

CALL TO ORDER

Mayor Warren Cooper called the meeting to order at 7:30 a.m. and stated that in compliance with the “Open Public Meetings Act” this Meeting was duly noticed to the Hunterdon County Democrat on December 18, 2014 and the Express Times on December 18, 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 December 18, 2014.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Robb Arent
Seth A. Grossman (arrived at 7:35 am)
Cathy Leach (arrived at 7:34 am)
Michele Liebttag
Jack Opdyke
William Sullivan

Absent from Meeting:

Borough Clerk, Brenda S. Shepherd, was present for the meeting. No members of the public were present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

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

CONSENT AGENDA

All matters listed on the Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving Resolutions #2014-114 and Resolution #2014-116 as follows, and the bills list dated 12/30/14 as attached:

RESOLUTION NO. 2014-114

2014 BUDGET APPROPRIATION TRANSFER

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

Public Works –Salary & Wages
Financial Administration – Salary & Wages
PERS – Other Expense
Planning Board – Other Expense
Water – Other Expense

Telephone – Other Expense
Fire Prevention – Salary & Wages
Municipal Prosecutor – Salary & Wages

WHEREAS, it appears that there will be for 2014 an unexpended balance in the following account:

Legal- Other Expense
Gasoline – Other Expense
Public Works – Other Expense

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

Legal- Other Expense	\$2,500.00
Gasoline – Other Expense	\$2,506.00
Public Works – Other Expense	\$5,700.00

TO:

Public Works – Salary & Wages	\$5,700.00
Financial Administration – Salary & Wages	\$ 600.00
PERS – Other Expense	\$ 5.00
Planning Board – Other Expense	\$3,000.00
Water – Other Expense	\$ 150.00
Telephone – Other Expense	\$ 745.00
Fire Prevention – Salary & Wages	\$ 1.00
Municipal Prosecutor – Salary & Wages	\$ 505.00

Warren E. Cooper, Mayor

Attest:

December 30, 2014

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2014 - 116

REFUND OF STREET OPENING BOND

WHEREAS, the owners of Block 26, Lot 2, Dimitry Levitsky and Mary Levitsky, placed a deposit of \$5,000.00 for a street opening bond for the installation of a gas line to their home, and

WHEREAS, the project has been completed and the owners have requested the bond be returned to them, and

WHEREAS, no additional expenses have been encumbered or are anticipated to be charged to the bond.

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 refund check to Dimitry Levitsky and Mary Levitsky, 24 Fifth Street, Frenchtown, New Jersey, 08825 in the amount of \$5,000.00.

WARREN E. COOPER, Mayor

Attest:

December 30, 2014

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTIONS

Resolution #2014-117– A Resolution consenting in part to the proposed Water Quality Management (WQM) Plan Amendment entitled “Wastewater Management Plan and Future Wastewater Service Area Map Amendment Application”.

The State has put pressure on the County who is putting pressure on us. We do not want to agree to all portions of the proposed Water Quality Management Plan. The plan includes the nursing home area but removed the Thompson property. The Thompson’s objected and we objected on their behalf. In part, we are objecting to that portion of the plan. A year ago, the County wanted the plan approved but Thompson wanted to object. We had a meeting with the State but Thompson did not appear at that meeting. The State is removing that parcel because there may be endangered species on that parcel. Beyond mediating, we did not have a role. Thompson had ten month to respond but did not. The County is asking for a response. On motion by William Sullivan,

seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-117 as follows:

**RESOLUTION #2014-117
BOROUGH OF FRENCHTOWN
COUNTY OF HUNTERDON, NEW JERSEY**

**A RESOLUTION CONSENTING IN PART TO THE PROPOSED WATER QUALITY
MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED AMENDMENT TO THE
UPPER DELAWARE WATER QUALITY MANAGEMENT PLAN AND UPPER
RARITAN WATER QUALITY MANAGEMENT PLAN**

WHEREAS, the Board of Chosen Freeholders desires to provide for the orderly development of wastewater facilities within Hunterdon County; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM Plan; and

WHEREAS, the NJDEP has established the WQM Plan Amendment procedure as the method of incorporating unplanned facilities into a WQM Plan; and

WHEREAS, a proposed WQM Plan amendment noticed in the New Jersey Register on October 20, 2014 for the above Amendment has been prepared by the Hunterdon County Planning Department; and

WHEREAS, the Borough Council is in favor of expanding the sewer service area for Block 18 Lot 39.01, 41, 44, 52 and a portion of 39 in Alexandria Township since these areas are located just outside the Borough of Frenchtown's limits would include an expansion of an existing nursing home badly needed in this area of the County; and

WHEREAS, the Borough Council is opposed to the elimination of Block 16 lot 9 and 13 and Block 17 lot 2 in the Borough of Frenchtown from the sewer service area because the Borough may wish to expand its facilities on Block 16 lot 9 & 13 and the property owner of Block 17 Lot 2 wishes to develop the property sometime in the future and also wishes to conduct a habitat study to determine if there are endangered wildlife as indicated by NJDEP; and

WHEREAS, the above mentioned properties were included in the build out study done for the construction of the Borough's new Wastewater Treatment Plant; and

WHEREAS, the Borough Council does not want to impede the development of the properties located in the aforementioned Block and Lots.

NOW THEREFORE BE IT RESOLVED on this 30th day of December, 2014 by the Governing Body of the Borough of Frenchtown town that:

1. The Borough of Frenchtown consents to the amendment entitled "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP), and publicly noticed on October 20, 2014, prepared by the Hunterdon County Planning Department for the purpose of its incorporation into the applicable WQM Plan(s) for the expansion of the sewer service area for Block 18 Lot 39.01, 41, 44, 52 and a portion of 39 in Alexandria Township since these areas located just outside the Borough of Frenchtown's limits would include an expansion of an existing nursing home badly needed in this area of the County.

2. The Borough of Frenchtown does not consent to the amendment entitled, "Amendment to the Upper Delaware and Upper Raritan Water Quality Management Plans (WQMP), and publicly noticed on October 20, 2014, prepared by the Hunterdon County Department for the purpose of its incorporation into the applicable WQM Plan(s) as the Borough of Frenchtown is opposed to the elimination of Block 16 lot 9 and 13 and Block 17 lot 2 in the Borough of Frenchtown from the sewer service area because the Borough may wish to expand its facilities on Block 16 lot 9 & 13 and the property owner of Block 17 Lot 2 wishes to develop the property sometime in the future and also wishes to conduct a habitat study to determine if there are endangered wildlife as indicated by NJDEP.
3. The above mentioned properties were included in the build out study done for the construction of the Borough's new Wastewater Treatment Plant.
4. The Borough Council does not want to impede the development of the properties located in the aforementioned Block and Lots.
5. This partial consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: December 30, 2014

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Sewer Advisory Committee (Resolution #2014-118)

Jack Opdyke stated that the sewer advisory committee is requesting to have the committee reaffirmed because the current resolution has a deadline of tomorrow. When re-establishing its existence for 2015, there should be no deadline listed. This is the committee made up of the town's people. We have a full membership on the committee. On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-118 as follows:

Resolution #2014-118

Resolution to reconvene the ad hoc Sewer Advisory Committee in the Borough of Frenchtown

Whereas, the Common Council of the Borough of Frenchtown created an ad hoc Sewer Advisory

Committee February 1, 2012 to determine how best to insure the adequacy and basic fairness of the structure of fees; and

Whereas, the Common Council of the Borough of Frenchtown believes it is in the best interest of the municipality to maintain a Sewer Advisory Committee to have its citizens participate and review proposed “best management practices” for the Wastewater Treatment Plant and to review and/or implement new sewer fees, hookup fees, discounted fees for certain groups or during certain periods; and

Whereas, the Common Council of the Borough of Frenchtown believes that the best mechanism for that is to receive input from those citizens by having their direct involvement in developing policy regarding such matters.

Therefore, be it resolved that the Common Council of Frenchtown reestablish the ad hoc Sewer Advisory Committee to make recommendations to the Council regarding their review of the “best management practices” for the new Wastewater Treatment Plant.

Be it further resolved that the committee be comprised of no more than nine members, including the chairman of the Sewer Committee or his/her designee, at least four borough residents, two members of the business community and two others as deemed appropriate by the Common Council. The members shall be appointed by the Mayor with input from Council.

Be it further resolved that the committee be charged with addressing the following concerns: review proposed “best management practices” for the Wastewater Treatment Plant and any other related matters and to review and/or implement new sewer fees, hookup fees, discounted fees for certain groups or during certain periods.

By _____
Warren E. Cooper, Mayor

Dated: December 30, 2014

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Construction Code Services (Resolution #2014-119)

Mayor Cooper stated that we are cleaning up some of the language in the agreement. Lambertville agreed to increase our compensation to 10%. We will revisit how many days Lambertville will be present in Frenchtown based on how things go. This resolution authorizes the shared service agreement with Lambertville for construction services. On motion by William Sullivan, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-119 as follows:

RESOLUTION 2014-119

“Resolution Authorizing the Shared Service Agreement with the City of Lambertville for Construction Services for a Term of 4 years, Beginning July 1, 2014 and Ending June 30, 2018.

NOW THEREFORE BE IT RESOLVED by Mayor and Common Council of the Borough of Frenchtown in the County of Hunterdon in the State of New Jersey, that the Mayor and Council hereby authorize the Shared Service Agreement with the City of Lambertville for Construction Services beginning July 1, 2014 and ending June 30, 2018.

Warren E. Cooper, Mayor

Attest:

December 30, 2014

Brenda S. Shepherd, RMC
Borough Clerk

Borough Insurance Policies

Mayor Cooper noted that the Borough's insurance policies come due every three years. We went out to bid this year and received input from two difference services. Statewide Insurance came in less. It was a 2.7% increase over the past year. He wrote a note to Patty Jones and informed them that the state imposes a 2% cap. He asked her to see if Statewide would be willing to cut it back to 2% increase and they did. We will have those policies for review and will vote on it at the January 7th Reorganization meeting.

OTHER NEW BUSINESS

Jack Opdyke noted that Gerry Case and Victor Gilardi have requests to carry over vacation time and comp time. He had a conversation with Victor Gilardi and the extra time he had was due to the time they spent with Tomar which exceed the time they should have been there. It has to stop. Jack Opdyke stated that he wants to get together with the Sewer Department and split shifts. There is no reason for Saturday to be over time. There will be three months of block schedules with one schedule being Tuesday through Saturday other than for emergencies or vacation. He is not opposed to Victor Gilardi carrying some or all of his comp time. Robb Arent noted that when he was sewer commissioner, Victor Gilardi had been told not to carry this much comp time and it has been ignored over the past three years. He has a problem with carrying this much comp time when he was told three years ago. He does not have a problem with the carrying of vacation time. Cathy Leach commented that the Borough never implemented a comp time policy although we talked about it. Jack Opdyke recommended that the comp time be used within a certain amount of time. William Sullivan stated that a cap should be put on the number of comp time hours. It is two and a half weeks of overtime plus three weeks of vacation time. Victor Gilardi is the manager and a manager should have been able to adjust that. Mayor Cooper stated that he is concerned about the

number of fines that we have had to deal with over the last few years. It seems to be a red flag that attention is not being paid to what we expect him to do. Mayor Cooper stated that he is concerned about giving a blanket approval to carry comp time when he was told three years ago. We would be condoning it. Michele Liebttag stated that she agrees with Cathy Leach that there is no policy. Any approval should be conditioned on no further approval of comp time without permission of the commissioner. Mayor Cooper noted that during the past year, Victor Gilardi has regularly accumulated comp time. Robb Arent noted that according to the handbook an employee may request to carry a maximum of one week vacation.

Robb Arent noted that a few years ago, Attorney Cruz gave us a template for a comp time policy. Comp time has been an understanding of what we developed and it was never codified. Mayor Cooper commented there has not been a sufficient amount of time for us to devote to make that happen. Michele Liebttag and Seth A. Grossman have been on the administrative committee and this policy has been hanging in the air. Brad Myhre met a number of times to bring in a policy. It is something that has not gotten done. Seth A. Grossman stated we have to be consistent with what our practice has been. We cannot make a policy on the fly. He will not vote for it unless we say what Michele Liebttag said that all comp time must be in writing and approved by the commissioner. The commissioner did not know about this until this week. A report which includes how much is being requested and how much is accumulated to date should be given to the commissioners. Michele Liebttag added that it should include what project is requiring comp time and it should be approved before they create it. Cathy Leach stated that if it cannot be anticipated, it should be reported to the Commissioner as soon as possible after. The Commissioner can report to council. Mayor Cooper noted that Brenda Shepherd put together a report and we were aware of what was being requested. William Sullivan noted that he cannot support anything over the 100 hours. The request is an unknown number of hours.

As to the requests to carry vacation time, Robb Arent read the Borough policy on carrying over vacation time. Employees can carry up to a week with Council approval. The Borough has always given the employees what they requested. He recommended that the policy be enforced at the start of the new year. William Sullivan added that everyone should be notified in writing and sign that they are aware that starting January 1st, the policy in the manual will be enforced. Jack Opdyke added that everyone should sign the letter. Mayor Cooper noted that it has been past practice that the Council only allow one week to be carried. Vacation time must be managed by the department manager. Mayor Cooper added that we asked Brenda Shepherd to recommend a new system of time keeping and she did that. We looked at it and had no objections. We would like it to be in place for the first pay period in 2015.

Jack Opdyke recommended that the Council deal with the comp time carry over request first. He believes that the time has been put in. He recommended that the Council grant the 100 hours of comp time to be carried to 2015 and used within 90 days. Robb Arent commented that with the start up of the new plant, he does not think that can be done. William Sullivan recommended that the Council give Victor Gilardi the entire year to use up the comp time that is carried and that no hours will be allowed to be carried over from 2015. Mayor Cooper stated that we can alert him to the possibility that there will be no comp time in 2015. Michele Liebttag recommended that any comp time accumulated in 2015 must be approved by the Commissioner. Mayor Cooper agreed and noted that no comp time will be allowed to be carried from 2015 to 2016 unless there is an emergency in the last two weeks of 2015 and all comp time must be approved for all employees. On motion by William Sullivan, seconded by Seth A. Grossman and carried by unanimous favorable

roll call vote, the Mayor and Common Council approved Victor Gilardi to carry 100 hours of comp time from 2014 to 2015 to be used in 2015 with the understanding that no comp time will be allowed to be carried over from 2015 to 2016 and that all comp time must be approved by the commissioner.

Mayor Cooper noted that Brenda Shepherd also has a request to carry 79 hours of comp time. On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Brenda Shepherd to carry 79 hours of comp time from 2014 to 2015 to be used in 2015 with the understanding that no comp time will be allowed to be carried over from 2015 to 2016 and that all comp time must be approved by the Mayor or Council President.

Mayor Cooper also noted that as to the requests to carry vacation time, Brenda Shepherd is requesting to carry one week of vacation, Victor Gilardi is requesting to carry 17 days and Gerry Case requested to carry 11 vacation days. William Sullivan stated that the Council should stick with the policy and allow one week unless there was a reason that someone could not take their vacation. Jack Opdyke noted that he is not aware of any reason that vacation days could not be taken. William Sullivan stated that the Council needs to clarify the definition of one week. He recommended allowing 7 days. Michele Liebttag commented that the Borough must maintain consistency with carry over of vacation. Mayor Cooper asked Clerk Shepherd if anyone was ever approved to carry more than 7 days of vacation? Clerk Shepherd noted that the Council allowed Chief Kurylka to carry 8 days. William Sullivan noted that the year of Superstorm Sandy, Chief Kurylka was limited in the time he was able to take. Michele Liebttag recommended that 7 days be allowed to be carried. Council agreed and made the follows motions:

On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to allow Brenda Shepherd to carry 5 days of vacation from 2014 to 2015 with the understanding that the Borough will enforce the policy in the employee handbook and will require a special request to be approved by Council.

On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to allow Gerry Case to carry 7 days of vacation from 2014 to 2015 with the understanding that the Borough will enforce the policy in the employee handbook and will require a special request to be approved by Council.

On motion by William Sullivan, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to allow Victor Gilardi to carry 7 days of vacation from 2014 to 2015 with the understanding that the Borough will enforce the policy in the employee handbook and will require a special request to be approved by Council.

Seth A. Grossman noted that he is willing to commit to serve on the Downtown Revitalization Committee.

Seth A. Grossman also thanked everyone.

Robb Arent stated that this is his final official chance to put some things on the record. As far as

improvements to the downtown, he gives kudos to Dorsey Reading. He also gives kudos to Joan Quito from Galassos for putting up a nice awning. He added that he is happy that George Michael has started his construction project and he give kudos to Rocco for taking over two gas stations, one in Frenchtown and one in Milford.

Jack Opdyke thanked both Robb Arent and Seth A. Grossman and noted that they have done a great job and he has enjoyed serving with them. Michele Liebttag commented that she completely agrees and noted that it has been a pleasure working with them on Council.

Mayor Cooper commented that he also agrees and added that in looking back, Robb Arent's effort on the sewer plant is a legacy we all hope to carry on. He is most appreciative to Seth A. Grossman for holding the Council President position and for his efforts on the downtown revitalization. In addition, for two year Seth A. Grossman wanted to get curtains for the meeting room and he has done that. Thank you. We would like for both of you to come to the January 7th Council meeting so we can present you something more formal.

Brenda Shepherd stated that it has been a pleasure working with Robb Arent and Seth A. Grossman and she thanked them.

Mayor Cooper wished everyone a Happy New Year.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:26 am.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk