

**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 15, 2015 and the Express Times on January 15, 2015; 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 May 6, 2015.

**FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

**ROLL CALL**

Present for the Meeting:

John Hindman  
Cathy Leach  
Michele Liebttag  
Jack Opdyke  
Caroline Scutt  
William Sullivan

Absent from Meeting:

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 10 member of the public was also present.

**PUBLIC HEARING**

**Ordinance #755 - An Ordinance of the Borough of Frenchtown accepting Jurisdiction of that portion of Harrison Street from Seventh Street to Twelfth Street at Harrison Street’s Boundary with the Township of Alexandria from the County of Hunterdon**

The Mayor and Common Council approved to open the public hearing on Ordinance #755 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #755 by favorable voice vote.

**PUBLIC COMMENTS**

The Council approved to open the public comment session.

**Frenchtown Board of Education – Kate Nugent**

Mayor Cooper congratulated Kate Nugent who was one of three residents of Hunterdon County who was recognized by the County Education Association for her contributions to education over the years which was richly deserved. Of the three, two people are from Frenchtown. Catherine Lent was recognized for her contribution in education. Ms. Lent started Real Girls in Frenchtown. Ella Haver was recognized for her contribution in education. Ms. Haver started the Jennie Haver Scholarship Fund. She started the fund at the age of 70. She is now 102.

Kate Nugent stated that she is here this evening to present the 2015-2016 School Budget and to update the Council about the construction. The school budget presentation is attached to this set of minutes.

Ms. Nugent called the Council’s attention to the shared service with the high school this year with the Business Administrator and Principal. We also share services with technology, transportation

and other staff members. Working with the Administrator and Principal provided many opportunities that we did not know were available. We had to spend time, energy and money preparing for the new PARCC Exam. We had to make sure the building was capable of handling it, that we had enough I-pads and desk top computers and with our shared technology, the high school helped out. We also had to spend time and energy in the area of professional development which included a new evaluation system for teachers and administrators and we had to learn that.

Ms. Nugent also noted that their State aid has remained flat from last year. Over the last 10 years, it has remained flat. The tuition is from the preschool program. This is the first year we did all day preschool. Tuition expenditure is what our school spends to send students out of the district. Transportation costs jumped for that same reason. We have explored a lot of options. We did have a self-contained room for years but we could not handle the other requirements. We looked with other sending districts for that but it is beyond any of our means. The graph explains the major increases this year. The other huge jump in costs was the benefits. The staff does contribute and they are seeing an increase as well. There was a reduction in staff. As to the preschool, we are mandated to provide for children with certain needs. We break even for the children we have to send out of district. We have had a preschool for a long time. All sending districts have a preschool now because there is a need for it. As to the short fall of 10%, we looked at what we could do. We are confined by a 2% increase in taxes. Because of these three different items, we are able to increase taxes over 2% because of the enrollment increase. Over the past three years we did not increase more than 2%. It was banked and if there is a substantial increase in health benefits, we used some of that to increase our revenue but we also decided to borrow from some of the reserve funds. It only buys us time. We have decided to withdraw \$25,000.00 from the maintenance reserve, \$48,000 from capital reserve, \$100,000.00 from the fund balance and \$4,000.00 from the debt service fund balance. The concern is if we have an emergency or if we have a child that comes into the district that needs special services. We did not want to take away programs or staff. Specials needs was unanticipated. Enrollment is around 150. The last page is the tax impact.

Ms. Nugent noted that with state funding, the revenue is \$735,000.00. About \$85,000.00 is from school choice aid of which we do not know how long that will continue. We are currently full. The program is underfunded by the State. If that funding becomes no longer available, our State aid will decrease quite a bit. Our State aid was low 5 years ago and we borrowed from the fund balance. We are getting that back.

### **Construction project at the Elementary School**

Kate Nugent reported that the project is on schedule. The school will be useable this summer from June until September. The playground will be closed off. All four projects will be done. The Secret Garden Montessori School has given us a room to use and the administrative offices will be at the high school. Mayor Cooper requested that the two storage trailers be located as far back as possible in the parking area. Kate Nugent added the bids for paving of the school parking lot did not go the way we wanted. We may be able to use our parking lot. She appreciates the use of the parking lot at Old Frenchtown Field. Council thanked Kate Nugent for the presentation.

Janet Factor from the Frenchtown Business and Professional Association noted that a few months ago, we had a meeting about the street signs and different signs. She thanked Michael Margolis and Dorsey Reading for volunteering. Dorsey Reading has offered to make the wayfinding signs.

Dorsey Reading asked in reference to the four designated 30 minutes parking spots, if the Borough will take the 2 hour parking sign down and put up the 30 minute parking signs? William Sullivan stated that as soon as they come in, they will be put up. We talked about how they would be installed. They have painted "30 minute parking" on the spots meanwhile. Dorsey Reading noted that he has noticed a changed since the painting.

Dorsey Reading also noted that he has been delegated by Ron Colby, Michael Padovan and himself to request that the Council do not allow the closing of Bridge Street for their businesses. John Mathieu added that you are taking away 8 parking spaces used for the businesses and putting traffic into the residential area. It would be an increase in traffic as the Police Chief has indicated. He requested that the town does not close the Bridge Street for the events. Janet Factor noted that it is only 2 days out of the year from Noon to 5 pm. Milford Alive for their events does the same thing. In order to maintain safety, we asked the owners to consider that. It is 10 hours out of the year. Michael Tyksinski stated that the majority of visitors and people with their dogs will be a lot safer if Bridge Street was closed instead of Harrison Street.

Chief Kurylka commented that he understands Dorsey Reading's concern but vehicular traffic has increased tremendously. People crossing Bridge Street between the cars causes a hazardous condition. It is a lot easier to deter traffic down Harrison Street. There was numerous traffic problems with traffic in and out of the bank and people going the wrong way. He agrees that you will have people crossing in between cars and parking will become a problem if it is a nice day. Either way he thinks it would be better that the event be centrally located. He recommended staying with the plan to close Bridge Street between Trenton Avenue and Harrison Street. It is a lot safer.

Mike Tysinski commented that he is pleased to see the issue of the speeding on Kingwood Avenue is being addressed. It is a real issue. He walks that street twice a day and the quality of life is real. He suggested that the Borough make that street part of the Borough's street system. Mayor Cooper noted that the Frenchtown Police has taken a speed study.

### **CONSENT AGENDA**

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

On motion by Jack Opdyke, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 5/6/2015 as attached and Resolutions #2015-56 and Resolutions #2015-57 as follows:

### **Resolution no. 2015 - 56**

#### **Tax sale redemption**

**WHEREAS**, the Tax Collector has been paid by Decker & Finchler trust Account to redeem Tax Sale Certificate No. 14-002 the amount of \$18,207.32 on Block 52, Lot 6.01, and

**WHEREAS**, the lien holder paid at the time of the sale a premium of \$9000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check payable to US Bank Custodian for Empire VI, 50 S. 16<sup>th</sup> Street, Philadelphia, PA, 19102, in the amount of \$27,207.32.

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Warren E. Cooper, Mayor

Attest

May 6, 2015

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2015-57**

**TEMPORARY BUDGET APPROPRIATIONS**

**BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the 2015 Temporary Budget Appropriations be raised by the statutory one twelfth.

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Warren E. Cooper, Mayor

Dated: 5-6-15

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**PRESENTATION OF MINUTES**  
**Special Meeting – February 28, 2015**

On motion by Michele Liebttag, seconded by John Hindman and carried by favorable roll call vote, the Mayor and Common Council approved the Special Council meeting minutes of February 28, 2015 as amended (Jack Opdyke was in attendance) with John Hindman abstaining.

**Special Meeting – March 26, 2015**

On motion by John Hindman, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Special Council meeting minutes of March 26, 2015.

**Regular Meeting April 1, 2015**

On motion by Michele Liebttag, seconded by John Hindman and carried by favorable roll call vote, the Mayor and Common Council approved the Regular Council meeting minutes of April 1, 2015 with Cathy Leach abstaining.

**PRESENTATION OF EXECUTIVE SESSION MINUTES**

**Executive Session Minutes – March 4, 2015**

On motion by Cathy Leach, seconded by Michele Liebttag and carried by favorable roll call vote, the Mayor and Common Council approved the Executive Session meeting minutes of March 4, 2015 with Jack Opdyke abstaining.

**Executive Session Minutes – March 26, 2015**

On motion by Jack Opdyke, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Executive Session meeting minutes of March 26, 2015.

**RESOLUTIONS**

**Resolution #2015-58 -Appoint Melissa Gustafson as part time Police Assistant for the Borough of Frenchtown**

Melissa Gustafson introduced herself. Chief Kurylka noted that Melissa Gustafson scored highest in evaluation and the application process. A typing test was performed. She also scored highest in presentation. He recommend her for the position of police secretary. Jennifer Terepka will cross train Melissa Gustafson. Michele Liebttag and Jack Opdyke both confirmed that Melissa Gustafson is a good choice. Michele Liebttag noted that she will be paid the rate as set forth in the 2014 Salary and Wage Ordinance. On motion by Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-58 as follows:

**RESOLUTION No. 2015-58**

**Appoint Melissa Gustafson as part time Police Assistant for the Borough of Frenchtown**

**WHEREAS**, the Borough Council of the Borough of Frenchtown and the Frenchtown Borough Police Department shall require the services of a part time Police Assistant effective May 27, 2015; and

**WHEREAS**, the Frenchtown Borough Police Chief has reviewed Melissa Gustafson's application and qualifications and has found them all to be acceptable, and

**WHEREAS**, a criminal background check has been performed on Melissa Gustafson and found to be acceptable; and

**WHEREAS**, the hours for the part time Police Assistant will not exceed 29.5 hours per week; and

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

**WHEREAS**, the Chief Financial Officer has determined that there are sufficient funds available in the Police Department Salary and Wage 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 May 27, 2015, Melissa Gustafson be appointed as part time Police Assistant at the hourly rate of \$13.12 per hour.

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Warren E. Cooper, Mayor

ATTEST:

May 6, 2015

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2015-59 – Resolution authorizing final payment and final change order for the Creek Road Stream Bank Stabilization Project**

Mayor Cooper noted that he was told by Chief Financial Officer that this came about because of the engineer's initial estimate. It is an adjustment of \$15,000. On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-59 as follows:

**RESOLUTION NO. 2015-59**

Authorizing Final Payment and Final Change Order for the  
Creek Road – Stream Bank Stabilization Project  
Frenchtown, Hunterdon County, NJ

**WHEREAS**, the Borough of Frenchtown has contracted with Glen G. Hale, Inc. to perform stream bank repairs along Creek Road in the amount of \$100,465.15;

**WHEREAS**, the Borough Council previously approved Payment #1 to the contractor in the

amount of \$85,552.65;

**WHEREAS**, a final change order is required for work that was performed by the contractor to stabilize and protect the upstream portion of the newly installed retaining wall and to stabilize additional erosion areas that occurred immediately upstream of the project area (i.e. wall) after work on the project commenced, and also to adjust the contract quantities to reflect the final as-built quantities;

**WHEREAS**, the Borough Engineer has confirmed that this work is less than 20% of the original contract amount;

**WHEREAS**, there will be an increase to the contract quantities which, in turn, results in a final adjusted contract price of \$105,348.44,

**WHEREAS**, the Borough Engineer has notified the Borough Council and the appropriate municipal officials that this project has now been satisfactorily completed via memorandum, dated March 31, 2015; and

**WHEREAS**, the Borough Engineer and Borough Attorney has reviewed Maintenance Bond No. B10 022 767 issued by Aegis Security Insurance Company with respect to this project and found same to be satisfactory as to form, substance and execution;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of Frenchtown Borough as follows:

1. It approves the Final Change Order to Glen G. Hale, Inc. in the amount of \$4,883.29 increasing the total amount of the contract to \$105,348.44.
2. It hereby acknowledges that this project has been satisfactorily completed, and accepts and approves same.
3. It authorizes the appropriate municipal officials to pay the balance due on the contract in the amount of \$19,795.79.
4. It hereby accepts Maintenance Bond No. B10 022 767 issued by Aegis Security Co., in the amount of \$18,237.00.
5. It hereby releases the Performance Bond issued with respect to this project.

ADOPTED: May 6, 2015

I, Brenda S. Shepherd, Municipal Clerk of Frenchtown Borough, do hereby certify this to be a true copy of a resolution adopted by the Borough Mayor and Council at a meeting held on May 6, 2015.

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Brenda S. Shepherd, Borough Clerk  
Frenchtown Borough

**Resolution #2015-60 – 2015 Municipal Budget (Introduction)**

Mayor Cooper stated that the Budget discussion will be moved to later in the meeting.

**Resolution #2015-61 – Resolution of the Borough Council approving the grant of a revocable- Non Exclusive license providing ingress and egress access to and from Block 45 Lot 2 and the improved portion of Washington Street at its intersection with a 12 foot wide unnamed alley**

Jack Opdyke stepped down on this agenda item due to conflict of interest.

Attorney Cruz noted that the property owner sought to use part of the unimproved portion of this alley as part of access to their driveway. This grants the property owner use of that alley until and if the Borough wishes to take jurisdiction at some time in the future. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-61 as follows:

**BOROUGH OF FRENCHTOWN, NEW JERSEY  
RESOLUTION NO. 2015-61**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
FRENCHTOWN APPROVING THE GRANT OF A REVOCABLE, NON-EXCLUSIVE  
LICENSE PROVIDEING INGRESS AND EGRESS ACCESS TO AND FROM BLOCK  
45, LOT 2 AND THE IMPROVED PORTION OF WASHINGTON STREET AT ITS  
INTERSECTION WITH A TWELVE (12) FOOT WIDE UNNAMED ALLEY**

**WHEREAS**, the Borough owns and controls all municipal rights of way within the Borough, including Washington Street north of Kingwood Avenue; and

**WHEREAS**, Washington Street is improved with gravel and a sanitary sewer main between Kingwood Avenue and a twelve (12) foot wide unnamed alley, and is improved with a sanitary sewer main and manhole only to the north of the said alley; and

**WHEREAS**, the Borough Council is empowered to exercise all administrative powers, including but not limited to regulating the use of municipal property, by resolution; and

**WHEREAS**, by Resolution No. 2014-17, adopted June 25, 2014, the Borough's Planning Board granted approval for a single-family residence to be developed on Block 45, Lot 2 on the Borough's Tax Map (the "**Property**"); and

**WHEREAS**, the Property is located at the northwest corner of the intersection of Washington Street and the aforesaid alley; and

**WHEREAS**, the Property does not have a direct means of ingress and egress access to Washington Street; and

**WHEREAS**, the Planning Board conditioned the aforesaid approval on the grant of an agreement providing ingress and egress access to and from the Property and the improved portion of Washington Street at its intersection with the aforesaid alley, which agreement is subject to Borough Council's review and approval; and

**WHEREAS**, upon review and recommendation of the Borough Engineer, Borough Council has determined to approve such ingress and egress access pursuant to the terms and conditions of a certain Revocable License Agreement attached hereto as EXHIBIT A (the "**Agreement**");

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, the Agreement in the form attached hereto as **EXHIBIT A** is hereby approved; and

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized and directed to execute and deliver the said Agreement and effectuate all of the terms and conditions contained therein.

I, Brenda S. Shepherd, Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true copy of the Resolution approved by the Borough Council at their May 6, 2015 meeting.

Attest:

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Brenda S, Shepherd, RMC, Borough Clerk

Jack Opdyke returned to the meeting.

## **ORDINANCES**

**Ordinance #755 - An Ordinance of the Borough of Frenchtown accepting Jurisdiction of that portion of Harrison Street from Seventh Street to Twelfth Street at Harrison Street's Boundary with the Township of Alexandria from the County of Hunterdon (Adoption)**

On motion by William Sullivan, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Council approved the adoption of Ordinance #755 as follows:

### **ORDINANCE #755**

#### **AN ORDINANCE OF THE BOROUGH OF FRENCHTOWN ACCEPTING JURISDICTION OF THAT PORTION OF HARRISON STREET FROM SEVENTH STREET TO TWELFTH STREET AT HARRISON STREET'S BOUNDARY WITH THE TOWNSHIP OF ALEXANDRIA FROM THE COUNTY OF HUNTERDON**

**WHEREAS**, the County of Hunterdon and the Borough of Frenchtown have, over a period of years, discussed the County relinquishing jurisdiction of that portion of Harrison Street from Seventh Street to Twelfth Street at Harrison Street's boundary with the Township of Alexandria

to the Borough of Frenchtown; and

**WHEREAS**, on March 3, 2015, the Board of Chosen Freeholders adopted a Resolution titled “Resolution Dedicating Harrison Street to Frenchtown Borough” of which a copy is attached as Exhibit A; and

**WHEREAS**, the Borough, pursuant to N.J.S.A. 40:67-2, desires to accept jurisdiction of this portion of Harrison Street from the County and incorporate this portion of Harrison Street into the Borough’s road system.

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

Section 1. The Borough of Frenchtown, pursuant to N.J.S.A. 40:67-2, accepts jurisdiction of that portion of Harrison Street from Seventh Street to Twelfth Street at Harrison Street’s boundary with the Township of Alexandria, as described in attached Exhibit B and shown on attached Exhibit C, from the County of Hunterdon and incorporates that portion of Harrison Street into the Borough’s road system.

Section 2. This Ordinance shall not take effect until the County of Hunterdon Board of Chosen Freeholders relinquishes jurisdiction over that portion of Harrison Street by duly adopting a Resolution, and upon this Ordinance being adopted, published and recorded as required by law.

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Warren E. Cooper, Mayor

ATTEST:

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Brenda S. Shepherd, RMC, Borough Clerk

**NEW BUSINESS**

**Approval of American Legion Raffle License Application for pull tab raffles from May 1, 2015-April 30, 2016**

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Council approved the American Legion Raffle License Application for pull tab raffles from May 1, 2015-April 30, 2016.

**Riverside Symphonia requests permission to hang a banner across Bridge Street from June 12-July 6, 2015**

Responding to Council as to the question of it interfering with other banners, John Hindman noted that there are other banners but it has never hamper any of them. On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Council approved Riverside Symphonia to hang a banner across Bridge Street from June 12-July 6, 2015.

**Approval of Memorial Day Parade- May 25, 2015**

On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Council approved the Memorial Day parade for May 25, 2015.

**Approval of Bastille Day Event – July 11, 2015**

Janet Factor, President of the Frenchtown Business and Professional Association, noted that they are requesting Bridge Street be closed instead of Harrison Street for the events. Jack Opdyke noted that there is a fairly good amount of people on Bridge Street. He supports the local businesses and the Business Association and has always been for closing Harrison Street. Cathy Leach stated that she is in favor of closing Bridge Street because of the safety issues as Chief Kurylka indicated. Caroline Scutt commented that the Borough can try it and see if it works. It is a safety issue. It is difficult to cross Bridge Street during the events. The opposition is that some businesses and residents do not want it. John Hindman noted that part of the reason that Bridge Street was selected was to move the activity into the center of town so that both ends benefit. William Sullivan stated that he agrees with the Chief as the public safety professional and we should follow his suggestion.

Responding to Michele Liebttag, Chief Kurylka stated that they have closed Bridge Street many times and it would be the same detour patterns. Mayor Cooper noted that we do not ask for times of the event on the Activity Form. Janet Factor responded that it would be no longer than Noon to 5:00 pm for the street closing. Chief Kurylka stated that it is normally an hour before and an hour after for setting up and tearing down of the equipment. It will require two officers. The Business Association pays for that. Responding to Dorsey Reading as to whether the vendors on the street are from town, Janet Factor stated that all vendors are not for profit and then, we have the entertainment. It is a festival. Caroline Scutt noted that anyone can come to the planning meeting. Janet Factor added that the theme is “Paris in Frenchtown”. We need things that look like Paris. We do not use many vendors. We had a lot when we used the field. Council requested the times that the street will be closed. Council consented to the Bastille Day event from Noon to 5:00 pm but asked that the Business Association provide the times for closing of the streets.

**Approval of Riverfest Event – August 30, 2015 - Frenchtown Business and Professional Association**

Michael Tyksinski noted that they are requesting approval for Riverfest on August 30, 2015 with Bridge Street being closed from 11:00 am to 6:00 pm. On motion by William Sullivan, seconded by Cathy Leach and carried by favorable roll call vote, the Mayor and Council approved the Riverfest Event on August 30, 2015 and the closing of Bridge Street from 11:00 am to 6:00 pm.

Vote on the Motion:

Ayes: Hindman, Leach, Liebttag, Scutt and Sullivan.

Nays: Opdyke.

**Request permission to do a street performance at River Road and Bridge St.**

Mayor Cooper noted that the individual has not met with the Chief of Police nor submitted an Activity Form. In general, we have approved things like this in the past. Mayor Cooper polled the Council and Council needs more information to consider an approval.

**SADC Application for Farmland Preservation – Block 5 lot 6, Kingwood Township, and Block 17 Lot 1, Borough of Frenchtown**

Mayor Cooper noted that there is correspondence from SADC as to an application for Farmland

Preservation. They are requesting a response. Frenchtown's response is from the Chairman of the Planning Board that it is consistent with the Master Plan. William Sullivan noted that this property was removed from the sewer service area and he supports the preservation. Mayor Cooper noted that a response should also come from the Governing Body. On motion by Jack Opdyke, seconded by Michele Liebttag and carried by favorable vote, the Mayor and Common Council support the preservation of Block 5 Lot 6, Kingwood Township and Block 17 Lot 1 in the Borough of Frenchtown.

Vote on the motion:

Ayes: Hindman, Leach, Liebttag, Opdyke and Scutt

Nays: Sullivan

Mayor Cooper noted that he will provide a response.

**Noise Complaints**

Mayor Cooper noted that over the last six to eight weeks, he received a number of complaints of dogs barking and businesses creating excessive noise outside. We have addressed this problem in the past. He wanted to acknowledge that it may become a problem again and we may need to involve the zoning officer. Chief Kurylka commented that he prefers that the zoning officer do that. Chief Kurylka added that these people have the opportunity to sign a complaint.

**Speed Limit on Kingwood Avenue**

Mayor Cooper noted that we are trying to see what we can do. Chief Kurylka has undertaken a study by monitoring the number of cars and the speed of those vehicles travel during that time. Some will be within the speed limit range and some will not. We have to demonstrate to the County or State that there is sufficient cause to decrease the speed limits in order to be able to go forward. Michael Tyksinski noted that if we do a study and it shows that vehicles are doing the speed limit, it still would not be safe. William Sullivan stated that in the State of New Jersey, speeds on all streets are regulated by the NJDOT. We can make a request for a reduction but unless there is a special circumstances, they are rarely granted. Mayor Cooper commented that we are taking steps to resolve the issue and appreciate your input.

**HART Pedestrian/Motorist Safety Study**

Mayor Cooper noted that the County agency helps maintain good pedestrian and motorist behavior and they helped develop a safe streets and roads policy for the Borough. They began a study of pedestrian and motorist behavior in town. There is an online questionnaire. They collected initial data such as jaywalking in the downtown, not stopping for pedestrians, etc. The next phase is to begin an education effort. The school is making lawn signs and signs are being put up in the downtown windows. The police will hand out information alerts when someone does not follow the law. They will give out awards for good driving. After the educational intervention program, we will go back to survey pedestrian and motorist behavior.

**COAH**

Mayor Cooper noted that in response to changes to the affordable housing area from the State, we decided to engage the planner in preparing documents to submit to a special court so that we can protect ourselves against a builders remedy while we develop a plan of action. The County called a meeting of all the Mayors this past week, seeking participation in a County wide effort to address these same issues and hiring legal representation to fight against some of the policy decisions. That

group is asking someone to be a representative from the municipality. It will involve a meeting in the next few weeks. William Sullivan volunteered to be the Borough's representative. He will report to both the Planning Board and Council.

### **NJDEP NJPDES Permit**

Mayor Cooper noted that the new sewer plant is designed to handle a greater volume of effluent than in the past. We have to submit a formal application to get a license to treat that volume of material. He thought this was part of the bid specs but according to Engineer Tim Bradley, it is not. He is offering to prepare these documents at a cost of \$8,000.00. Jack Opdyke commented that we have to apply for it because we need the license. Adam Liebttag added that an engineer should prepare the NJPDES permit application. Our current permit was kept at the previous flow rate even though we were building. It is a necessary step in the process. Attorney Cruz noted that the DEP needs 180 days to review the application so it is approved by the current permit's expiration. The costs are the engineering fees. There is no application fee. Clerk Shepherd will check with Engineer Bradley to see if his fee would be covered by the grant. We will have to carry it to a later date because we do not have the funds in place. The Council will have to act on it by the June meeting.

### **Approval of Coin Toss on May 16 and May 17 for the Frenchtown Fire Department**

Mayor Cooper noted that he spoke with the Chief and the coin toss has to be approved by the County Freeholders if they are on a County Road. Mayor Cooper also noted that we have asked the Fire Department to give us sufficient time to address these issues. A motion was made by to approve the Coin Toss for May 16<sup>th</sup> and 17<sup>th</sup> for the Frenchtown Fire Department. William Sullivan seconded the motion. Mayor Cooper opened the floor for discussion. Chief Kurylka noted that Paul Murphy told him that the Fire Department did not make the County Freeholder meeting so they cannot hold it on the County Road. They would have to be off the side of Race Street and that poses a problem. The motion was withdrawn.

### **OLD BUSINESS**

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

Mayor Cooper stated that there is no new information on the recycling program.

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

Jack Opdyke reported that the issue with the sludge removal has been resolved. We hope to have it finished tomorrow. Mayor Cooper asked if it will need to be inspected? Jack Opdyke responded that he can ask Tim Bradley. He is optimistic that Tomar will be back on tract.

Jack Opdyke stated that Victor Gilardi needs to purchase a computer. He has three quotes each around \$1,000.00. The plant came with a laptop and Victor Gilardi would like to use that at home and have a standard desk top at the sewer plant. Mayor Cooper asked if the vendor will charge us to load the software programs. Jack Opdyke responded that his IT person will help with that. Adam Liebttag noted that there is money in the loan for a second laptop. Victor Gilardi is switching it to a desktop system for the laptop work station. Jack Opdyke noted that three quotes of Staples, PC Connection and Rivernet. PC Connection will not take a voucher. He recommended approving the Staples quote. On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the purchase of a

Desktop Computer, printer, and monitor from Staples in the amount of \$1,076.46 and not the lowest quote by PC Connection because PC Connection will not take a voucher from the Borough.

### **Hilltop Streets**

Mayor Cooper noted that John Hindman, William Sullivan and himself met with residents of the hilltop streets. They had a good turn out. The Borough Attorney and Borough Engineer were also there and answered questions and laid out parameters including the constraint that all property owners would have to sign a quit claim deed. Eighteen of the twenty-four property owners were there. Only one voiced an objection. He will keep Council abreast of the progress. John Hindman commented that one of the things we talked about was having street leaders. William Sullivan noted that once we get consent and everyone is on board, we will have a town meeting.

### **Fire Prevention Official**

Mayor Cooper reported that after Jerry Hoffman left, we had sought to replace him and found an individual who shortly after being hired did not take the job because of personal issues. Michele Liebttag stated that the Borough hired Bill Majewski who retired. The other individual had personal issues. Mayor Cooper stated that since that time, the State gives us 90 days to appoint someone. The Borough failed to appoint so the State is the official now. Michele Liebttag stated that if someone is interested in going through certification process, we can bring it back. This has implications for the budget.

### **Sewer Committee recommendations re: Sewer rents and fees**

Mayor Cooper stated that he has not yet met with the Chair of the Ad Hoc Committee. Adam Liebttag stated that he is deeply concerned about the sewer budget and that you are exhausting the entire sewer reserve.

### **Frenchtown 7, LLC – Redevelopment Plan**

Mayor Cooper noted that there was to be a Technical Review Committee meeting tomorrow night but the developer cannot make it now. They have met and the developer continues to make adjustments in the plan.

### **Budget Discussion**

Mayor Cooper reported that this has been a difficult year, the most of the difficult since he has been involved. We are constrained to an increase of the tax levy no greater than 2%. As to the Sewer budget, this year we are to begin paying the sewer debt service. Sheet 32 shows the various contributing factors of four numbers starting with \$42,000.00 and ending with \$342,000.00. That is what we have to pay back this year. Part of it was outstanding debt and \$75,000.00 is interest on the loan. There is a total of \$700,000.00 in debt service between principal and interest. The revenue we collect in sewer rentals is approximately \$600,000.00. The sewer operating budget is on page 32 which shows the salary, O&E, auditor, etc. That is \$170,000.00 plus the \$700,000.00 debt service. We can take the majority out of surplus. According to the auditor, we can do that because we have the money in surplus. Going forward, we will have to generate that money. We have an agreement with George Michael that after he gets the CO for his first two buildings, he is to pay ¼ million dollars for sewer hookups. He believes we will see it in 2016 which will leave us short in 2016. If some of these other projects come on line, we will have sewer hook up fees from Eighth Street and Shale Cliff. Diane Laudenbach estimated that if we were to fund the budget entirely on annual sewer rents, we would have to bill \$1,300.00 per unit per year. We will have to address this going

forward. He does not know if we can change the debt service agreement. Adam Liebttag stated that those were his concerns. He asked if the Borough is contributing to pay off the portion of the loan for the DPW building of \$160,000.00 to offset the cost. The schedule includes a Borough payment to the loan. Mayor Cooper stated that it was not factored into the Borough budget. Adam Liebttag noted that the \$160,000.00 is a burden that the sewer budget is carrying. He stepped off of Council before the loan was secured. Mayor Cooper stated that we do not have a full understanding of the loan. We may have overestimated the number of units. He does not recall that there would be an extra \$160,000.00 debt service payment. Adam Liebttag stated that there was a document presented to the State that laid out the debt statement of the Borough's portion and the sewer portion. Under the project, the schedule says there would be 909 units projecting \$726,000.00 of which \$26,000.00 is the Borough's portion. That was the layout in what we submitted for the loan. Mayor Cooper noted that Bond Counsel is obtaining that information now. We are having a problem staying within the cap without the \$160,000.00 payment. That would be a 13% increase in the tax levy. The sewer budget is paying a portion of the administrative staff's salaries and the DPW has been completely removed from the sewer budget. Adam Liebttag commented that he can do whatever to be helpful. We need to get a committee together. There was one year where the Borough missed the sewer increases. We did not catch up but that does not account for \$350,000.00. He is concerned that the Borough is off tract with that. If you are falling behind in year one, he suggested that the Borough tackle this as soon as possible.

Mayor Cooper moved the discussion to the general budget to address some of the problems there. He provided the Council with two versions of the current fund budget. The difference is that the Budget Committee went through the budget requests and tried to build in a 2% COLA. There is a \$70,000.00 increase that we have no control over. We have another tax appeal and need to put \$2,400.00 into the budget for that. We had an increase in court costs, municipal prosecutor, engineering fees, planning board because we agreed to fund a work effort in addition to the Master Plan review. Insurance costs went up \$18,000.00 as well as the Rescue Squad costs. We also added additional \$2,000.00 for snow removal. The total increase is \$75,000.00 and a 2% increase is \$24,000.00. The proposed Mayor's budget tried to trim where we thought we could. We have \$304,000.00 in surplus and have been using \$255,000.00. We cannot use the 2014 reserves until 2016. Last year, we collected more taxes. We can make an adjustment to that number. We can and should remove the fire official. This brings us closer to where we need to be but it does not include a COLA raise. Certain positions have to be paid the average increase of all other employees. There are four positions.

Attorney Cruz noted that the Master Plan is re-examined every ten years. Codification of the ordinances may be outside the cap. He recommended that the Borough check on that. As to salary increase for certain positions, Attorney Cruz read NJSA 40A:9-165 as follows: as to salary increases, no such ordinance shall reduce the salary of, or deny without good cause an increase given to all other municipal officers and employees to the tax assessor, chief financial officer, tax collector and municipal clerk.

Mayor Cooper stated that we can salvage some of the budget gap by reducing Fire Prevention budget and instituting an open space tax. That money would be available in 2015 depending on how the County Tax Board institutes it. He does not know if we would get half the tax or all of it. In any event, one cent open space tax would raise taxes for an average assessed value of \$270,000.00 by \$27.00. We would raise \$14,900.00. These funds can be used according to the

ordinance anything that benefits the parks. This would lessen the burden on the park line item. Michele Liebttag noted that we used \$700.00 for the Council budget for training but we do not get a stipend. Everyone should be equally hurt. We could reduce the Mayor stipend. Mayor Cooper responded that it can be reduced by \$3,000.00 because he has been paid for half already. Michele Liebttag stated that the medical benefits are going up and our employees will lose money. Mayor Cooper responded that most people have been working for less than they were being paid in 2007. It was not us that put that burden on them. We have a fiduciary responsibility. Jack Opdyke as a private industry, we gave raises for the first time since 2007. Michele Liebttag noted that we are a volunteer board and we give a significant amount of time with our contribution. You have no economic impact and everyone else does. Mayor Cooper commented that he does not think it is unreasonable to get a stipend. He thinks he puts in a lot more time. He recognizes the hole we are in and will take a cut. He also noted that he took a \$600.00 cut in salary a few years ago and each time we provide a COLA increase, he has not asked for one. Michele Liebttag noted that she has data for what Mayors make in Hunterdon County and we are generous.

Mayor Cooper stated that we cannot come up with \$160,000.00. Caroline Scutt recommended that Council come to an agreement on what we are willing to do separate than the \$160,000.00. We looked at the department budgets but do not know what is a priority in each department. What is the impact if we cannot hire a DPW employee, etc.? It is a very difficult process. William Sullivan stated that DPW needs more materials. If you cut that, less work will be done. If they do not have an extra person, the grass does not get cut. We do not pay overtime. The DPW budget was cut years ago and we are still trying to catch up to that level. Mike Reino is just putting out fires. He will operate on what we give him.

Michele Liebttag stated that she is having the Police Department conduct an audit of what the blow back on OT will be and the overall cost of the program. If there is a freeze, we cannot cover shifts. We may not have an officer at the school. We need to figure out what the loss of services would be.

Mayor Cooper stated that if we accept this budget A, make the changes discussed eliminating the fire prevention, shifting the parks to open space and cutting the Mayor stipend and making a minor adjustment to the reserve for uncollected taxes, we can make this budget under the 2% cap levy but where will we come up with the \$160,000.00. Michele Liebttag recommended that we figure out whether the \$160,000.00 is a true impact for this year, go back to the departments and reexamine the budgets submitted and ask for revised budgets prioritizing the needs. Mayor Cooper stated that we need to introduce the budget in June. If the \$160,000.00 is reality, we need to prioritize budgets. Jack Opdyke commented that if we cut \$160,000.00, services may be totally shut down. William Sullivan noted that the hilltop streets project has to be tabled. Adam Liebttag commented that you do not know if it is in the budget. If you cut your budgets, will that allow you to operate your departments?

Mayor Cooper noted that we discussed possibly having a special meeting two weeks from tonight and not having one on June 3rd. He asked if May 20<sup>th</sup> was good for everyone. Council agreed. Attorney Cruz reminded the Council that it agreed to a joint meeting with the Planning Board on June 3<sup>rd</sup> at 6:00 pm. Mayor Cooper stated that he will try to meet with Adam Liebttag before the May 20<sup>th</sup> meeting and have the committee chairs go back to the departments by next Wednesday.

**COUNCIL COMMENTS**

Caroline Scutt asked that everyone use her Frenchtown Borough email address of [cscutt@frenchtownborough.com](mailto:cscutt@frenchtownborough.com) as she is receiving emails to her other addresses.

Cathy Leach reported that the annual park clean-up is May 9<sup>th</sup> from 9:00 am to Noon. The Lions Club is donating for the clean-up.

Cathy Leach also reported that the Library Board met and we have a new member, Mary Stewart. We advertised for the new library position and interviews were done but the Librarian will not retire until January 1, 2016 so we will need to wait to fill that position. The hours for the library have been revised for Tuesdays and Wednesdays to 4 – 8 pm.

Cathy Leach also noted that she did receive a proposal about upgrading the softball field.

**CORRESPONDENCE**

None discussed.

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 10:40 pm on motion by Michele Liebttag, seconded by William Sullivan and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk