. It is a cost of doing business. If there is a cost that effects your business, you have do to something about it whether it is to change your costs, raise your prices, eliminate the number of machines, etc.

Mayor Cooper stated that a business man is also responsible for his business's success and should not ask government to help out. He is looking at it from the governing body's role. Responding to William Sullivan, Mayor Cooper noted that the Ad Hoc Sewer Committee is doing a fee schedule that will include water usage. He added that during his campaign, his recommendation was to do to water usage. Robb Arent noted that the recommendation from the Ad Hoc Sewer Committee was a blended rate. What John Mathieu is requesting is that we look at his water usage. As a businessman, he is making a decision as to whether it is better to shut down operations and bring in a restaurant into that space because the sewer billing has been issued through the end of May of next year. If Mr. Mathieu does not get relief now, we will lose the Laundromat. There is no one rushing to put in a Laundromat in town. Mayor Cooper noted that there maybe someone that comes into town and puts in a laundromat. He asked if the Borough had a process to do this? Attorney Cruz noted that the Borough would have to change the ordinance in order to rebill. Mayor Cooper noted that the ordinance would not come to Council until after November if the Council decides that September is a good month to monitor the water flow. Seth A. Grossman noted that as to the issue of testing and having been a member of the sewer committee discussing usage and rate, we all see that fairness is important. That does not mean that when the Council sets the rate, it was not fair. This particular issue brings the rate to light. John Mathieu will pay to install a meter and the sewer committee will look at it and see if the ordinance does need to be reviewed or revised. Council consented to have the committee look at that data and make a recommendation.

Robb Arent noted that John Mathieu is not asking Council to make a special consideration. He is asking to take a process and consider it. Attorney Cruz noted that a water meter will be installed. It has to be a certified water meter. Where is it coming from? It has to be calibrated and used for this purpose. John Mathieu commented that it should not be a resettable meter and installation should be inspected by a Borough official so it is installed correctly and in an appropriate place. The town should specify the requirements of the meter. Attorney Cruz recommended that the town should approve the water meter before Mr. Mathieu installs it. You can assign that to the sewer committee. John Mathieu can come up with the specification in writing and the committee approves it. Then, he can install it and will know that it will be data that the sewer advisory committee would accept. You can have Victor Gilardi certify the installation. Adam Liebttag responded that he is willing to have the sewer committee agree to the type of meter to be used and how it will be installed. Robb Arent noted that the report from the Sewer Advisory Committee allowed people to put in meters. Michele Liebttag stated that we want consistently. Attorney Cruz

added that the meters should have specifications. Adam Liebttag noted that the committee serves at the pleasure of the Council and if you want the committee to make those determinations, we can do it. If we need to consult our engineer for an hour and have Victor Gilardi also work with them, he is comfortable with that. Mayor Cooper stated that we want to make sure any future conversion will follow the same pattern. Adam Liebttag noted that they will have to come up with a policy on qualified meters. John Mathieu stated that he does not want to approve to pay for the engineer. If the Borough is going to come up with specifications, it should pay. John Mathieu also stated that he is not willing to wait a year for the new rate system. This test needs to be done so that the existing ordinance can be changed. Seth A. Grossman noted that if we pass an ordinance for a blended rate, we may give people up to a year to do water reservation. We have not decided that. Attorney Cruz stated that if the Borough changes the current ordinance and then the committee makes a recommendation to change it to usage, it would be a second change. Because the committee did not make a full recommendation, this is not a formula that works for the entire municipality and could be a new change. John Mathieu responded that he understands that.

### **Building Department**

Mayor Cooper noted that he sought a three month extension from Lambertville so we could look into addressing changes. That brought us to the end of September. We are in discussions with Alexandria as to a possible shared service and we are also in discussions with Lambertville. Lambertville agreed to extend our agreement another three months. Mayor Cooper noted that he hopes to bring a proposal to Council from both Alexandria and Lambertville at the October meeting under Executive Session. Robb Arent asked that the Council to consider the ongoing inspection with Lambertville for the sewer plant.

### **Ridge Road Improvement Project -**

Mayor Cooper noted that the Borough has gotten a grant from NJDOT for improvements to a portion of Ridge Road to install sidewalks and a new road bed. Do we want to do the project this year or push it to next year. We have to have a signed agreement by January 2015. Engineer Burr recommended that we get some bids in this year. Clerk Shepherd noted that the Borough will need to put a funding ordinance in place or approve preliminary expenses in order to start the project. Mayor Cooper noted that the Council can discuss this at the next meeting.

### **2015 Budget Calendar**

Mayor Cooper noted that we are two thirds of the way through 2014 and we have gotten a report from CFO, Diane Laudenbach. He would like to begin the process for the 2015 budget and start asking department heads for recommendations. We did not get this year's budget approved until late spring.

### **Appointment of Appraiser**

Mayor Cooper noted that the Borough may need to appoint an appraiser for the tax appeal matter. The tax appeal is for 2012, 2013 & 2014. The court gave us a date of October 12<sup>th</sup>. He wants to be prepared with the documentation which might require us to hire an appraiser. The tax assessor is getting 3 quotes for appraisals. We can appoint an appraiser at the special meeting.

### **Approval of the Corrective Action Plan**

On motion by Jack Opdyke, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Corrective Action Plan for the 2013 Audit as submitted by CFO, Diane Laudenbach.

### **Community Garden Potlucks**

Mayor Cooper note that the Community Garden Potlucks would like to resume having potlucks at the Borough Hall. They coordinate the calendar with Clerk Shepherd. Typically, it is the second Thursday of the month. Mayor Cooper requested consent from the Council. Council consented.

### **OLD BUSINESS**

#### **Recycling – Food Waste recycling**

Michele Liebttag noted that she is having a meeting on Friday with Republic Services to discuss our options and what possibilities they can offer us. Mayor Cooper added that he has a call into the State of New Jersey to get an extension for the grant.

#### **Wastewater Treatment Plant Facility update**

Jack Opdyke reported that the clean water start did not occur as promised. He added that Victor Gilardi asked that the plant start not happen until the equipment is working correctly. It is his call. The slide gates are mounted wrong in the oxidation ditch, the knife gates are installed in the opposite position of the flow. There is a check list of things to be corrected from minor things like handrails to major pieces of equipment and there are manuals missing. Engineer Rory McRory is leaving. He wanted to tell everyone thank you. He will be back at Christmas and will stop in. We will miss him. There is another engineer taking his place who seems competent. We will continue working on the checklist. We still have a parking issue.

#### **Hilltop Streets**

Mayor Cooper noted that he met with Attorney Cruz a month ago on how to move forward. He tried to arrange a meeting with the Attorney, Auditor and Engineer before proceeding with the committee but vacations got in the way. He hopes to have more to report on at the meeting.

#### **Eighth Street properties/Area in need of Redevelopment study**

Attorney Cruz noted that the preliminary study has been completed by the planner and there will be a public presentation and public hearing at the September 24<sup>th</sup> Planning Board meeting. The Planning Board attorney is getting ready to send out the proper notices. Depending when the Planning Board acts, it will then come to Council which maybe at the November Council meeting. Mayor Cooper asked Clerk Shepherd to see if the Planning Board attorney could prepare the draft resolution for adoption at the September meeting. Attorney Cruz stated that the planner did find that the properties, except the corner property, meet the criteria for an area in need of redevelopment but because the corner property that has an existing building on it in good stead is needed for the development of that entire parcel, it meets the criteria.

### **COUNCIL COMMENTS**

Michele Liebttag noted that she brought copies of a draft of the recycling newsletter that she will be mailing out. It will include information about the smaller recycling carts being available. There is space on the back of the newsletter for other announcements and asked that if anyone wanted to put additional information in the flyer to let her know. She included the Farmers Market, the Hunterdon County Recycling Program and confirmed the dates for leaf and Christmas Tree pick up.

Michele Liebttag reported that Patrolman Matt Kelly is moving on. He accepted another position

and his last day is Friday. She also reported that Chief Kurylka may be returning to full duty sooner than expected. Chief Kurylka has a recommendation to hire a patrolman. The Council will discuss it in executive session.

Michele Liebtag stated that we are expecting to hear from the Milford Holland Rescue and the Fire Department at the next meeting. The Council will need to discuss the furnace for the Fire Department.

William Sullivan reported that Horseshoe Bend Road is done. We are just waiting for the stripping. The contractor did a great job.

William Sullivan also reported that the Creek Road Bank Stabilization Project should be starting sometime soon. Mayor Cooper noted that the gabion walls are being rebuilt and a detour plan has been submitted and approved. The project was supposed to start this week but will be starting next week.

Mayor Cooper noted that he has been asked by a couple of people about maintenance of a property on Sixth Street. He is not sure if it is a bank owned property. How can we make the property owner take care of the property? Attorney Cruz noted that if the property is in foreclosure, the New Jersey Bankers Association has a hotline and if you call them, they will tell you who the property owner is and hopefully, you can get relief that way. There is a new law that strengthens the ability to pursue the lender. If the Council wants to adopt that type of ordinance, he can look into it. The Council would have to adopt an ordinance that meets the new statutes.

Mayor Cooper reported that Dorsey Reading has been named one of three finalists for the Hunterdon County Planning Board award under the rehabilitation and adaptive use category. The award ceremony is September 29<sup>th</sup>. Council congratulated Dorsey Reading.

Mayor Cooper congratulated Seth A. Grossman for the achievement on the curtains for Borough Hall. Seth A. Grossman commented that he was able to get the curtains 20% cheaper than anticipated.

#### **CORRESPONDENCE**

None discussed.

#### **EXECUTIVE SESSION**

**Contract Negotiations – Local PBA 188**

**Contract Negotiations – Building Code Inspection Services**

**Personnel – Borough police department.**

On motion by William Sullivan, seconded by Michele Liebtag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 10:25 pm and approved Resolution #2014-86 as follows:

**RESOLUTION #2014-86**

**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) Contract Negotiations – Local PBA 188
  - (b) Contract Negotiations – Building Code Inspection Services
  - (c) Personnel – Borough Police Department
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
5. 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.
6. This Resolution shall take effect immediately.

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 September 3, 2014.

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Brenda S. Shepherd, RMC  
Borough Clerk

Council came out of executive session at 10:50 pm.

**OTHER COMMENTS**

Jack Opdyke and Robb Arent noted that they will not be at the October 1<sup>st</sup> Council meeting.

William Sullivan asked if the Mayor was going to be making an appointment to the Shade Tree Commission? Mayor Cooper asked if anyone had any suggestions.

Responding to Clerk Shepherd, Michele Liebttag noted that Clean Up Day is scheduled for October 18<sup>th</sup>.

Clerk Shepherd reported that the Frenchtown Board of Education has scheduled a special election on Tuesday, September 30<sup>th</sup> from 7:00 am to 9:00 pm.

Mayor Cooper asked that a special meeting be scheduled to hire a patrolman for the police department, to appoint an appraiser for the tax appeal matter and to approve the Ridge Road spending plan. Subsequent to discussion, the Council consented to schedule a special meeting on Wednesday, September 17<sup>th</sup> at 6:00 pm at Borough Hall.

**ADJOURNMENT**

Being no further business to come before the Council, the meeting was adjourned at 10:51 pm on motion by Jack Opdyke, seconded by Michele Liebttag and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk