

CALL TO ORDER

Mayor Warren 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 2, 2014 and the Express Times on January 2, 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 January 7, 2015.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

CERTIFICATION OF ELECTION & OATH OF OFFICE

Borough Clerk, Brenda S. Shepherd, noted that the County Board of Canvassers determined that at the Election held on 11/4/14 Michele Liebttag and Caroline Scutt were duly elected members of the Common Council for a full term. Mayor Cooper administered the Oath of Office to elected Councilwoman Michele Liebttag and Councilwoman Caroline Scutt. They accepted their Oaths of Office. The Council congratulated them.

ROLL CALL

Present for the Meeting:

Cathy Leach
Michele Liebttag
Caroline Scutt
William Sullivan

Absent from Meeting:

Jack Opdyke

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 12 member of the public was also present.

MAYOR’S COMMENTS

I would like to thank members of Council and we do not always do that or we do not do it enough. I would like to acknowledge the service of Seth Grossman, Brad Myhre and Robb Arent, who left seats on Borough Council during or at the end of 2014. Each of these Frenchtown residents devoted years to the betterment of our community. It’s a tradition to thank Council members at the end of their terms of service. Mayor Cooper presented a certificate of appreciation to Brad Myhre who served on Council for six years and who has work hard to serve the town in one way or another. Brad Myhre also served as Council President and has had a desire to serve and has had a real dedication to serve the people of this town. Brad Myhre has agree to serve on the Hilltop Streets project. Mayor Cooper also presented Seth A. Grossman a certificate of appreciation for his four years of dedicated service and noted that Seth A. Grossman has helped focus the Council’s attention on the downtown community and on the critical goal that a vibrant and vital downtown plays on the town as a whole. That has changed the way Council thinks and has brought the community to recognize the integral role that the downtown

plays and under Seth A. Grossman's guidance, we have completed a Downtown Revitalization plan and have applied for a grant to help us achieve that. If we get that grant to help achieve that plan, we will have Seth come back for that process. For four years Seth A. Grossman was trying to get curtains for the meeting room and has accomplished that. Mayor Cooper also noted that Robb Arent is not present this evening and he has a certificate of appreciation for Robb Arent. He will deliver that to him.

Mayor Cooper also noted that unfortunately, we too often fail to show our deep appreciation for members of Council while they are still serving. That's why I would like to personally thank Bill Sullivan, Cathy Leach, Michele Liebtag and Jack Opdyke for the long hours and hard work they've devoted to this community over the years. We owe them a great debt of gratitude, one that we too rarely verbalize. The same is true for all the members of the community who serve in one capacity or another. It's hard to over-value the contribution to the quality of life made by the many volunteers in our community: Planning Board members, Board of Education members, Environmental Commission members, Shade Tree Commission members, Library Commission members, the Green Team, the Lions Club, the Legion folks, the Business and Professional Association, the Safe Streets and Roads Committee, the Sewer Advisory Committee, and on and on and on. We depend so much on their contributions and can never truly thank them enough.

While I'm at it, I also want to thank the hard working members of the Borough staff, who, while they are paid for what they do, financial compensation is insufficient without the acknowledgement that their efforts make Frenchtown the great place it is to live, work and visit. Their day-after-day efforts provide greater tangible – and visible – benefits to Frenchtown than most of us recognize. If I separate out the effort of our Police and firefighters, it's only because we see the results of their dedication on almost a daily basis. The same is true of the members of the Milford-Holland Rescue Squad. Frenchtown would be unrecognizable without them.

Finally, I want to also acknowledge the contribution made by the many professionals who, although they too are paid for their service, help the governing body in so many ways large and small. A lessening of their caring input would be instantly felt by the community.

I'm typically not one to look back, but this Council has been working hard to lay the groundwork for quite a number of goals over the past year or so and it appears that we'll begin seeing the fruits of that labor in 2015, so I want to make mention of them now. The big one, of course, is the new sewer plant, set to go online momentarily. This project, along with the construction of the new DPW facility, has been a long long long time coming. It has been a struggle, but when the switch is turned, Frenchtown will be depositing into the Delaware River water that is cleaner, healthier and more pure than the water that's already there. It will be a model of what's possible for a long time and I want to congratulate everyone whose vision and hard work brought that day closer, particularly former Mayor Ron Sworen, former Sewer Commissioners Adam Liebtag, Seth Grossman and Robb Arent, and current Sewer Commissioner Jack Opdyke. We plan a dedication ceremony later this Spring. In addition to the new sewer plant, we hope to implement a new, fairer sewer fee structure in 2015. Council this spring is to consider a plan developed by

the Sewer Advisory Committee intended to tie the fee to actual water use. Our goal is to simultaneously make the fees fairer and provide an incentive to conserve water. If Council approves the two-year phase-in, 50% of our sewer bills would be based on usage during the first year then, starting in the second year, the usage-based component would increase to 75% of a household or business' entire sewer bill. We continue to rebuild and upgrade roads and other infrastructure in town. In 2014 we improved Horseshoe Bend Road and applied for and received a grant to reconstruct the first of three stretches of Ridge Road. We'll use that money early in 2015 to bring a portion of the roadway up to snuff and improve storm water drainage. In addition, we hope to begin the long overdue effort to construct sidewalks throughout the borough to enable residents to walk downtown and throughout town safely no matter where in town they live. We've already applied for a grant to undertake the same effort on the second section of Ridge Road, but haven't heard yet whether we will receive it. Last year we laid the ground work for a long-term, comprehensive streets and roads maintenance plan. We hope to adopt the plan this year and implement it soon after.

Last year we saw the long awaited transfer of the property north of the bridge keeper's house. This year we hope to dedicate the space as a borough park... one I keep calling Sunbeam Park, although the name may still be up for grabs. We also hope to develop a comprehensive plan to upgrade Borough Park and other Frenchtown recreation areas, based on input from a Town Hall meeting in 2014.

After much study, we're finally about to present a plan to property owners in the Hilltop neighborhood of the Borough (at the top of Ridge and Ward) to build proper roads there, install proper drainage and add sidewalks. The plan would also tie the neighborhood into the sewer service area and bring NJ American Water to homes that want to shift from well water. These homeowners have been in a bind for decades after the developer failed to make those improvements and left the property owners high and dry with the municipality unable to take action to make things better. We have also applied for a state grant to help fund the Downtown Frenchtown Revitalization Plan, which would improve the streetscape, lighting and other quality of life issues. We'll hear sometime in 2015 if we are to get that money.

Meanwhile, there are several residential and mixed-use development projects in the works. The George Michael project on Bridge Street is finally underway. Another project, Shale Cliff (across from Kathy's General Store) has all its approvals. Two other projects, one proposed for the old Ceramics Plant on Harrison Street near Frenchtown School, are moving through (or will be moving through) the Planning Board process in 2015. It is a testament to the vitality and vibrancy of our community that developers want to build here. During 2015, I hope to hold a series of Saturday Town Hall sessions, perhaps one a month or so, to discuss topics of vital importance to the community, including public safety, safe streets & roads, water conservation & a teach-in on the proposed new sewer fee, the Hilltop streets initiative, parking and a special meeting to bring together representatives of the business community, the Planning Board and the Borough Council.

All in all, there's much to be done and we hope to have your help and particularly, your input throughout. There's many opportunities to get involved, including opportunities to serve on the many committees, boards and commissions I mentioned earlier.

ELECTION OF COUNCIL PRESIDENT & OATH OF OFFICE

A motion was made by Michele Liebttag to nominate Jack Opdyke as Council President for 2015. The motion was seconded by Cathy Leach. Having no other nominations, the motion carried by unanimous favorable roll call vote to elect Jack Opdyke as Council President for 2015. Mayor Cooper noted that Jack Opdyke is not present this evening but has agreed to accept the nomination. The Oath of Office for Council President will be administered at the February 4, 2015 Council meeting. The Council congratulated Jack Opdyke.

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 William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 1/7/2015 and Resolutions #2015-01 through Resolutions #2015-22 as follows:

R E S O L U T I O N #2015-01

2015 Temporary Budget

WHEREAS N.J.S.A.40A:4-19 of the Local Budget Law provides that where any contract, payments or commitments are to be made prior to the final adoption of the 2015 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time provided;

WHEREAS the date of this Resolution is within the first thirty days of January 2015,

WHEREAS one-fourth of the total appropriations in the 2014 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$391,974.25 and in the 2014 Sewer Budget is \$137,964.50.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that the following shall be the Temporary Budget for the Borough of Frenchtown for the year beginning January 1, 2015, and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for her records:

<u>APPROPRIATION</u>	<u>BUDGET</u>	<u>AMOUNT</u>
	Administration & Executive:	
Salary & Wage		\$16,275.00
Other Expense		\$2,100.00
	Governing Body	
Salary & Wage		\$2,100.00
Other Expense		\$2,100.00
	Financial Administration:	
Salary & Wage		\$2,310.00
Other Expense		\$4,200.00
	Audit Services	
Other Expense		\$10,500.00
	Assessment of Taxes:	
Salary & Wage		\$2,310.00
Tax Map Maintenance		\$1,050.00
Other Expense		\$105.00
	Collection of Taxes:	
Salary & Wage		\$4,042.50
Other Expense		\$1,575.00
	Legal Services:	
Other Expense		\$9,450.00
	Municipal Court:	
Salary & Wage		\$18,060.00
Other Expense		\$2,100.00
	Prosecutor:	
Salary & Wage		\$2,625.00
	Engineering:	
Other Expense		\$1,050.00
	Public Buildings & Grounds:	
Other Expense		\$3,150.00
	Planning/Zoning Board:	
Salary & Wage		\$6,405.00
Other Expense		\$1,575.00
	Insurance:	
Other Expense		\$18,900.00

	Worker's Compensation Insurance:	
Other Expense		\$7,350.00
	Group Insurance:	
Other Expense		\$29,400.00
	Shade Tree Commission:	
Salary & Wage		\$189.00
Other Expense		\$525.00
	Fire Hydrant Service:	\$4,725.00
	Fire Miscellaneous:	
Salary & Wage		\$525.00
Other Expense		\$1,312.50
	Emergency Management First Aid Organization	\$105.00
Other Expense		\$1,575.00
Other Companies		\$6,300.00
	Police:	
Salary & Wage		\$57,750.00
Other Expense		\$16,800.00
	Streets & Roads:	
Salary & Wage		\$26,250.00
Other Expense		\$5,250.00
	Utilites:	
	Electricity	\$3,150.00
	Fuel Oil	\$3,150.00
	Gas/Diesel	\$5,250.00
	Telephone	\$4,200.00
	Water	\$157.50
	Street Lighting:	\$4,200.00
	Garbage Removal:	\$3,150.00
	Garbage Removal/Contractual	\$13,650.00
	Board of Health:	
Salary & Wage		\$1,155.00
Other Expense		\$210.00
	Aid to Library:	

Salary & Wage	\$2,415.00
Other Expense	\$840.00
Other Expense	
Parks & Playgrounds:	
Other Expense	\$1,050.00
Contribution to Social Security:	\$10,500.00
State Disability Ins	\$525.00
Unemployment Insurance	\$1,000.00
Total Temporary Appropriations	<u>\$324,641.50</u>
Green Trust Payment	\$15,000.00
Interest Payment on Bonds	\$2,000.00

Sewer Utility

Salary & Wages	\$55,125.00
Other Expenses	\$31,500.00
Audit Services	\$3,150.00
Liability Insurance	
Group Insurance	\$9,450.00
Worker's Compensation Ins.	\$5,250.00
Social Security System	\$4,200.00
S.D.I.	\$315.00
Total Temporary Appropriations	<u>\$108,990.00</u>
Interest Payment on Bonds	\$2,000.00

Attest:

January 7, 2015

Warren E. Cooper, Mayor

Brenda S. Shepherd, RMC - Borough Clerk

R E S O L U T I O N #2015-02

Annual Meeting Dates

BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., that the following regular meetings be scheduled for 2015, and the Reorganization meeting in January 2016:

Wednesday, January 7
Wednesday, February 4
Wednesday, March 4
Wednesday, April 1
Wednesday, May 6
Wednesday, June 3
Wednesday, July 1
Wednesday, August 5
Wednesday, September 2
Wednesday, October 7
Wednesday, November 4
Wednesday, December 2
Wednesday, December 30
Wednesday, January 6, 2016 – Reorganization and regular

BE IT FURTHER RESOLVED that all meetings will be held at Borough Hall, 29 Second Street, Frenchtown, NJ, 08825 at 7:30 PM prevailing time,

BE IT FURTHER RESOLVED that notice of this schedule be published in the January 15, 2015 issue of the Hunterdon County Democrat.

Borough of Frenchtown

By _____
Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

R E S O L U T I O N #2015-03

Designation of Official Newspaper

BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that pursuant to N.J.S.A. 40:53-1 et seq. The Hunterdon County Democrat be designated as the Official Newspaper. Official notices may also be published in the Express Times, the Newark Star Ledger, and the Courier News to meet time requirements.

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION 2015-04

Payment of Taxes & Utilities

BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that taxes and sewer rent shall be collected quarterly on February 1, 2015; May 1, 2015; August 1, 2015 and November 1, 2015 and that interest will be charged at the rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax and/or sewer rent was payable until the date of actual payment. There will be a ten day grace period after which unpaid taxes and/or sewer rent will be charged interest from the due date.

BE IT FURTHER RESOLVED that, pursuant to statute, if a tax and/or sewer rent delinquency is over \$10,000.00 at the end of the year, an additional flat penalty of 6% per annum shall be imposed.

BE IT FINALLY RESOLVED THAT this Resolution shall be published in the January 15, 2015 issue of The Hunterdon County Democrat.

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION #2015-05

Authorization to Cancel Property Tax Credits and Delinquencies

WHEREAS the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey have been informed by the Tax Collector that from time to time there are property tax credits or delinquencies on certain property located within the Borough of Frenchtown, and

WHEREAS pursuant to N.J.S.A. 40A:5-17.1 a Resolution may be adopted by the governing body of a municipality authorizing a municipal employee to process without further action on the part of the governing body the cancellation of any property tax credit or delinquency of less than \$10.00,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that the Tax Collector be authorized to cancel any property tax credit or delinquency of less than \$10.00 without further action on the part of the Mayor and Borough and that such action be noted in the Tax Duplicate for the Borough of Frenchtown.

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION #2015-06

Authorization for Tax Assessor to File Corrective Appeals

WHEREAS the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, have been informed by the Tax Assessor that from time to time errors are made in computing the tax assessment covering certain property located within the Borough of

Frenchtown and appeals need to be filed, and

WHEREAS the Mayor and Council desire to authorize the Municipal Attorney to file appeals to correct such errors on the Borough's behalf with the Hunterdon County Board of Taxation, and

WHEREAS the Tax Assessor or Municipal Attorney are called upon to defend tax appeals filed with the Hunterdon County Board of Taxation and to agree to stipulations on appeals,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that the Municipal Attorney of the Borough of Frenchtown be and is hereby authorized to file corrective appeals with the Hunterdon County Board of Taxation concerning those properties wherein errors have been made and to sign stipulations of appeals on behalf of the Borough of Frenchtown which he feels are proper and in the best interests of the Borough of Frenchtown, and,

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, hereby authorize the Municipal Attorney or the Tax Assessor of the Borough of Frenchtown to represent the Borough of Frenchtown in defense of appeals filed with said Board and to sign stipulations on appeals on behalf of the Borough of Frenchtown which they feel are proper and in the best interests of the Borough of Frenchtown.

BE IT FURTHER RESOLVED that the Tax Assessor send copies of such corrected assessments to the individuals involved.

Warren E. Cooper, Mayor
Borough of Frenchtown

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

**RESOLUTION #2015-07
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ATTORNEY TO SERVE AS BOROUGH COUNSEL**

WHEREAS, the Borough of Frenchtown has a need to acquire an Attorney to serve as Borough Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Mayor and Common Council has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is up to 1 year; and

WHEREAS, Albert E. Cruz from the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, David, Lehrer & Flaum, P.C. has submitted a proposal dated 12/5/14 indicating they will provide that attorney services at an hourly rate of \$150.00 per hour, inclusive of litigation with Council meetings at the hourly rate of \$150.00 not to exceed \$300.00 for each Council meeting; and

WHEREAS, has completed and submitted a Business Entity Disclosure Certification which certifies that Albert E. Cruz from the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, David, Lehrer & Flaum, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Albert E. Cruz from the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, David, Lehrer & Flaum, P.C from making any reportable contributions through the term of the contract, and

WHEREAS, the value of the contract for 2015 will not exceed \$20,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Albert E. Cruz from the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, David, Lehrer & Flaum, P.C as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat on January 15, 2015.

Warren E. Cooper, Mayor

Dated: January 7, 2015

Attest:

Brenda S. Shepherd, RMC

**RESOLUTION #2015-08
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ATTORNEY TO SERVE AS BOROUGH CONFLICT COUNSEL**

WHEREAS, the Borough of Frenchtown has a need to acquire an Attorney to serve as Borough Conflict Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the anticipated term of this contract is up to 1 year; and

WHEREAS, Stem & Cole has submitted a proposal dated 11/25/14 indicating they will provide that attorney services for the amount of \$125.00 per hour for services plus out of pocket expenses; and

WHEREAS, Douglas A. Cole of Stem & Cole has completed and submitted a Business Entity Disclosure Certification which certifies that Stem & Cole has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Stem & Cole from making any reportable contributions through the term of the contract, and

WHEREAS, the value of the contract for 2015 will not exceed \$5,000.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Stem & Cole as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat on January 15, 2015.

Warren E. Cooper, Mayor

Dated: January 7, 2015

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION #2015-09
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN ENGINEER
TO SERVE AS BOROUGH ENGINEER

WHEREAS, the Borough of Frenchtown has a need to acquire an Engineer to serve as Borough Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the anticipated term of this contract is up to 1 year; and

WHEREAS, William H. Burr IV of Maser Consulting PA has submitted a proposal dated 12/18/14 indicating they will provide engineering services for the amount of \$135.00 per hour; and

WHEREAS, William H. Burr IV of Maser Consulting P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Maser Consulting P.A. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Maser Consulting P.A. from making any reportable contributions through the term of the contract, and

WHEREAS, the value of the contract for 2015 will not exceed \$1,500.00 or as authorized by specific Resolution of the Council; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with William H. Burr IV of Maser Consulting P.A. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat on January 15, 2015.

Warren E. Cooper, Mayor

Dated: January 7, 2015
Attest:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION #2015-10
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ACCOUNTANT TO SERVE AS BOROUGH AUDITOR

WHEREAS, the Borough of Frenchtown has a need to acquire an Accountant to serve as Borough Auditor as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Mayor and Common Council has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Warren M. Korecky of Suplee, Clooney & Company has submitted a proposal dated 12/9/14 indicating they will provide that auditing services for the amount not to exceed \$19,850.00 and additional charges from \$75.00 to \$175.00 per hour for special services; and

WHEREAS, Warren M. Korecky of Suplee, Clooney & Company has completed and submitted a Business Entity Disclosure Certification which certifies that Suplee, Clooney & Company has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Suplee, Clooney & Company from making any reportable contributions through the term of the contract, and

WHEREAS, the value of the contract for 2015 will not exceed \$19,850.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Warren M. Korecky of Suplee, Clooney & Company as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat on January 15, 2015.

Warren E. Cooper, Mayor

Dated: January 7, 2015

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

R E S O L U T I O N #2015-11
P R O F E S S I O N A L C O N T R A C T S

WHEREAS there exists a need for a Registered Municipal Accountant to serve as Borough Auditor, an Attorney to serve as Borough Attorney, An Attorney to serve as Borough Conflict Attorney, and an Engineer to serve the Borough; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS sufficient funds are available in the 2015 Temporary Budget and will be made available in the 2015 Municipal Budget for the Borough of Frenchtown for such services.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the following persons and/or firms for the year 2015:
 - a. Albert E. Cruz, Attorney, DiFrancesco, Bateman, Coley, Yospin, Kunzman, David, Lehrer & Flaum, P.C.
 - b. Douglas A. Cole, Conflict Attorney, Stem & Cole
 - c. William H. Burr IV, Engineer, Maser Consulting PA
 - d. Warren M. Korecky, Auditor, Suplee, Clooney & Company
2. These contracts are being awarded as described above without competitive bidding as "Professional Services" as defined under the appropriate section of the Local Public Contracts Law because each of the above mentioned individuals is a member in good standing of his respective profession.
3. Notice of this action shall be printed in the January 15, 2015 issue of the Hunterdon County Democrat.

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution 2015-12

RETURN CHECK FEE

WHEREAS NJSA 40:5-18(a) provides that the governing body of a municipality may provide, by resolution or ordinance, for the imposition of a service charge to be added to any account owing to the municipality, if payment tendered on the account was by check or other written instrument which was returned for insufficient funds; and

WHEREAS, NJSA 40:5-18(b) provides that whenever an account owing to a municipality is for a tax or special assessment, the service charge authorized by this section shall be included on whatever list of delinquent accounts is prepared for enforcement of the lien.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown that the service charge for a check or other written instrument returned for insufficient funds is hereby determined and set at \$20.00 per check or other written instrument pursuant to NJSA 40:5-18c; and

BE IT FURTHER RESOLVED that any service charge authorized by this section shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered. In addition, the governing body may require future payments to be tendered in cash or by certified or cashier's check, NJSA 40:5-18(d).

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

BOROUGH OF FRENCHTOWN
County of Hunterdon, New Jersey
Resolution No. 2015-13

CASH MANAGEMENT PLAN

WHEREAS, N.J.S.A. 40A:5-14, Local Fiscal Affairs Law, requires that each municipality adopt a Cash Management Plan designed to assure the deposit, investment and proper disbursement of local funds;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Frenchtown does hereby adopt the following Cash Management Plan:

A. Designation of Depositories

The following institutions are designated as permissible depositories for the deposit of Borough funds:

TD Bank
Fulton of New Jersey
Investors Savings Bank
PNC
and any other Federal and State Bank in the State of New Jersey

All depositories must conform to the Governmental Unit Deposit Protection Act (GUDPA) and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all Borough funds on deposit.

B. Deposit of Funds

All funds shall be deposited within forty eight (48) hours of receipt, in accordance with N.J.S.A. 40A:5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored on a monthly basis by the CFO for the availability of funds being transferred into interest bearing accounts. Debt Service and Trust Accounts shall be maintained in accordance with Federal and State statutes regulating such funds. Payroll, Developers' Escrow deposits and other agency funds, which represent funds of individuals and other organizations held by the Township, shall be deposited in regular, interest bearing accounts unless average daily balance is below \$5,000.00. Grant funds shall be deposited in accordance with regulations of the granting government or agency.

Where compensating balances are required by any designated depository to offset the cost of services provided; an agreement between the Borough and the depository shall be executed, specifying the charge for each service and the balance required to offset each charge. Said agreement shall be reviewed on an annual basis.

C. Investment Instruments and Procedures

The Borough may purchase those investments permitted in N.J.S.A. 40A:5-15.1, which include:

United States Treasury Bonds, Notes and Bills
U.S. Government Agency and Instrumentality Obligations
Bonds and other obligations of the Borough of Frenchtown
Commercial Bank Deposits and Certificates of Deposit
Savings and Bank Deposits and Certificates of Deposit
State of NJ and the State of NJ Cash Management Plan

The Borough may purchase other obligations approved by the Division of Investment of the Department of Treasury for investment by local units.

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations. Allowable investments with maturities which extend beyond the end of the Borough's fiscal year shall be permitted only if interest accrued on the investment is credited to the Borough at the end of the fiscal year for the purpose of realizing budgetary revenue.

The purchase of Certificates of Deposit shall be made based on the availability of funds for investment and the analysis of projected cash flows. Bids for Certificates of Deposit will be solicited of at least three designated depositories only if the amount available for investment is \$100,000 or greater. Telephone bids will be solicited by the Chief Financial Officer, or designated staff member. Bidders shall specify the principal amount, interest, rate and maturity of the investment and transmit such bid to the borough by telefax. A check or wire transfer will be made available to the winning bidder on the same business day the bid is awarded.

Where the return on a proposed investment does not exceed the cost of making such investment, the Chief Financial Officer will not make the investment. The Chief Financial Officer shall have the discretion of awarding an investment to the depository wherein the funds reside, should that institution's quoted interest rate be less than other quoted rates, and the differential in interest rates is not more than twenty-five (25) basis points (0.25%), providing that the term of the investment is thirty (30) days or less. The Chief Financial Officer shall have the discretion to reject all bids.

D. Disbursement of Funds

All funds shall be disbursed as authorized and directed by the Borough Common Council. The Chief Financial Officer shall, at the beginning of the fiscal year, present to the Borough Council a

schedule of debt service, principal and interest payments and , when available a schedule of School Tax payments for the upcoming fiscal year. Upon approval of the schedules of payments by the Borough Common Council, the Chief Financial Officer shall then have the authority to make the following disbursements:

- School Taxes
- County Taxes
- Interfunds
- Purchase of Investments
- Debt Service
- Salary and Wages
- Postage

Disbursements shall be executed via electronic wire transfer of funds by the Chief Financial Officer, or designated staff member, when that method of payment is deemed necessary or preferable by the payee, or when the amount of such payment will result in a financial benefit of the Borough of Frenchtown in the form of increased investment income.

E. Reporting

The Chief Financial Officer shall, prior to the last day of the month immediately following, present to the Borough Common Council a monthly report of cash receipts and disbursement, subject to reconciliation and periodic adjustments.

F. Bonding

The following officials shall be covered by surety bonds, said surety bonds to be examined by the independent auditor to insure their proper execution:

- Chief Financial Officer
- Tax Collector
- Municipal Court Clerk
- Municipal Court Judge

Staff members of the Department of Finance and Tax Collection not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

G. Compliance

The Cash Management Plan of the Borough of Frenchtown shall be subject to the approval of the Borough Attorney, and shall be subject to the annual audit conducted pursuant to N.J.S.A.

As stated in N.J.S.A. 40A:5-14, the officials(s) charged with the custody of the Borough funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If, at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable State regulations shall apply.

Warren E. Cooper, Mayor

Attest:

January 7, 2015

Brenda S. Shepherd, RMC
Borough Clerk

R E S O L U T I O N #2015-14

Designation of Chief Financial Officer as Custodian of Funds & Naming Official Depositories

WHEREAS N.J.S.A. 40A:5-14 provides that the governing body of a municipal corporation shall, by Resolution adopted by majority of the full membership thereof, adopt a Cash Management Plan, including the designation of depositories having their places of business in this State and organized under the laws of the United States;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that the Chief Financial Officer be designated as Custodian of all funds of this municipality and the same is directed to deposit such funds in one or more of the following financial institutions or any other Federal and State bank, in the State of N.J.:

TD Bank
Bank of America
First Union

Commerce Bank
Fulton Bank

BE IT FURTHER RESOLVED that prior to the deposit of any municipal funds in the above mentioned depositories, said bank shall file with the Chief Financial Officer a statement indicating that the bank is a public depository as defined by the Governmental Unit Deposit Protection Act (section 1 of P.L. 1970, c.236 [N.J.S.A.17:9-41]);

BE IT FURTHER RESOLVED that deposits may be made to such depositories as permitted in section 4 of P.L. 1970, c. 236 (N.J.S.A.17:9-44); and

BE IT FURTHER RESOLVED that deposit of funds pursuant to this Plan shall be made to assure to the extent practicable the investment of such funds in interest-bearing accounts.

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

R E S O L U T I O N #2015-15

SIGNATURES ON CHECKS

BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that through 2015 checks drawn or withdrawals from these accounts be signed as follows:

Chief Financial Officer's Current Fund Account; Sewer Utility Fund; Animal Control Fund Account; Planning Trust Account; and Miscellaneous Accounts by three of the following officials:

Warren E. Cooper, Mayor; Brenda S. Shepherd, Borough Clerk; and Diane Laudenbach, Chief Financial Officer; Jack Opdyke, Council President; and Daniele M. Lattig, Deputy Clerk.

BE IT FURTHER RESOLVED that the Payroll Account be signed also by the following officials:

Warren E. Cooper, Mayor; Brenda S. Shepherd, Borough Clerk; and Diane Laudenbach, Chief

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION #2015-16

Holidays for 2015

WHEREAS, there are various holidays throughout the year; and

WHEREAS, the Mayor and Borough Council recognize the importance of holidays for the employees;

NOW THEREFORE BE IT RESOLVED that the following shall be the eleven holidays for the Borough Officials and Employees for the Year 2015:

President's Day.....	02/16/2015
Good Friday	04/3/2015
Memorial Day	05/25/2015
Independence Day.....	07/03/2015
Labor Day.....	09/07/2015
Columbus Day	10/12/2015
Thanksgiving.....	11/26 & 27/2015
Christmas	12/25/2015
New Year's Day.....	1/1/2016 (for 2015)

Warren E. Cooper, Mayor

Dated: February 4, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

R E S O L U T I O N #2015-17
AUTHORIZATION FOR CFO TO ISSUE CERTAIN CHECKS
& REMIT PAYROLL TAXES

WHEREAS the Mayor and Council have adopted ordinances establishing procedures for the payment of claims and payroll,

WHEREAS it is necessary for certain remittances to be paid to the State of New Jersey for pension, State income tax deductions and fees from the issuance of dog licenses, marriage licenses and construction permits; to the appropriate agencies for Federal and other State Income Tax deductions, Social Security deductions, Wage Executions ordered by the Court, and to the appropriate entity for other voluntary payroll deductions;

WHEREAS Federal and State of New Jersey payroll taxes must be made by Electronic Fund Transfer as required by law;

WHEREAS it is the intent of the Mayor and Council to pay county, local school and regional school taxes at the required intervals,

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

1. That the Chief Financial Officer be and is hereby authorized to prepare and the Mayor, the Borough Clerk and the Chief Financial Officer be authorized to sign the following checks, all drawn against Current Fund unless otherwise noted:
 - a. Payroll checks for all employees pursuant to established schedules; Payroll checks from Payroll Account and transfer of sufficient funds from Current Fund.
 - b. Remittances from the Payroll Account to the appropriate agencies for State of New Jersey and State of Pennsylvania Gross Income Tax employee deductions, for Federal Income Tax employee deductions, for Social Security employee deductions and employer share payable to the State of New Jersey, for State of New Jersey Public Employees and Police and Fire Retirement Systems and Contributory Insurance for employee deductions and to the SUI Reserve Fund for employee deductions as may apply, to appropriate agencies for wage executions to comply with court orders and to the appropriate entity for other voluntary payroll deductions.

- c. Checks payable to the appropriate agency of the State of New Jersey for fees from the issuance of dog licenses, marriage licenses. (Dog license fees from the Animal Control Account).
 - f. Checks payable to the County of Hunterdon for taxes upon receipt of statement from the County Chief Financial Officer.
 - g. Checks payable to the Frenchtown Board of Education and Delaware Valley Regional High School District upon receipt of statements from the respective Board Secretaries.
 - h. Checks payable to appropriate agency for Insurance premium fees.
2. That the Chief Financial Officer is hereby authorized to remit Federal withholding and Social Security Taxes and New Jersey State Income Tax deduction by Electronic Funds Transfer, as required by applicable law, such remittances to be transferred from the Payroll Fund Account.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall include a statement of the issuance of such checks as listed above as part of the Financial Report presented at the next regularly scheduled meeting.

Borough of Frenchtown

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2015-18

STATEWIDE INSURANCE FUND INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 7th day of January, 2015, in the County of Hunterdon, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and Frenchtown Borough, Hunterdon County, a duly constituted local unit of government (hereinafter "LOCAL UNIT");

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A. 40A: 10-36 *et seq.*; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and

to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

WHEREAS, the LOCAL UNIT has complied with relevant law with regard to the acquisition of insurance;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provision of the FUND's Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.
2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverage listed in the LOCAL UNIT's "Resolution to Join" in accordance with the FUND'S Bylaws and Risk Management Program.
3. The LOCAL UNIT agrees to become a member of the FUND until January 1, 2015, at 12:01 a.m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.
4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable statute or regulation.
6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and these monies will be used in accordance with all applicable statutes, the FUND's Bylaws and the Risk Management Program.
8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36 *et seq.* and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.
9. Each LOCAL UNIT which shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.
10. To the extent required by law, the LOCAL UNIT shall provide notice of this agreement to the Office of the State Comptroller.
- 11.

Frenchtown Borough

ATTEST:

By: _____
Title: _____

Clerk

ATTEST:

Secretary

Dated: 01/07/15

RESOLUTION 2015-19

APPOINTMENT OF SAFETY AND LOSS PREVENTION REPRESENTATIVE

WHEREAS, the Borough of Frenchtown, has joined the Statewide Insurance Fund

(hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Safety and Loss Prevention Representative, as this position is defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position; and

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

1. The Common Council of the Borough of Frenchtown hereby appoints Brenda S. Shepherd, RMC, as its local safety and Loss Prevention Representative , and
2. The Mayor and Registered Municipal Clerk are hereby authorized to execute the appropriate Appointment sheet for the year 2015 in the form attached hereto.
Borough of Frenchtown

By _____
Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC

CERTIFICATION

I, Brenda S. Shepherd, Clerk of the Borough of Frenchtown, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 7, 2015 and that said resolution was adopted by not less than a two-thirds vote of the members of the governing body.

Brenda S. Shepherd, RMC

RESOLUTION 2015-20

APPOINTMENT OF FUND COMMISSIONER

WHEREAS, the Borough of Frenchtown, (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A.

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Frenchtown in the County of Hunterdon, State of New Jersey that Brenda S. Shepherd, RMC, is hereby appointed as the Fund Commissioner for the Local Unit for the year 2014; and

BE IT FURTHER RESOLVED, that Daniele M. Lattig, Deputy Clerk, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2015; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner or the Mayor is authorized and directed to execute all such documents as required by the Fund.

Borough of Frenchtown

By _____
Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC

CERTIFICATION

I, Brenda S. Shepherd, Clerk of the Borough of Frenchtown, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 7, 2015 and that said resolution was adopted by not less than a two-thirds vote of the members of the governing body.

Brenda S. Shepherd, RMC

RESOLUTION 2015-21

APPOINTMENT OF RISK MANAGEMENT CONSULTANT

WHEREAS, the Borough of Frenchtown, (hereinafter "Local Unit) has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Borough of Frenchtown has a need to acquire a Risk Management Consultant to serve as the Risk Management consultant as a non-fair and open contract

pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position; and

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

- 1. The Common Council of the Borough of Frenchtown hereby appoints Groendyke Associates as its local Risk Management Consultant, and*
- 2. The Mayor and Registered Municipal Clerk are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2015 in the form attached hereto.
Borough of Frenchtown*

By _____
Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC

CERTIFICATION

I, Brenda S. Shepherd, Clerk of the Borough of Frenchtown, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 7, 2015 and that said resolution was adopted by not less than a two-thirds vote of the members of the governing body.

Brenda S. Shepherd, RMC
Borough Clerk

**BOROUGH OF FRENCHTOWN
RESOLUTION #2015-22
2015 FUND YEAR**

STATEWIDE INSURANCE FUND

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this 7TH day of January 2015, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, Frenchtown Borough ("MEMBER") and Groendyke Associates ("CONSULTANT") through a non-fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.

- (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
- (h) assist in the claims settlement process, if required, by MEMBER or FUND.
- (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
- (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
- (k) act in good faith and fair dealing to the FUND.
- (l) perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of all lines assessment (excluding any fees, PLIGA, and loss ratio apportionment); and 10% of Selective umbrella assessment (excluding fees, PLIGA and administrative expenses).
- (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).
- (d) If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the

MEMBER a fee at a rate to be negotiated by the parties.

3. The term of this Agreement shall be from January 1, 2015 to January 1, 2018. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

ATTEST:

Member Representative

ATTEST:

Risk Management Consultant Corporate Officer

ATTEST:

Statewide Insurance Fund Chairperson

**EXHIBIT A
STATEWIDE INSURANCE FUND**

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE
(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)

GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

This form is a summary of the successful professional service entity's requirement to comply with the requirements of **N.J.S.A. 10:5-31 et seq.** and **N.J.A.C. 17:27 et seq.**

The successful professional service entity shall submit to the Statewide Insurance Fund, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

(a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);

OR

(b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;

OR

(c) A photocopy of a completed Employee Information Report (Form AA302) provided by the Division of Contract Compliance and completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Statewide Insurance Fund during normal business hours.

The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.

The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

COMPANY: _____

SIGNATURE: _____

PRINT NAME: _____

TITLE: _____ DATE: _____

2015 Appointments

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the 2015 appointments as follows:

**2015
APPOINTMENTS**

Term Expires

Borough Clerk.....	Brenda S. Shepherd	Tenured
Deputy Borough Clerk	Daniele M. Lattig	Dec. 31, 2015
Collector of Taxes.....	Diane Laudensch	Tenured
Chief Financial Officer	Diane Laudensch	Tenured
Assistant to the CFO/Tax Collector	Daniele Lattig	Dec. 31, 2015
Tax Assessor.....	David Gill	Tenured
Licensed Operator (Sewer Treatment Plant)	Victor Gilardi	Dec. 31, 2015
Licensed Sewer Treatment Plant Assistant.....	Gerry Case	Dec. 31, 2015
Chief of Police	Allan Kurylka	Dec. 31, 2015
Police Patrolman (full time salaried)	Paul Murphy	Dec. 31, 2015
Police Patrolman – (full time probationary).....	Robert Young, Jr.	Oct. 7, 2015
Police Officer (Special Class II)	Lieutenant Robert Winfield	Dec. 31, 2015
.....	Edward Krutsick	Dec. 31, 2015
Registrar of Vital Statistics	Brenda S. Shepherd	Tenured
Public Agency Compliance Officer	Brenda S. Shepherd	Dec. 31, 2015
Deputy Registrar	Daniele M. Lattig	Dec. 31, 2015
Zoning Officer.....	John Barczyk	Dec. 31, 2015
Code Enforcement Officer	John Barczyk	Dec. 31, 2015
Collector of Sewer Rents.....	Diane Laudensch	Dec. 31, 2015
Secretary to the Planning/Zoning Board.....	Brenda S. Shepherd	Dec. 31, 2015
Library Clerk.....	Sara Heil	Dec. 31, 2015
Licensing Official	Brenda S. Shepherd	Tenured
Assessment Search Officer	Brenda S. Shepherd	Tenured
Tax Search Officer.....	Diane Laudensch	Tenured
Municipal Judge.....	Joseph S. Novak	
Court Administrator.....	Barbara Lingsch	Dec. 31, 2015
Assistant to Court Administrator	Patricia Sheeto	Dec. 31, 2015
Bench Log/Court Clerk.....	Jayne Parson	Dec. 31, 2015
Violations Clerk	Christine Matthews	Dec. 31, 2015
Municipal Prosecutor	Mary Mott	Dec. 31, 2015
Public Defender	Scott Wilhelm	Dec. 31, 2015
Emergency Management Coordinator	Karen Harmon	Dec. 31, 2017
Alternate Emergency Management Coordinator.....	Amy Cochran	Dec. 31, 2017
Public Works Manager	Michael Reino	Dec. 31, 2015
Public Works Senior	Michael Roden	Dec. 31, 2015
Police Clerk Typist.....	Barbara Gallagher	Dec. 31, 2015

Appointment of Board and Commissions for 2015

Mayor Cooper noted that Bill O'Brien is being appointed to the Environmental Commission. He is an environmentalist and certified. He asked to be a member of the commission. On motion by Michele Liebtog, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the 2015 appointments as follows:

Borough Boards and Commissions
2015

LIBRARY BOARD

Faye Johnson
Sara Heil
Betsey Westlake
Connie Sworen

Patience Erickson
Melanie Gano
Lois Silva

SHADE TREE COMMISSION
5 Year Terms

Dimitry Levitsky	2014
	2015
William Sullivan	2016
Geoffrey Stanley	2017
Robert Haver	2018

PLANNING/ZONING BOARD OF ADJUSTMENT

Member	Position	Term Expires
Warren E. Cooper	Class I	12/31/2015
Gerry Case	Class II	12/31/2015
William Sullivan	Class III	12/31/2015
Cathy Suttle	Class IV	12/31/2018
John B. DenBlyeker	Class IV	12/31/2018
Randi Eckel	Class IV	12/31/2017
John Dougherty	Class IV	12/31/2017
Rocco Musolino	Class IV	12/31/2015
Gordon Dragt	Class IV	12/31/2015
Jack Weeks	Alternate I	12/31/2015
Sarah Scott	Alternate II	12/31/2016
Brenda S. Shepherd - Secretary		

Environmental Commission Appointments

<u>Name</u>	<u>Term</u>
Rocco Mussolino	12/31/2016
William O'Brien	12/31/2016
Holly Lowe	12/31/2017
Peter Palac	12/31/2017
Tom Woodruff	12/31/2015
Joel Boriek	12/31/2015

BREAK

The Council took at 10 minute break to congratulate everyone.

REGULAR MEETING

Mayor Cooper stated that he wanted to introduce Sara Scott who by action of the Council a few minutes ago will be a new member of the Planning Board. We are extraordinarily excited to have her join the Planning Board for a host of reasons. Youthfulness and energy being one of them. Sarah Scott noted that she was born in New Brunswick and moved to Frenchtown the summer before she turned three. Mayor Cooper noted that Sarah has a pedigree of service to this community. Her mom, Jeanne Herb, has been until recently a long standing member of the school board and President of the school board for quite a few years. Her dad, Jeff, served on the Planning Board for many years. Sarah's family has always been involved in the Borough. He is so pleased she came forward and sought to continue that tradition. He welcomed Sarah Scott. Sarah Scott thanked the Mayor and stated that she appreciates the opportunity and added that she is very excited.

Mayor Cooper also asked permission from Council to move item 11(a) –Appointment to fill vacancy, up on the agenda. Council consented.

Mayor Cooper noted that when a member of Council resigns, the local representatives to the County Committee of that party recommends three members of that party to take that seat. Those three names get shared with Council and one of those names get selected by Council. Michele Liebttag noted that she had the pleasure of meeting with all three individuals. All three individuals are tremendous assets to the Borough in their own way and will contribute. Kandy Ferree has other responsibilities that are taking time away from what she could do on Council right now. John Hindman is interested in serving and is present this evening. The third candidate listed is Sam Valdrige. William Sullivan commented that the Council usually gets the nominations in advance and he would speak to the nominees on the list. A nomination was made by Cathy Leach to appoint John Hindman to fill the vacancy on Council. Caroline Scutt seconded the nomination. Having no other nominations, Mayor Cooper closed the nomination. Mayor Cooper called a vote on the nomination and the Mayor and Common Council approved the appointment of John Hindman to fill the vacancy on Council. Mayor Cooper noted that John Hindman wanted to come tonight to meet the Council. Cathy Leach noted that he is a long time member of the community and she is hoping he will accept the position. John Hindman formally accepted. Mayor Cooper administered the Oath of Office to John Hindman and he accepted his Oath of Office.

Mayor Cooper also asked permission from Council to move item 12(e)- Sewer Committee recommendations re: Sewer rents and fees- up on the agenda. Council consented.

Mayor Cooper asked Adam Liebttag who heads the sewer advisory committee to discuss the laundromat usage analysis project. Adam Liebttag provided Council with a usage analysis for the Launderette. Adam Liebttag noted that Council tasked the sewer committee to run a utilization analysis. John Mathieu at his own expense purchased a water meter. We took the utilization from weekly readings and computed an average. We compared it to the residential usage using New

Jersey American Water data from November, December, January, and February of 2012. We took those four months for all 407 units and averaged it and then compared the rate to create a dollar per gallon amount which comes in at 1.5 cents per gallon. The Launderette is charged over \$10,000.00 per year which comes out to 1.8 cents per gallon. When crunching the numbers, the annual bill would be about \$2,400.00 less than today. All the analysis does not factor in the intangibles. In terms of a recommendation, the committee does not have one. It is up to Council. We are in the process of recommending new sewer rates. If we stay on course, the new rates would take effect July of 2015. The Council will need an ordinance for that. We are providing you with the analysis and we would invite your comments. William Sullivan asked if the goal is to use the same formula for all sewer users. Adam Liebttag responded that the dollar amount per gallon will be the same for commercial and residential. It will be a two year phase in. The first year will be a 50% fixed fee and a 50% usage fee. The next year, it will be a 75% usage fee and a 25% fixed fee. Commercials will have control because they can control usage and conservation. Mayor Cooper noted that according to the current ordinance, there is a charge of $\frac{3}{4}$ unit per machine and there are 19 machines for a total of 14.25 units. The fixed aspect would be divided evenly among all users for that half of the overall sewer revenue that needs to be generated. Usage would be the 4 months of pulling New Jersey American Water Company data. William Sullivan asked if it is common practice that commercial usage fees are higher? Adam Liebttag stated that he cannot comment on that. The annual usage is higher from residential than the meter readings of the launderette. They will pay more if they are using more water. William Sullivan commented that the concern is that they use more water to profit. Utilities charge higher rates for commercial. He does not have a problem with it, just a concern. Adam Liebttag noted that an ordinance will come to Council for discussion. Mayor Cooper added that the contribution toward the total of the fix rate will drop to 25% in the second year of the program. At the end of the day, you have a budget to meet and the debt to repay on a new plant, capital and operating expenses and these are decisions the Council makes and that will determine what people have to pay. Adam Liebttag stated that if you want to committee to do anything, please let us know. Mr. Liebttag added that he received a request from the Legion forwarded from Brenda Shepherd to do a similar analysis. The launderette owner purchased the flow meter at his own expense and installed the meter. Responding to Cathy Leach, Mayor Cooper stated that Council intended to implement a new fee structure. Cathy Leach asked what the launderette's intent was. Do they want relief from the current billing structure? Adam Liebttag stated that we did an analysis at the request of the Council per John Mathieu's request. He does not want to speak for Mr. Mathieu. If we missed something, he would want John Mathieu to comment.

John Mathieu noted that the Launderette is a separate category in your ordinance. That is why he brought it to the Council's attention. You do what you want to do with the other requests. He would like to thank Council for allowing the study. This is a study he submitted to Council in 2007 and no one responded to it. It has a whole year's worth of New Jersey American Water Company readings and an analysis. His thought is that he is willing to go along with what Adam Liebttag came up with. On February 1, he has to pay for 14.25 units even though the study says it should not be what the launderette is currently paying. At this point, it would be counterproductive to change the ordinance when it will change in July. He requested that Council take a portion of that sewer fee and set aside a credit so that the Council would not have to redo the ordinance. He understood that the launderette has being charged more. He feels that we should be looking at the future.

Escrow may be an appropriate way to address it. The Launderette is its own category. Council will do what it will to other requesters. Is it all going to work out so everyone pays their fair share so at the end of the day, we pay all expenses. John Mathieu added that he is absolutely thrilled that John Hindman has been chosen to serve on Council. You picked one of the finest people in town.

Mayor Cooper stated that he would like to ask Attorney Cruz what the Council can do in this situation. Attorney Cruz stated that the study was going to be done. Depending on the outcome, the council would consider a change to that ordinance. You would introduce an ordinance in February, hold a public hearing and adopt in March. In terms of the concept of an escrow, it depends if the ordinance change will be retroactive or if it will follow the current billing cycle. William Sullivan commented that the Council will have to determine if it will take a six week study for a year's worth of usage. He does not know if this is the slowest or busiest part of the year. It is hard to take this 10% of the year and evaluate the year. John Mathieu responded that there was an open discussion and six weeks is what was determined. He has a whole year's worth of water bills using old machines and an average of six weeks of water usage with the new machines. Responding to William Sullivan, John Mathieu stated that the launderette may have one week where usage is up and one week where usage is down. He sees that at his other launderette. Adam Liebttag stated that the committee had a good dialogue with John Mathieu and we asked him that. It is fairly typical throughout the year. John Mathieu noted that he has a meter system on the back of the building and you can come there to see how much is being used. He also suggested that the Council consider creating a municipal utility authority. You would not have to do anything about it. The authority could bond. Attorney Cruz commented that the differential between two customers is because of the quality of water being put into the system. That is why you see a different rate. They require different treatments. With sewer utilities, there is a treatment charge for commercial users.

Mayor Cooper asked Council if they wanted to have a full discussion of this issue tonight or if they wanted to have a proposal for an ordinance to be introduced and then discuss it at that point. Cathy Leach stated that she would like to see Jack Opydyke involved in the discussion. Council agreed. Mayor Cooper stated that if we launch a new fee structure as of July or August billing, we are talking about an adjustment of a half a year. John Mathieu stated that he hoped to have an adjustment for February 1st. A credit would be acceptable until the new ordinance is adopted. Attorney Cruz asked if the Council was going to accept the methodology with an effective date of this billing process. Cathy Leach responded that the Council does not have enough information. She asked what happens with the new sewer rates. Attorney Cruz stated that a new ordinance with the new fee structure would apply to all customers in town. An amendment to the current ordinance would be prior to the new fee structure ordinance. Adam Liebttag stated that the Council is presuming that it will pass a new ordinance for July 1st with the new fee structure. The Council will have a public hearing and comments may make you amend to the draft ordinance. You are six months away from that date. That is the target date. Mayor Cooper commented that John Mathieu is proposing that we amend the current ordinance that applies to the launderette. John Mathieu recommended amending the existing ordinance. The total number of units should be 8.264 if you accept the math presented. The town can do an escrow and when the new ordinance is adopted he will have a credit. Attorney Cruz stated that Mr. Mathieu is referring to the effective date of the new rate. If there is an overpayment, there is a credit and if there is an underpayment, there is a

debit. Council must determine if it wants to adopt the methodology for this particular usage and what the effective date will be. You can say effective January 1st. Mayor Cooper noted that John Mathieu said he has been paying too much since 2007. An amendment to the existing ordinance would stay in place until a new ordinance is put in place. Michele Liebtag recommended that the Council discuss changes to the ordinance at the next meeting. Mayor Cooper added that there is a cost incurred to adopt an ordinance. There are other costs to consider besides adjusting the numbers. John Mathieu is seeking to have the current ordinance amended to reflect a charge of 8.25 units for the Launderette retroactive to February 1st. We will have a full discussion of the impact at the next Council meeting. John Mathieu thanked Council for listening to him.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Skye Van Saun commented that the Mayor invited the public to come up with new ideas. When the tree fell into Milford Road and took out the transformer, everyone was out of power. Businesses were not told. In discussion, she thinks about the Nixle system. If you have a smart phone, it is like getting a text message. The weather service and the state police use it and amber alerts, etc. are distributed through that system. You can also sign up for particular municipalities. Harding and Morris Township use them. It will inform you of such things as there will be a bike race so these streets are closed. Can we utilize that system? Brad Myhre noted that there is an application for JCP&L and it will let you know if a crew is on the scene and the estimate time of restoration. We knew that road was close at her corner. Skye Van Saun responded that it would be a warning system when something is planned. Cathy Leach noted that the Milford Road incident was an emergency. Chief Kurylka noted that the Police Department uses Nixle. He can put messages out. He has the ability to do a reverse 9-1-1. Power out does not meet the guidelines. He agrees that people should have it but he can only do it when he is staffed. Chief Kurylka added that the day the tree went down, the fire department was called to two fires. The Police were there coordinating road closures, etc. with the public works department. We have to deal with that. Mayor Cooper noted that it is important to keep in mind that when there is a burst of distress on Facebook, it is a small number of people. He is not sure that there would have been a benefit to notify the town that the power would go out at some point in the afternoon. As soon as he saw that the police were there, the fire company was there, and the JCP&L crew was there, he put something on Facebook and something out in an email. It was the best we could do for the circumstances. The police use Nixle. It may be valuable for you to put something on Facebook about Nixle. We sent out a notice from the police. We have a lot of lines of communications but it is not manned 24 hours a day. Cathy Leach thanked Skye Van Saun for being an advocate and bringing concerns to the Council. Mayor Cooper thanked Skye Van Saun for the calendar and noted that this is the fourth year he received a calendar from her to use in his office.

Having no other comments, the 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.

Council requested to pull the November 5, 2014 and the December 3, 2014 Executive Session minutes and the December 3, 2014 Regular Meeting minutes from the consent agenda.

On motion by Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list for January 7, 2015 as attached to this set of minutes.

PRESENTATION OF EXECUTIVE SESSION MINUTES of 11/5/14

On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved the November 5, 2014 Executive Session minutes with John Hindman and Caroline Scutt abstaining.

PRESENTATION OF EXECUTIVE SESSION MINUTES of 12/3/14

On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call the Mayor and Common Council approved the December 3, 2014 Executive Session minutes with John Hindman, Caroline Scutt and Cathy Leach abstaining.

PRESENTATION OF MINUTES of 12/3/14

On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved the Regular Council meeting minutes of December 3, 2014 with John Hindman, Caroline Scutt and Cathy Leach abstaining.

RESOLUTIONS

Resolution #2015-23– Hiring of part time temporary DPW Employee

Mayor Cooper noted that the Council has been hiring a third member of the DPW on a six month basis. This resolution would extend it for another six months. On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved resolution #2015-23 as follows:

RESOLUTION #2015-23

WHEREAS, on October 2, 2013, Michael Angeloni was hired by the Borough of Frenchtown as a part time temporary employee for the Department of Public Works; and

WHEREAS, Michael Angeloni was hired for the period of October 2, 2013 to December 31, 2013; and

WHEREAS, the Frenchtown Borough Council extended the appointment period of Michael

Angeloni to December 31, 2014; and

WHEREAS, the Frenchtown Borough Council desires to extend the appointment period of Michael Angeloni to June 30, 2015; and

WHEREAS, the hours of employment will be less than 30 hours per week; and

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

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the Public Works Salary and Wage budget for this employee.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey that the employment of Mr. Angeloni is continued as a part time employee until June 30, 2015 at the hourly rate of \$15.30 per hour.

Warren E. Cooper, Mayor

Attest

January 7, 2015

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-24 - Appoint a Fire Prevention Official for the Borough of Frenchtown

Michele Liebttag noted that they met with Richard Dziminski and he is energetic and excited to serve the Borough. He comes with experience. He works with other municipalities and he works with the senior community to get grants. We are excited about him coming on board. Mayor Cooper noted that our former fire prevention official retired last year and our fire company President has been serving in that capacity until we make an appointment. On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2015-24 as follows:

RESOLUTION No. 2015-24

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 January 1, 2015; 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 Richard Dziminski'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 Richard Dziminski and found it acceptable; and

WHEREAS, a background check was performed on Richard Dziminski 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 January 1, 2015, Richard Dziminski be appointed as Fire Prevention Official at an annual salary rate of \$5,000.00.

Warren E. Cooper, Mayor

ATTEST:

January 7, 2015

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-25 – Resolution ratifying and confirming that the Planning Board will prepare the redevelopment plan for the study area, and that Elizabeth C. McKenzie, P.P., is designated as the planning consultant in an amount not to exceed \$8,000.00

William Sullivan recused himself from this item on the agenda. Mayor Cooper noted that the fee is paid by the developer. Attorney Cruz noted that at the last meeting of the Borough Council, the Council orally authorized these two things. This is a memorializing

resolution of that authorization. On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2015-25 as follows:

**BOROUGH OF FRENCHTOWN
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 2015-25**

RESOLUTION RATIFYING AND CONFIRMING THAT THE PLANNING BOARD WILL PREPARE THE REDEVELOPMENT PLAN FOR THE STUDY AREA, AND THAT ELIZABETH C. MCKENZIE, P.P., IS DESIGNATED AS THE PLANNING CONSULTANT IN AN AMOUNT NOT TO EXCEED \$8,000.00.

WHEREAS, on November 5, 2014, the Council of the Borough of Frenchtown adopted Resolution No. 2014-96, titled "Resolution of the Council of the Borough of Frenchtown Determining that the Properties Identified as Block 3, Lots 1 and 2; Block 10, Lot 1; and a Portion of the Bed of Eighth Street, be Designated as an Area in Need of Non-Condensation Redevelopment" ("Study Area"); and

WHEREAS, Paragraph 4 of the Now, Therefore, Be It Resolved portion of the Resolution provided that "[t]he Planning Consultant work with the Borough Council to prepare a redevelopment plan for the Study Area..."; and

WHEREAS, on December 3, 2014, the Council orally clarified Paragraph 4 of the Resolution to identify the Planning Consultant as Elizabeth C. McKenzie, P.P., and to provide that Ms. McKenzie is to work with the Planning Board, and not the Council, to prepare a redevelopment plan for the Study Area; and

WHEREAS, on December 3, 2014, the Council authorized Ms. McKenzie to prepare the redevelopment plan consistent with her proposal, dated November 12, 2014, at an hourly rate of \$175.00 not to exceed \$8,000.00; and

WHEREAS, on December 3, 2014, the proposed redeveloper posted an escrow in the sum of \$12,500.00 for the costs associated with the preparation of the redevelopment plan; and

WHEREAS, by this Resolution the Council hereby ratifies and confirms its action on December 3, 2014 to designate Ms. McKenzie as the Planning Consultant, that the Planning Board prepare the redevelopment plan and expand Ms. McKenzie's professional services contract to include the services proposed in her letter, dated November 12, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby ratifies and confirms the action described in this Resolution.

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda Shepherd, RMC
Borough Clerk

Resolution #2015-26 - 2015 Sludge Removal Services Contract

Mayor Cooper noted that there is a recommendation from Engineer Timothy Bradley to award the 2015 contract to Russell Reid. On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved resolution #2015-26 as follows:

RESOLUTION #2015-26

WHEREAS, the Borough of Frenchtown advertised, and subsequently received bids, for 2015 Sanitary Sewage Sludge Removal and Disposal on December 23, 2014 per the attached bid summary:

WHEREAS, one bids was received as follows:

<u>Contractor</u>	<u>Unit Price Bid Per Gallon</u>	<u>Total per Year Based Upon Estimated 400,000</u>
<u>Gallons</u>		
Russell Reid Waste Hauling & Disposal Services Keasbey, New Jersey	\$0.1123	\$44,920.00

WHEREAS, Timothy D. Bradley, P.E., of Kleinfelder Omni has reviewed the submitted bid and determined that Russell Reid Company, 200 Smith Street, P.O. Box 130, Keasbey, NJ 08832 submitted the lowest responsive Bid in the amount of \$44,920.00;

WHEREAS, the Chief Financial Officer has certified that the funds are available from the Sewer Utility Fund account number 4634511299;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the Contract for 2015 Sanitary Sewage Sludge Removal and Disposal be and is hereby awarded to Russell Reid Company, 200 Smith Street, P.O. Box 130,

Keasbey, NJ 08832 for their Bid in the amount of \$44,920.00, subject to the following conditions:

1. The Contract is awarded as a unit price bid Contract and final payment will be based upon the actual quantity utilized at the \$0.1123 unit price bid per gallon, as outlined in the Plans and Specifications.
2. The Contract period will extend to December 31, 2015 as stated in the Bid Documents.

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda Shepherd, Clerk

Resolution #2015-27 - Resolution authorizing the Mayor and Clerk to sign an agreement with the Delaware River Basin Commission settling a notice of violation failure to timely file with the commission certain reports and agreeing to pay a fine of \$6,024.00 in four (4) installments

Attorney Cruz noted that this arises out of a violation issued from the Delaware River Basin Commission (DRBC) for failure to file reports. The Borough requested that the DRBC waive the penalties. The DRBC did not waive them but did agree to a minimal fine to be paid. Attorney Cruz stated that he reviewed an agreement with the DRBC and it is acceptable to him. There were two issues that Council ask that he look at. One is that this included the multiple violations for all the years without an admission of liability from the Borough. The second was that he did not want this to count if there is a subsequent violation. The commission was not will to do that. It is without liability. There is language stating that there is no harm to the environment, just simply a failure to file report. If the Borough fails to pay the payment timely, there will be a \$500.00 per day penalty. The original payment was due December 31st but he asked that it be moved to March. We have to make sure that the payment is made on time. Subsequent to review of the resolution, Council revised the resolution to read: \$1,506.00 per installment. On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2015-27 as follows:

**BOROUGH OF FRENCHTOWN
HUNTERDON COUNTY, NEW JERSEY
RESOLUTION NO. 2015-27**

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH THE DELAWARE RIVER BASIN COMMISSION SETTLING A NOTICE OF VIOLATION FAILURE TO TIMELY FILE WITH THE COMMISSION CERTAIN REPORTS AND AGREEING TO PAY A FINE OF \$6,024.00 IN FOUR (4) INSTALLMENTS.

WHEREAS, the Delaware River Basin Commission issued the Borough of Frenchtown a Notice of Violation for the Borough of Frenchtown's failure to timely file with the Commission certain reports; and

WHEREAS, the Commission and Borough agreed to resolve the Notice of Violation with the Commission recognizing that the Borough did not willfully violate the reporting requirements, that limited or no known adverse impacts to water quality occurred in connection with the failure to report and that the Borough cooperated in good faith with the Commission; and

WHEREAS, the agreed upon fine of \$6,024.00 is payable in four (4) installments of \$1,506.00 due on January 31, 2015, March 31, 2015, June 30, 2015 and September 30, 2015.

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

1. That the Mayor and Clerk are hereby authorized to sign the Agreement in substantially the form attached.
2. That the Chief Financial officer is authorized to make the payments required by the Agreement from the Sewer Utility Account.
3. That a copy of this Resolution and the signed Agreement be sent to Chad Pindar, P.E., c/o Delaware River Basin Commission, P.O. Box 7360, 25 State Police Drive, Trenton, New Jersey 08628.
4. This Resolution shall take effect immediately.

Warren E. Cooper, Mayor

Dated: January 7, 2015

ATTEST:

Brenda Shepherd, RMC
Borough Clerk

Subsequent to a brief discussion, Council agreed that payment should be made in full. Mayor Cooper noted that he will advise the CFO to make payment in full to the DRBC. There was a misunderstanding and a change of procedure that was not effectively communicated to us for 3 years by the DRBC. The monthly reporting of values had no impact on the license, environment, etc. We did not record the numbers and communicate the numbers. They did not tell us for years and then, we started to do it.

NEW BUSINESS

Caroline Scutt noted that along the bike trail across from the ballfields, there are two open holes that are dangerous. These structures, concrete cisterns are used for water retention. The kids all go down by the river. One had a metal cover on it and it was torn off. William Sullivan stated that he will take a look at it and he will have Mike Reino call the DEP.

OLD BUSINESS

Recycling – Food Waste recycling

Mayor Cooper stated that we are still trying to make something happen.

Wastewater Treatment Plant Facility update

Mayor Cooper commented that we will wait to hear from Jack Opdyke. He understands from Victor Gilardi that we are close to turning the switch on. The cold has an impact on the bugs.

Hilltop Streets

Mayor Cooper noted that as he noted before Brad Myhre will assist on this project. Brad Myhre and he will try to have something for Council to look at. Then, we will meet with residents after February 4th. When the development was built, there was no structure in place to oblige the development to complete infrastructure. Residents want it. We have a preliminary estimate of what it will cost. Attorney Cruz will be involved in the legal issues. We are looking at ways to pay for it. Brad Myhre will help us look for grants and/or low interest loans at a cost of approximately 2.5 million dollars to do the project. William Sullivan added that the roads are not deeded to the Borough. If one person does not want in, we cannot do the project. It is a big expense.

Milford Road

Mayor Cooper noted that he spoke with several Freeholders yesterday. Matt Holt suggested that we do not cast the discussion in terms of a swap but as a question of economic development. He will set up a meeting. If the developer has to conform to the County requirements on egress and ingress, it would not be economically viable for him to do the project. We want to make sure that we can make it happen without the short end of the stick. They have not rejected it. Freeholder John King

opposes it. We are trying to make it happen.

COUNCIL COMMITTEE ASSIGNMENTS FOR 2015

Mayor Cooper stated that he would like to hear from each Council member on what committees they would like to serve on so he can make the appointments at the February meeting.

COUNCIL COMMENTS

Michele Liebttag noted that she received an application for the Frenchtown Fire Department from Matt Kelly to serve as a volunteer for the Frenchtown Fire Department. We have gotten approval from the Chief of Police and the Fire Department. We will need Council approval. On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Matt Kelly as a new member of the Frenchtown Fire Department.

Cathy Leach reported that she attended the library Board meeting on Monday and we asked them to help us understand the process of hiring someone to help Sarah Heil. We would like to have someone available to assist. She will contact the County Library to see if it is possible for them to provide a staff member.

Cathy Leach also reported that she received a call from Jessica Humphrey. They would like to put a shed at Old Frenchtown Field next to the other shed. It would be a locked shed where we would have a key. The playground toys would be accessible to any other child who would want to play. It is a permitted structure. She will need to touch base with the insurance company. Responding to Cathy Leach, William Sullivan stated that the Borough could allow them to do it provided that we are not responsible or liable. If they leave, they take the shed. We do asked to be held harmless. Attorney Cruz recommended that the Borough check with the insurance company. If you do not own it, you do not have an insurable interest. The school should have insurance and you would be named as an additional insured.

Cathy Leach noted that the Frenchtown Business and Professional Association is asking permission to hold the weekly Farmers Market at Old Frenchtown Field. She would like the infrastructure committee to discuss it and bring it back to Council. William Sullivan noted that we do not allow vehicles on the grass. Caroline Scutt noted that it is the Frenchtown Farmers Market but it is not spear headed by the Frenchtown Business and Professional Association. The Hunterdon Land Trust may take it over. It would be held on Thursday evenings and the thought was that parents and students would have access to the school and would not be competing with the Hunterdon Land Trust's markets on Sunday. Mayor Cooper stated that they would be using the parking at the corner of Harrison Street and the entrance to the park.

Cathy Leach also noted that she received a request from Peter D'Costa and Rich Cahill. They are interested in holding a musical festival at Old Frenchtown Field in June. It is a one and a half day event. The committee will discuss it and bring it back to Council.

Michele Liebttag reported that the Fire Department should have heat as of Friday. There were

documents missing so she asked Diane Laudenbach to contract the contractor directly for the documents.

Mayor Cooper asked Clerk Shepherd for a report

Clerk Shepherd noted that the Rabies Clinic is scheduled for Saturday, January 10, 2015 from 1-3 pm at the Firehouse.

Mayor Cooper asked the Borough Attorney for a report

Attorney Cruz thanked the Council for reappointing him.

CORRESPONDENCE

Council discussed the Louis Bay 2nd Future Municipal Leaders Scholarship Competition. Michele Liebtag noted that she will reach out to the school.

Council discussed the Statewide Insurance Fund Risk Control Grant Program. Mayor Cooper asked Brenda Shepherd to reach out to Statewide Insurance for additional information.

EXECUTIVE SESSION

- A. Contract Negotiations – Kleinfelder**
- B. Contract Negotiations – Tomar Construction LLC.**
- C. Contract Negotiations – Local PBA 188**

On motion by Michele Liebtag, seconded by William Sullivan and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 10:10 pm and approved Resolution #2015-28 as follows:

RESOLUTION #2015-28

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 – Kleinfelder
 - b. Contract Negotiations – Tomar Construction LLC.
 - c. Contract Negotiations – Local PBA 188
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.

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 January 7, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

The executive session was concluded at 11:35 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 11:35 pm on motion by William Sullivan, seconded by Cathy Leach and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk