

CALL TO ORDER

Council President Jack Opdyke 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 August 5, 2015.

FLAG SALUTE

Council President Jack Opdyke 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:

Mayor Warren Cooper

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 7 member of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Jim Meade noted that there are two properties proposed for farmland preservation that are along the path of the proposed PennEast pipeline. If it is preserved farmland, does it change the ability to allow surveyors on the property? William Sullivan responded that he does not think it will change anything. We approved the recommendation that the properties be considered for farmland preservation. He does not think it changes the right of refusal of private property owners.

Henry Rey noted that he is here for the Commander of the American Legion of Frenchtown. He noted that back in November they wrote a letter to complain about the sewer billing. They have us at the maximum of anything in town. We are Veterans and a non-profit, private organization, only open six hours a day, with two bathrooms at the facility. We use less water than a home. We cannot continue to pay \$1,000.00 per quarter. We are charged four units. We do not have facilities open to the public. He asked when the Borough was going to change to water usage billing? He provided a copy of a letter and the ordinance to Jack Opdyke. Mr. Rey stated that the costs are high and continue to rise and they cannot afford it. Attorney Cruz asked if a sewer questionnaire required to be filled out was filled out by the American Legion? Mr. Rey stated that they did not fill one out for this year but they filled out forms in prior years and nothing has changed in 12 or 15 years. Attorney Cruz noted that the initial determination of the sewer rate is an administrative decision made by the Borough staff. Similar requests have been made. An individual came in last month and before it was raised with the Council, before the sewer bills were issued on June 30th, the staff administratively adjusted the charge. He recommended that the American Legion look into it. You have to go by what is in the ordinance. Henry Rey stated that we are charged four units as classified under Club/Bar but use less water than a home. We wrote a letter and never heard

back. Jack Opdyke noted that he will personally look into it.

Henry Rey asked that the Road Department fill in the potholes on Creek Road and stated that Creek Road is so bad you cannot drive down it. William Sullivan commented that we are short staffed and short funded this year. We are doing the best we can with the staff we have. Mr. Rey stated that the bushes are in the right of way. William Sullivan stated that we cannot touch the bushes. Mr. Rey responded that if they hang in the road way, they are your bushes. William Sullivan noted that he will look at the bushes. He added that the Borough was involved in potential law suits for cutting bushes. Mr. Rey stated that if they are in the roadway, you cut them and charge the property owner. William Sullivan noted that it has been an ongoing flexing of muscles. The right of way goes to the edge of the curb on Milford Road which makes it difficult. Property owners do not want us touching their bushes or trees. When it goes into the right of way, we will cut them.

James Meade commented that nine months ago, he brought up that the Borough needs to publish the meeting minutes. Cathy Leach noted that we are up to date as of this afternoon.

Mr. Tabibnia, owner of 76 Kingwood Avenue, stated that he was told he was going to be contacted two weeks after the last meeting. He needs to get an answer as far as what direction we are going. If you can do that tonight that would be great or else he will have to present his case again. Attorney Cruz noted that Mr. Tabibnia appeared at the last meeting, in July. Sewer bills were prepared and sent out on June 30th. This year for the first time, you filled out a questionnaire responding to the use of your property. Based upon the response to that questionnaire and even before you came before Council, your sewer bill had been adjusted based upon the responses you provided and it was address by the tax and sewer rent collector. So, your request was already addressed. It was simply a matter of not communicating that to you. He did see an email that the Mayor drafted communicating that to you. He does not know if that was sent to you but he did see an email where the Mayor was formally responding to you. Mr. Tabibnia stated that he does not think the Mayor has his email address. Mr. Tabibnia stated that he also brought this up to you back in March of 2013. Attorney Cruz noted that you did not fill out the questionnaire form. Mr. Tabibnia stated that no one sent him the form. Attorney Cruz noted that the ordinance exists and you have a responsibility to comply with the ordinance. When you filled out the form, it was administratively addressed. Mr. Tabibnia noted that in March of 2013, he came here requesting for this to be looked at. He contacted the officials six times and got no response. If he is illegally being charged for an additional unit, he wants an answer. Attorney Cruz noted that he will not debate legality. John Mathieu asked who was running the meeting? Attorney Cruz responded that Mr. Mathieu was not recognized to speak and is speaking. Mr. Mathieu stated that he is familiar with Municipal Law and it is unbelievable that the Attorney is running the meeting. Council President Opdyke called for order and noted that Mr. Mathieu will be recognized after Mr. Tabibnia is finished. Mr. Tabibnia stated that in March of 2013 when he purchased the house, he saved it from foreclosure so that property values in Frenchtown did not collapse. As a result, you were able to sell a house for \$900,000.00. He would like to be recognized that everything he says has to be taken seriously. He does zoning laws for a living and he knows what he is talking about. In 2013, when he brought this to Council's attention, he did not get any response from any official in town. He asked for the proof of the pipeline showing two pipelines to the sewer. He never got that. He also asked for every house similar to his that had a professional space or another house being rented. He never got a response. There are two issues here, no one ever responded and number two, you are calling the carriage house a commercial space for a professional office. By law, it would

have to be handicap accessible. This house is not handicap accessible. By law, it was illegally being charge from day one. He is not sure what the developer worked out with the town but that is not what he worked out with the town. He saved the house. It is a historical house and he does desire the respect to have it looked out from when he wrote the letter to the Council in 2013 and be credited back to when he purchased the house. He is begging the Council so we do not go into legal matters to resolve it, to look into it and credit him the months for this up coming year. He was being charged illegally and other homes are not being charged. It is not a legal commercial space because it is not handicap accessible. In NJ, if you are calling it commercial space, it has to have handicap access. At best, the carriage house is a home office. He would appreciate that it be addressed by the next billing so this does not go to tax sale. He does not want it to go to tax sale for \$1,000.00. Please see to it that it is taken care of. Council President Jack Opdyke responded that we will take a look at it and respond to you in writing.

David Meecha, one of the owners of the Gem building, stated that he wanted to understand the tax increase of 20%. It seems steep and hard to swallow. How has this gone about? What is the sealing point? He is nervous that their property value is going down. He is paying between sewer and taxes an extra \$14,000.00. That is about 15% of the profit from the building but they do not always make a profit. He does not understand the increases and it does not make sense. Half of the units are commercial and half of the commercial units are not used every day. It seems unreasonable that commercial owners have had to take the brunt of this when there are sewage used from residents in town. He is nervous about where this can go. They never had an increase like this in his life. Council President Opdyke noted that the Borough has never had tax increases like that. We had a double whammy. We had to put in a new sewer plant because the old plant was 50 years old and was failing miserably and we had no choice. When we did that, we had to move the DPW facility. We had to create two structures. Those facilities were constructed and we have to pay the debt service amongst other increases such as insurance, etc. The Council worked on the budget for four months trying to keep it down as far as we could. It was difficult. We did not want to default on the loans. That was the major part of it. Responding to Michele Liebtag, David Meecha noted that they were told that they were going to be reassessed but were not. They cannot raise rents 20%. He does not know if he could sell his building. He does not know how it is being divided up between all of Frenchtown. He does not believe that everyone in Frenchtown is paying a 20% increase in taxes. Jack Opdyke responded that the tax rate is the same for everyone. William Sullivan added that the sewer rate is the same per unit. Every unit is the same price. It depends on the number of units you have. Henry Rey asked why the town does not use water usage for sewer billing? William Sullivan stated that there is a formula coming in and a portion of the sewer fee will be based on water usage. He added that we have to pay for the sewer plant. We needed a special sewer facility, it was expensive but we got it at a great price. Now, we need to pay for it. Everyone's unit went up. If you have two units, you pay twice as much as someone with one unit. The increase had to be done or we default on the loans.

Mr. Tabibnia commented that it seems like town needs money for various reasons. He has spoken to the Chief many times. He set up a speed gun at his house and in one day, there were 250 cars going pass at more than 40 mph. You can set up a speed gun at his house and write tickets. People were going 50 or 55 mph. William Sullivan stated that the town does not make money on tickets. Jack Opdyke noted that last year, we paid \$35,000.00 more for the court system then we took in for fines.

John Mathieu noted that he saw that the Laundromat closing was listed on the agenda. Will that be discussed this evening? He does not know what would be discussed. Council President Jack Opdyke stated that it will not be discussed and he does not know who put it on the agenda. Clerk Shepherd noted that the Mayor sets the agenda.

John Mathieu commented that he thinks the one thing going on here is there is not enough planning going on. He has been involved in municipal government for many years and he knows what the town's problem is and he knows how to solve it. Caroline Scutt stated that she hears that from Mr. Mathieu quite frequently and she would like to welcome your input. We have gotten your input here and at the Business Association level. She has not seen him attend those meetings. We welcome input. Everyone here is a volunteer. Everyone here works extremely hard. If you want to participate in the process, please participate in the process but to come here to spend time about issues that are only relevant in your world rather than the entire community, it does not help anyone. If you would like to share with us how to move forward, please do. The budget was extremely complicated and frustrating and way over her head as a new council member. We need input from everyone not someone complaining after the fact. If you would like to join a committee, please do. As a business owner, you are invited to participate.

John Mathieu stated that he is simply saying that there is a solution. He is very disappointed with this Council who he thinks is composed of extremely intelligent people that care deeply about their community as do most people who step forward on a voluntary basis to serve their community. When he got involved in his community in 1988, we decided in 2004 that we were tired of exactly what is going on up here, and decided to stop being tax raisers or reactive people and we got proactive. He thinks what has to happen here is that the Council and it not only has to come from this Council but has to come from the school board, the State, etc. You have got to go beyond just saying we had a lot to do and we couldn't do this or that. You have to look at the entire community. You have three problems. You have a sewer plant vastly too expensive for the community to handle. And we all know that. There is not a lot you can do about it. It is time to stop blaming people. He went to Borough Hall today and there were things for people to read with flow sheets, charts, etc. That is not how government works. It is time to take a look and sit down and say we have a municipal problem. You cannot afford your police department. Third thing is in order to be fair to you, a lot of the increases is the town's school. If you look holistically at all of that and put it together, you cannot do it because you are not the school board or the sewer utility. If you looked at it all together, you could say we could lower taxes. You have three entities all doing the same thing. They are looking at the cost side and saying we need more money. Caroline Scutt responded that it is not true. If more meetings were attended while the budgets were being worked on including school board meetings, you would not say that. You have insights and she respects that along with your experience. You are coming here after the fact. We are hemmed in. We have to move forward and figure out how to move forward. The goal is not to have businesses go out of business or people having to sell properties or have a school that is non-existent. We cannot do it combatively. It is not working. John Mathieu responded that he did not do it combatively. The paper he is holding up is him coming to this Council and saying that he thinks his sewer bill is too high. He put a lot of effort into it as did the town. Everyone agreed to it and the town came together with him and tried to solve the problem. It was not solved. He looks at it like this. He lost a business, the town lost its laundromat and the town lost \$15,000.00. Who is the winner? No one.

Council President Jack Opdyke requested to moved item (e) of New Business up on the agenda. Council consented.

Request to host an event on October 11, 2015 for “Carry the Fallen”

Shannon Shuey, resident of Holland Township, stated that she loves Frenchtown. She recently got involved in a charity for Veterans and is working with the American Legion. We want to do an event called “Carry the Fallen”, through Active Heroes which is a certified 501C3 charity. It is a group of people that fundraise for Veterans, raise awareness and help prevent Veteran suicide for our troops going overseas and coming back with PTSD and other issues. The funds that we raise through the walk goes to building family retreats where veterans and their families can go to get the help that they need because unfortunately, the VA has holes in their programs and the Veterans are falling through the cracks. The statistic is that 22 Veterans commit suicide each day. She is a Veteran and was in the Navy for five years. This is near and dear to her heart. What we do is walk with a weighed backpack. You feel the pain and get fatigued when walking which represents or is symbolic of the emotional burden Veterans carry with them. She would love to bring a group of people to town. She spoke with the Legion and they are willing to let us start there. There will be a minimum impact to the town unless someone wants to get involved which she would welcome. The walk will start at the Legion, then walk downtown, staying on the sidewalk so as to not block traffic, cross the street and walk on the shoulder of Route 29 and at mile marker 30, access the footpath and then come back to the Legion. She is coordinating with the Police Chief to make sure that the street is safe for the people to walk on. We are not rowdy. She will personally make sure that no litter is left behind. We did two walks in Easton. The City welcomed us. We walked around the circle and got a lot of people involved so we were able to educate the public. Jack Opdyke thanked Shannon Shuey for her service. Jack Opdyke asked Shannon Shuey to clarify the route. Ms. Shuey stated that they would go down Harrison Street, make a right onto Bridge Street, left onto River Road and a left before the sewer plant to Route 29 where the shoulder is wider, then down Route 29 to mile marker 30 then right to the towpath. Also responding to Jack Opdyke, Ms. Shuey noted that they will start at the Legion at 8:30 a.m. with a small ceremony and then start the walk around 9:00 am. The route is approximately 3 or 4 hours. Cathy Leach asked if they want assistance from our Police Officers. She believes that they should have help crossing over Bridge Street. She also noted that there is a port-a-jon at Old Frenchtown Field. Jack Opdyke noted that David VanGilson is present with Shannon Shuey. David VanGilson was the former Police Chief of Holland Township. David VanGilson noted that he spoke to Chief Kurylka. We are asking permission. Responding to Jack Opdyke as to insurance, Shannon Shuey noted that she will provide insurance through Active Heroes. On motion by William Sullivan, seconded by John Hindman and carried by favorable voice vote, the Common Council approved the “Carry the Fallen” event on October 11, 2015 as described in the application commencing at 8:30 a.m.

Having no further comments from the public, 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.

On motion by Cathy Leach, seconded John Hindman and carried by favorable voice vote, the Common Council approved the consent agenda approving the bills list of 8/5/2015 as attached and Resolution #2015-85 through #2015-90 follows:

RESOLUTION NO. 2015-85

**EXTENDING THE GRACE PERIOD FOR THE 3RD QUARTER 2015 TAX
INSTALLMENT**

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

WHEREAS, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2015-2016 tax bills in accordance with the above stated statute.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3rd quarter 2015 property tax installment be August 14, 2015 and that any tax payments received after August 14, 2015 will be assessed interest from August 1, 2015.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on August 5, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2015-86

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

WHEREAS, it is the desire of the Mayor and Borough Common Council of the Borough of Frenchtown to allow sufficient time for preparation and mailing of the 2015-2016 sewer bills.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the grace period for the payment of the 3rd quarter 2015 sewer installment be August 14, 2015 and that any payments received after August 14, 2015 will be assessed interest from August 1, 2015.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on August 5, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2015-87
APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
(N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality where such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00, which item is now available as revenue from the State of New Jersey, as a Click It or Ticket grant to the Borough of Frenchtown in the amount of \$4,000.00.

BE IT FURTHER RESOLVED that the like sum of \$4,000.00 is hereby appropriated under the caption "Click It or Ticket"; and

BE IT FURTHER RESOLVED that the above is a result of a Click It or Ticket grant of \$4,000.00 from the State of New Jersey.

Attest:

August 5, 2015

Brenda S. Shepherd, RMC
Borough Clerk

Warren E. Cooper, Mayor

**Resolution No. 2015-88
Dedication by Rider**

Borough of Frenchtown of Hunterdon County

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS/THE FRIENDS
OF THE FRENCHTOWN SHADE TREE COMMISSION
REQUIRED BY NJS 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS/ THE FRIENDS OF THE FRENCHTOWN SHADE TREE COMMISSION by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS/ THE FRIENDS OF THE FRENCHTOWN SHADE TREE COMMISSION are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS/ THE FRIENDS OF THE FRENCHTOWN SHADE TREE COMMISSION under N.J.S.A. 40A:5-29.
2. The Clerk of the Borough of Frenchtown, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

WARREN E. COOPER, Mayor

Attest:
August 5, 2015

Brenda S. Shepherd, RMC
Borough Clerk

BOROUGH OF FRENCHTOWN

Resolution 2015-89

WHEREAS, the Plenary Retail Distribution Application of H & S Liquors LLC trading a Frenchtown Wine & Liquors, LLC. is complete in all respects; and

WHEREAS, the Applicant is qualified to be licensed according to all Statutory Regulations and Local Government ABC laws and Regulations; and

WHEREAS, the Applicant has disclosed, and the issuing authority has reviewed, the source of any additional financing obtained in the previous license term for use in licensed business: and

NOW, THEREFORE BE IT RESOLVED that the Application of the Frenchtown Wine & Liquors, LLC. renewal of Plenary Retail Distribution License #1011-44-001-008 for the year 2015-2016 be granted.

Dated: August 5, 2015

Warren E. Cooper, Mayor
Borough of Frenchtown

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

BOROUGH OF FRENCHTOWN

Resolution 2015-90

WHEREAS, the Plenary Retail Consumption Application of the Frenchtown Inn is complete in all respects; and

WHEREAS, the Applicant is qualified to be licensed according to all Statutory Regulations and Local Government ABC laws and Regulations; and

WHEREAS, the Applicant has disclosed, and the issuing authority has reviewed, the source of any additional financing obtained in the previous license term for use in licensed

business.

NOW, THEREFORE BE IT RESOLVED that the Application of the Frenchtown Inn for renewal of Plenary Retail Consumption License #1011-33-002-007 for the year 2015-2016 be granted.

Dated: August 5, 2015

Warren E. Cooper, Mayor
Borough of Frenchtown

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

APPROVAL OF MINUTES

Executive Session – June 3, 2015

On motion by Cathy Leach, seconded by John Hindman and carried by favorable voice vote, the Common Council approved the Executive Session meeting minutes of June 3, 2015.

Special Meeting – June 17, 2015

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote, the Common Council approved the Special Council meeting minutes of June 17, 2015.

Regular Meeting – July 1, 2015

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

NEW BUSINESS:

Approval to carry over vacation time from 2014 to 2015 for Chief Kurylka

Michele Liebttag presented a copy of the December 30, 2014 minutes and noted that the Council did approve Chief Kurylka to carry vacation. Council President Jack Opdyk noted that there are separate motions for other employees requesting to carry time but there is no separate motion for Chief Kurylka. He recommended doing a motion for the record. On motion by Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Common Council approved Chief Kurylka to carry 7 vacation days from 2014 to 2015.

County Administered Animal Control Services for 2016

Council President Jack Opdyke noted that we received a request from the County to indicate whether the Borough is interested in participating in the animal control officer services. Michele Liebttag noted that we had no complaints and the services are in line with what we want. Jack Opdyke noted that we are not signing a contract and only indicating that we are interested. On

motion by Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Common Council approved to indicate that the Borough is interesting in the County Administered Animal Control Officer program. Council asked Brenda Shepherd to send that response to the County.

Appointment of James Meade to the Environmental Commission

On motion by William Sullivan, seconded by Cathy Leach and carried by favorable voice vote, the Common Council approved the Mayor's appointment of Jim Meade to the Environmental Commission. Council President Jack Opdyke thanked Jim Meade.

Approval of request to use Old Frenchtown Field parking lot for parking for Milford Alive on September 26, 2015

Cathy Leach noted that the request is for overflow parking. She will have them fill out a park reservation form. She added that we did not receive any complaints last year. She will also request a copy of their insurance. A motion is not required. She wanted everyone to be aware.

Shared Service Agreement with the County – Records Storage

Council President Jack Opdyke asked Brenda Shepherd about the shared service agreement with the County. Brenda Shepherd noted that each department responded that they did not want to store their records in the County. Caroline Scutt noted that it does not cost the Borough to do it and believes it is worth signing the agreement. It is a back up facility. On motion by William Sullivan, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Common Council approved the Shared Service Agreement with the County for Record Storage.

Laundromat closing

There was no discussion on this item.

Momentum Theatre Group performances – possible dates of August 19th – 22nd

Cathy Leach noted that the Mayor has been discussing this with the Momentum Theatre Group. They have not filled out a Park Use form yet. They will perform in the afternoon possibly at the new park sometime in the middle of the month. It does not require Council approval. Until they make a formal request, we will not know the details.

OTHER NEW BUSINESS:

Resolution #2015-93

Council President Jack Opdyke circulated a letter from the Police Chief. He noted that he met with the Police Chief today in reference to action proposed by the County Freeholders to close the County Jail. The Police Chiefs in the County are against it. No study has been done on the impact and safety to the officers. Nothing has been laid out by the Freeholders as to how we transport, etc. Michele Liebttag stated that other counties are paid to warehouse the prisoners. There is litigation going on to that effect right now in another county. What seems like an economic savings today may cost the taxpayers down the road. We do not know the extent of control over costs and the escalation of costs. She supports resistance to the concept. There is a call for a study. Jack Opdyke noted that we do not have enough information. This is a safety issue for the officers. There is a sample resolution the Borough could approve this evening opposing action of the Freeholders if the Council agrees. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Common Council approved Resolution #2015-93 as

follows:

Resolution #2015-93

Resolution of the Borough of Frenchtown, County of Hunterdon, in support of the Hunterdon County Police Chiefs Association (HCPCA) request for delaying any action by the Hunterdon County Freeholders to close the Hunterdon County Jail until such time as the Hunterdon County Police Chiefs Association completes a comprehensive review and analysis into the present and long-range operational impact(s) and effect(s) of the Jail's closing upon police officer safety and the general public of Hunterdon County

WHEREAS, several decades ago, the Hunterdon County Board of Chosen Freeholders (the "Freeholders"), pursuant to *N.J.S.A. § 30:8 et seq* excised the statutory duty placed upon the Sheriff of Hunterdon County (the "Sheriff"), to take and have the custody, rule, keeping and charge of the jail and pursuant to *N.J.S.A. 30:8-19* assumed the duties and appointed a jail warden to carry out these duties; and

WHEREAS, earlier this year, the Freeholders advised the public that it is considering closing the Hunterdon County Jail (the "HC Jail"), located on Park Avenue, Flemington, New Jersey; and

WHEREAS, the Freeholders advised that they were considering an agreement with another organization, outside of Hunterdon County to handle the HC Jail operations (known as the *Jail Function*) for caring of all inmates entrusted to the Freeholders pursuant to the statute; and

WHEREAS, the Freeholders have stated the reason for the considered closing was for economic reasons; and

WHEREAS, presently there is an ongoing action by the State of New Jersey Public Defender's Office against the County of Gloucester due to the County's closing of its jail requiring inmates to be housed in facilities out of the county resulting in family members being unable to visit inmates due to lack of public transportation; and

WHEREAS, this lawsuit also challenges operational issues impacting inmates such as the length of time the inmates have to spend in shackles due to longer transportation times outside their home county; and

WHEREAS, the outcome of the lawsuit brought by the State Public Defender's Office against the County of Gloucester may effect Hunterdon County and any decision of the Freeholders and/or the Sheriff as directed by the Freeholders in advance of the ruling since Hunterdon County also lacks a full-time intra/inter-county public transportation system available to transport residents of Hunterdon County outside of the County on a consistent basis; and

WHEREAS, to date, the Freeholders have not provided investigative information indicating the long-term cost-effectiveness of housing and transporting inmates to other counties; and

WHEREAS, to date, the Freeholders have not provided projections as to the direct and indirect costs that would be absorbed by each local police department and the State of NJ / State Police Operations within the County with this plan; and

WHEREAS, the Freeholders have not offered to indemnify and hold harmless the municipalities and their police departments for any negative impact on inmates as a result of closing of the HC Jail; and

WHEREAS, while the intention of the Freeholders is to reduce resident tax dollars for the operation of the HC Jail, the plan may increase property taxes and may reduce the quality and level of essential police services and public safety; and

WHEREAS, the Hunterdon County Police Chiefs Association, comprised of the top law enforcement officers within Hunterdon County, has requested the opportunity to conduct a comprehensive review of the Freeholders' proposed operational plan for the HC Jail to analyze the real world feasibility including potential future costs, direct and indirect, that may be placed upon municipalities due to the HC Jail closing; and

WHEREAS, the closing of the HC Jail, may also impact various agencies, attorneys, family members, etc. visiting inmates while in the custody of the HC Jail, waiting trial or post-conviction.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the Borough of Frenchtown supports the completion of a comprehensive review as to the operational, public safety and financial impact upon law enforcement agencies and taxpayers within the County by the Hunterdon County Police Chiefs Association; and

BE IT FURTHER RESOLVED, that the Common Council of the Borough of Frenchtown urges the Freeholders to refrain from taking any action to commit to closing the HC Jail until the Police Chiefs Association has been given an opportunity to conduct such review.

Dated: August 5, 2015

Warren E. Cooper, Mayor
Borough of Frenchtown

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-91 – Refund of Temporary Retail Food Handler’s Permit fee to Frenchtown Lion’s Club due to cancellation of National Night Out

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Common Council approved Resolution #2015-91 as follows:

RESOLUTION 2015-91

RESOLUTION AUTHORIZING REFUND OF TEMPORARY RETAIL FOOD HANDLER’S PERMIT FEE TO FRENCHTOWN LIONS CLUB BECAUSE OF CANCELLATION OF NATIONAL NIGHT OUT

WHEREAS, the Frenchtown Lions Club submitted an application for a Temporary Retail Food Handler’s Permit for National Night Out; and

WHEREAS, National Night has been cancelled; and

WHEREAS, the Mayor and Common Council desire to refund the amount of \$90.00 paid for the Temporary Retail Food Handler’s Permit for National Night Out:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council, County of Hunterdon and State of New Jersey that the Chief Financial Officer be authorized to issue a check to the Frenchtown Lions Club in the amount of \$90.00 for the Temporary Retail Food Handler’s Permit because of the cancellation of National Night Out.

WARREN E. COOPER, Mayor

Attest:
August 5, 2015

Brenda S. Shepherd, RMC
Borough Clerk

OLD BUSINESS

Recycling – Food Waste recycling

Michele Liebttag noted that the Borough is not going to do it. We are returning the \$20,000.00 grant. Jack Opdyke asked that this item be removed from the agenda.

Wastewater Treatment Plant Facility update

Jack Opdyke reported that we are still working on the punch list. The hope is to be done by September 1st. The basic plant is running and running very efficiently. The Borough will have a dedication ceremony.

Hilltop Streets

No report was given.

Sewer Committee recommendations re: Sewer rents and fees

Jack Opdyke asked that this item be removed from the agenda.

Frenchtown 7, LLC – Redevelopment Plan

No report was given.

COUNCIL COMMENTS

Michele Liebtag reported that John Hindman and she are working on recycling bids for the fall. We may potentially do a shared service with other river towns. We are going to bid for a shared trash bid and also go out for our own bid. Attorney Cruz noted that you will need 60 days between the bid notice and receipt of bids. Michele Liebtag noted that the contracts expire at the end of the year.

Michele Liebtag reported that Officer Murphy is out for a period of time. She commended the police force with Chief Kurylka and Officer Young picking up the additional work load. They are working very hard. There is a police report in the Council packet.

William Sullivan noted that Mike Reino wanted to share a piece of equipment with Lambertville, an asphalt spreader. The email was going around that included a shared service agreement and a hold harmless agreement but he does not see it on the agenda. Clerk Shepherd noted that the email came today and the agenda items closed yesterday. William Sullivan asked who is authorized to sign the shared service agreement? Attorney Cruz stated that a shared service agreement must be signed by the Mayor and Clerk. The hold harmless agreement would be part of that agreement. William Sullivan noted that it should be sent to Attorney Cruz for review. He asked if the agreement could be approved this evening. Attorney Cruz stated that if the Council approves the shared service agreement this evening it would be subject to his review. On motion by William Sullivan, seconded by Cathy Leach and approved by unanimous favorable roll call vote, the Common Council authorized the Mayor and Clerk to sign a shared service agreement with the City of Lambertville for the use of the Borough's asphalt spreader subject to a review by Attorney Cruz of the shared service agreement and hold harmless agreement.

Jack Opdyke noted that the Police Chief asked that \$500.00 be moved from the National Night Out Account to the Frenchtown Police Department Fireworks fund. Clerk Shepherd noted that all the funds are deposited into the trust account. Clerk Shepherd noted that we have not received a fireworks contract yet. Michele Liebtag stated that Chief Kurylka is working with Garden State Fireworks on that.

Cathy Leach reported that on July 25th the Environmental Commission held a trail clean up at Frenchtown Borough Park lead by Jim Meade. The trail is cleared and assessable for all to use. We did add two new swings at the park.

Caroline Scutt stated that she was going to ask about the minutes posting but that has been taken care of. She asked if we should let people know. Cathy Leach commented that the Mayor can send an email.

CORRESPONDENCE

Jack Opdyke noted that in the Council correspondence you will see the final adoption of Frenchtown's Wastewater Management Plan.

EXECUTIVE SESSION

Contract Negotiations with the Chief of Police

On motion by Jack Opdyke, seconded by Cathy Leach and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:46 pm and approved Common Council Resolution #2015-92 as follows:

RESOLUTION #2015-92

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 with the Chief of Police
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 July 1, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

The Governing Body came out of executive session at 9:00 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:00 pm on motion by Cathy Leach, seconded by Michele Liebtag and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk