

CALL TO ORDER

Mayor Cooper called the meeting to order at 7:30 p.m. and stated that in compliance with the “Open Public Meetings Act” this Meeting was duly noticed to the Hunterdon County Democrat on January 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

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

John Hindman
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. 15 members of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Henry Rey, Commander of the American Legion, noted that he is providing a copy of the sewer questionnaire. He cannot see why they have to fill out a form like this when nothing applies.

Laura Einhorn stated that she received an email about the Council possibly speaking about the River Mills project and she does not see it on the agenda. Mayor Cooper stated that the discussion will be in executive session, not in the public session. Mrs. Einhorn asked if there is any type of summary on the proposed Eighth Street development? Mayor Cooper responded that the process is on going and there is a subcommittee of the Planning Board which includes 2 members of the Board of Education and members of the Planning Board that have been meeting with the developer and the Borough’s planner and the developer’s professional team to go through the early steps so that when they come to the Planning Board with a proposal, they will have addressed some of the concerns of the Planning Board. Laura Einhorn asked if that means this development will move forward? Mayor Cooper responded that the only thing that has happened is that the Council has identified the area as an area in need of redevelopment. The proposal we have seen is of residential nature. There has not been anything official submitted. We are hoping to see something official at the Planning Board meeting which is the 4th Wednesday of the month. Laura Einhorn stated that the Mayor’s email sparked some interest and people are curious as to what the town is looking at, the impact to the town, the infrastructure and the school. The biggest thing for her personally is that she gets a chance to voice her personal concerns. Mayor Cooper noted that this a cumbersome and lengthy public process. All the conversations happen in public meetings and you will be able to comment on them on many occasions.

Brian Fleming asked why the original Eighth Street proposal did not go through? Mayor Cooper

responded that it is his understanding that the concerns of the Planning Board were such that the developer was unable to accommodate them and decided to withdraw.

Ed Jozowski noted that what he believes Laura Einhorn is saying is that we are not familiar with this process and how do we become informed of what is going on and be able to voice our opinion's? Mayor Cooper noted that it has not been his practice to send out on his email list or post on the website the agendas. He thinks it is a good idea and will start to do that.

Glen Horvath on Cedar Street asked if the Mayor was going to address the increase on taxes of 21%. Mayor Cooper responded that the public has been invited by him personally on several occasions to meet with him to discuss it. He sent out a number of emails explaining it. He is happy to meet with anyone at any time. He does not think it is a valuable use of time for Council to talk about something that has been spoken about in public meeting after public meeting. Glen Horvath asked where is it going forward? He objected to a few things Council did which is now in the past. Let's not make the same mistakes going forward. Mayor Cooper commented that it was a painful process and it took a lot of time and a lot of soul searching. This Council was effected no less than anyone else in this community. We voted to make the changes in the tax structure and sewer rents and we were all effected.

Eric Cerino of Sixth Street speaking on behalf of the Riverfest committee commented that they are trying to organize a parking shuttle for Riverfest and wanted to make the Council aware of how they are going to do that. He spoke to Greg Crance of DRT who has offered to provide a small bus to shuttle people from Design Plan which is on the south end of town and brought into town and dropped off at Cathy's. They are also trying to get in touch with Ardy's on Route 12 as well. The main concern is that there is not enough parking in town and they want to let everyone know. They did not want to turn people away. Mr. Crance has informed him that he is fully insured with his buses. Mayor Cooper asked if they discussed it with the Police Chief. Mr. Serrino stated that he has not heard back from the Chief but will reach out to him again.

Liz Johnson asked to be put on the Mayor's email list. Mayor Cooper noted that if she gives him her email address, he will add her. Liz Johnson provide the Mayor with her email address.

Janine Fenlon of Hilltop Avenue asked if there was any decision made on George Michael tax proposal. Mayor Cooper noted that any action has to be taken by this Council in public. Janine Fenlon asked what Mr. Michael wanted to do? Mayor Cooper stated that it is a matter of negotiations which happens in executive session.

Kate Nugent of Third Street added that in reference to the Eighth Street development, in addition to the Planning Board reviewing plans for development, the redevelopment plan will be voted on by Council as well. People can watch for that.

Responding to Laura Einhorn as to the process for the Eighth Street Redevelopment, Mayor Cooper noted that the Planning Board Planner crafts with some input from the potential developer a Redevelopment Plan. A plan is put together that describes basically in general and with some specific terms what the Planning Board would like to see happen in that space. The present developer has some input but if the Planning Board does not agree, it does not go into the plan. Once the plan is in place it comes to the Council. The Council adopts the plan. Attorney Cruz

stated that you can think of the redevelopment plan as an ordinance. The Planning Board develops an ordinance with the criteria for that sight. It gets referred to the Council. If the Council agrees, it introduces it and then it goes back to the Planning Board for review. If it is acceptable, it goes back to the Council for a public hearing and a vote. There is a public notice for a public hearing. Mayor Cooper noted that at that public hearing, anyone who has any input they would like to share with Council has an opportunity to do so. At that point, Council may adopt it. Attorney Cruz added that the approval of the redevelopment plan is not an approval of the development. Formal plans must come to the Planning Board in conformance with the Redevelopment Plan. There will be full engineering, architectural plans and there will be a full planning board hearing with experts regarding whether the application for development meets the Redevelopment Plan. Caroline Scutt noted once the redevelopment plan is adopted, any developer can come in with a plan to develop. Cathy Leach stated that the public will have an opportunity to comment on the redevelopment plan and then again at the Planning Board when the developer comes in with a plan. There will be several opportunities for public input.

Brian Fleming asked what the town would like to see there, residential homes or apartment style buildings? Mayor Cooper recommended that Mr. Fleming come to the Planning Board meeting to discuss that. The Council will get an opportunity to weigh in on it but it is being developed by the Planner in conjunction with the Planning Board.

Sky Van Saun asked if a precedence was set for a plan for future development of that site. Mayor Cooper noted that there has been nothing agreed to about this plan as far as he knows. Sky Van Saun asked if people will get noticed within a certain proximity about this plan. Mayor Cooper responded that it will be noticed in the newspaper and he will put it on the website as well. Responding to Brian Fleming, Mayor Cooper stated that the Council did not get anything yet from the Planning Board.

Robert Haver of Third and Harrison Streets, referring to the property on Eighth Street, asked if there were DEP permits issued previously. William Sullivan stated that they are nowhere near the permitting phase.

Robert Haver asked if the town got a definite answer about school taxes if you were to give River Mills a PILOT program? Mayor Cooper stated that they are not anywhere near that.

Robert Haver commented that he did not receive any response in reference to his correspondence to the Governing Body about the River Mills.

Robert Haver asked when the last time a reevaluation was done in town? He noted that last week he went through the tax book and found discrepancies on similar size lots and houses with similar outbuildings. Brenda Shepherd noted that in 2004 the town did a total reevaluation of the town. William Sullivan noted that every time someone gets a permit for an addition, etc., the tax assessor is made aware of it and it is assessed at the market rate. William Sullivan added that the tax assessor evaluates every piece of property and gives us an evaluation of the entire town in a dollar amount. We have a budget that is divided equally amongst the value of the town. As long as everyone is assessed at the same level. The tax rate is the same for everyone. Mayor Cooper stated that if you put an addition on your house and it was not assessed, when a reevaluation is done, those things are picked up. A building permit will also trigger it. William Sullivan noted that the inside

may not be the same as the outside. If you have two bathrooms or two sinks in one bathroom, you get taxed on two. Responding to Robert Haver, Mayor Cooper noted that there is a factor that the tax assessor use to look at the accuracy of the assessment of a town, the equalization ratio, and most municipalities use that as a guide to when a reassessment is necessary. As long as you are within a certain ratio, most municipalities do not want to incur the expense. William Sullivan added that the Borough has a very competent and capable assessor.

Liz Johnson asked under what provision of the Sunshine law allows the Borough to discuss something in executive session. She is referring to the River Mills discussion. Mayor Cooper noted that any contract negotiation is discussed in executive session. The sunshine law gives the Council the opportunity to discuss certain things in private. It does not give the Council the right to vote in closed session. Action is always taken in public. Liz Johnson noted that the public is here and would like to be privy to more information. Attorney Cruz noted that those negotiations would be the subject of public hearings. Liz Johnson stated that her concern is how did the Council get to a decision that is made. She is asking for transparency. We would like to be a party to those discussions. Mayor Cooper noted that her concerns are well founded and he respects that. The public will have plenty of opportunity to have input into whatever discussion is made.

Dominikija Prostrak noted that there are lights on around this building 24 hours a day. We have had tax increases and we are trying to do things through Sustainable New Jersey and as head of the Green Team, she is bothered that we leave these lights on 24 hours a day. She heard that the guys did not get around to buying a new timer. William Sullivan stated that she can call him. He will get it done.

Colin Brown of Ridge Road asked if there are any available plans for the Ridge Road project particularly as to sidewalks. Mayor Cooper responded that he will see if he can get a plan from the engineer. The goal is to get it done this year.

Ralph Delaney of 4 Ridge Road asked if anything is going to be done with the drainage at the bottom of Ridge Road. William Sullivan responded that he believes the drainage will be addressed but he has not seen the final plans. Mr. Delaney noted that he is getting ready to do the driveway and there are major problems with the drainage there. Mayor Cooper noted that he will make sure that a copy of the plans will be available for him to review.

Robert Haver asked if agendas and minutes will be posted on line. Cathy Leach stated that all the minutes are up. Every town around us keeps theirs up to date. If you get him the information, he will post it. Colin Brown also offered to post the minutes to the website. William Sullivan responded that the Borough welcomes that.

Having no other public comments, the Mayor and Common Council closed 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 Michele Liebttag, seconded Cathy Leach and carried by favorable voice vote, the Common Council approved the consent agenda approving the bills list of 9/2/2015 as attached, the minutes of the August 5, 2015 Regular meeting and Resolution #2015-95 through #2015-96 as follows:

BOROUGH OF FRENCHTOWN

Resolution 2015-95

WHEREAS, the Plenary Retail Consumption, Broad Package Privilege Application of the National Hotel, 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.

NOW, THEREFORE BE IT RESOLVED that the Application of the Frenchtown National Hotel, Inc. for renewal of Plenary Retail Consumption, Broad Package Privilege License #1011-32-003-011 for the year 2015-2016 be granted.

Dated: September 2, 2015

Warren E. Cooper, Mayor
Borough of Frenchtown

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

BOROUGH OF FRENCHTOWN

Resolution 2015-96

WHEREAS, the Club License Application of the Fidelity Post 113 of the American Legion is complete in all respects, including submission of the Club Membership list; and

WHEREAS, the officers and directors are qualified to be licensed according to all

Statutory Regulations and Local Government ABC laws and Regulations; and

WHEREAS, the Club maintains all records required by NJAC 13:2-88 “Special Events Open to Non-Club Members” and NJAC 13:8-12 “True Book of Accounts for Receipts and Disbursements”.

NOW, THEREFORE BE IT RESOLVED that the Application of the Fidelity Post 113 of the American Legion for renewal of Club License #1011-31-004-001 for the year 2015-2016 be granted.

Dated: September 2, 2015

Warren E. Cooper, Mayor
Borough of Frenchtown

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

APPROVAL OF MINUTES

Executive Session – July 1, 2015

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

RESOLUTIONS

Resolution #2015-97 –Approval of Grant Agreement between the Borough of Frenchtown and the State of New Jersey by and for the Department of Environmental Protection

Mayor Cooper noted that this resolution will approve a grant Agreement for the Borough’s Community Forestry Management Plan. It requires a match. William Sullivan noted that the Community Forestry Management Plan is required to maintain our Tree City USA status. If we maintain the approved status, we are covered through the State to relieve us of liability.

On motion by William Sullivan, seconded Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-97 as follows:

RESOLUTION #2015-97

GRANT AGREEMENT

**BETWEEN
BOROUGH OF FRENCHTOWN
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: FS16-096

The governing body of the Borough of Frenchtown desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

**Green Communities Grant
Community Forestry Management Plan**

Therefore, the governing body resolves that Warren E. Cooper or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00, and (c) to execute any amendment thereto which do not increase the Grantee's obligations.

The Council of the Borough of Frenchtown authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services.

The Grantee agrees to comply with all applicable federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Borough of Frenchtown

By: _____
Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC

Resolution #2015-98 – Audit Resolution

Mayor Cooper noted that this resolution is the acceptance of the 2014 Audit Report. Responding to Caroline Scutt, Mayor Cooper stated that we are being asked to say that we received the audit and read the recommendations. Later in the meeting, we will be asked to vote on the Corrective Action Plan to address the recommendations. Responding to Michele Liebttag, Attorney Cruz noted that the Council is not approving the audit. You are stating that you received the audit and read at a minimum the recommendations. On motion by William Sullivan, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-98 as follows:

BOROUGH OF FRENCHTOWN

RESOLUTION 2015-98

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

WHEREAS, the Annual Audit Report for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body, and

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

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

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

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

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

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

RS 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

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

Warren E. Cooper, Mayor

Dated: September 2, 2015

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown do hereby certify that this is a true copy of the Resolution passed at the meeting held on September 2, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-99 – Resolution authorizing the Borough of Frenchtown to solicit bids for Solid Waste and Recyclable Collection for 2016

Michele Liebttag noted that we are trying to comply with the County's request for shared services for Solid Waste and Recycling collection. If it not a possibility, we will do our own bid. There are other towns that were identified through the County that would like to do shared services. Alan Johnson has been out sick so she is not sure where this is at. On motion by Michele Liebttag, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-99 as follows:

RESOLUTION #2015-99

RESOLUTION AUTHORIZING THE BOROUGH OF FRENCHTOWN TO SOLICIT BIDS FOR SOLID WASTE AND RECYCLABLE COLLECTION FOR 2016

WHEREAS, the Borough of Frenchtown's contracts for garbage and recycling services expire on 12/31/15; and

WHEREAS, the Borough of Frenchtown desires to solicit bids for solid waste and recyclable collection for 2016; and

WHEREAS, in the alternative, the Borough of Frenchtown seeks to enter into an Interlocal Services Agreement for those services with another willing municipality.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey that the Borough of Frenchtown solicit bids for solid waste and recyclable collection for 2016.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey that in the alternative, the Borough of Frenchtown seeks to enter into an Interlocal Service Agreement for those services with another willing municipality.

Warren E. Cooper, Mayor
Borough of Frenchtown

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-100 – Bid Authorization for Ridge Road Improvement Project

Mayor Cooper noted that this resolution authorizes the Borough Engineer to go out to bid on the Ridge Road project. On motion by William Sullivan, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-100 as follows:

RESOLUTION No. 2015-100

**Authorizing Borough Engineer to solicit bids for the
Ridge Road – Section 2 & 3 Improvement Projects**

Frenchtown Borough, Hunterdon County, NJ

WHEREAS, Frenchtown Borough (“Borough”) has been awarded two (2) grants from the Municipal Aid portion of the Transportation Trust Fund, both in the amount of \$160,000.00, from the NJDOT for the Ridge Road – Section 2 & 3 Improvement Projects as part of the FY 2014 & 2015 programs; and

WHEREAS, the Borough has authorized the Municipal Engineer to prepare construction plans and specifications for the roadway improvements; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Frenchtown Borough, that authorization be granted to the Municipal Engineer, William H. Burr, IV, P.E. of Maser Consulting, P.A. to advance the project and advertise for public bids in the local newspaper, Hunterdon County Democrat.

Certified as a true copy of the Resolution adopted by the Mayor and Council
On this 2nd day of September 2015.

Brenda Shepherd, RMC, Borough Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____

(Clerk)
Brenda Shepherd
RMC, Borough Clerk

(Presiding Officer)
Warren Cooper, Mayor

NEW BUSINESS

Approval of Corrective Action Plan

Mayor Cooper explained to the public what recommendations have come from the 2014 Audit and what the Borough will do. There are a serious of concerns that auditors look at every year and report to the municipality on how the municipality did. There are 2 recommendations from the auditor. The first one is that we do not have a physical inventory of assets for two departments, the Fire Department and the Sewer Department. Those departments have not yet submitted those fix assets reports. Those departments have been asked to submit those reports on several occasions. The second recommendation is that we discontinue the practice of confirming purchase orders. We had set in place a system whereby a department head has discretion to order supplies and services up to a certain amount. Beyond that amount, a department head has to come to its Council commissioner for approval. This puts us in an awkward position because the department heads are ordering items without having the CFO confirm that we have the money in the budget to make those purchases. The Auditor is saying eliminate that process. We have been asked that starting in 2016, department heads will be provided with blank purchase orders so funds are encumbered prior to purchases. The CFO has to confirm that there is money to make those purchases and encumber the money. Subsequent to a brief discussion, Mayor Cooper recommended that each department have a petty cash account. He will confirm that with the Auditor. We are constrained by the law. Caroline Scutt noted that the first corrective action is not an action. Michele Liebttag stated that she met with the Fire Department and they stated that they never received a notice. We will be meeting with Diane Laudenbach to find out what must be submitted.

Cathy Leach recommended that the first recommendation read: The Fire Department and Sewer Department will submit their fixed asset reports by a certain date. Mayor Cooper stated that it should read: The Department heads will submit the required reports by December 1, 2015.

Mayor Cooper stated that as to recommendation 2, this is the way the law requires us to do it. His recommendation is that by accepting these recommendations, we are complying with the law. Then, the Borough can determine the process to comply with the law. Responding to Council, Attorney Cruz recommended that the Council approve the correction action plan as stated. It is an administrative matter on how the individual department heads' purchases are authorized. An encumbrance is having the money dedicated for the purchases so you are not overspending. Michele Liebttag asked if the Auditor could make recommendations on how to function? Mayor Cooper can ask the Auditor. He added that by approving the corrective action plan, the staff will have to work it out. On motion by Cathy Leach, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the correction action plan for the 2014 Audit as follows:

CORRECTIVE ACTION PLAN

Borough of Frenchtown
County of Hunterdon
Audit Report Year: 2014

Recommendation #1:

That a physical inventory of fixed assets be taken and reconciled with the administrative assets records on a periodical basis.

Corrective Action:

The Borough has received the inventory from the Department of Public Works and the Police Department. The Fire Department and the Sewer Department have not yet provided their Fixed Assets reports after several attempts. Council member are aware of the non-submittal by the two departments. The Department heads will submit the required reports by December 1, 2015.

Implementation Date: Unknown.

Recommendation #2:

That the practice of issuing confirming purchase orders be discontinued.

Correction Action:

Beginning with the start of 2016, departments will be provided with blanket orders for purchases so that the funds are encumbered prior to purchases.

Implementation Date: 1/1/2016

Request by David J. Banisch, PP

Mayor Cooper noted that Alexandria Township is going through the same process regarding COAH. They would like permission from Frenchtown for water and wastewater capacity. Attorney Cruz stated that this should go through the Borough Planner and Engineer. The Engineer will provide the technical information and the planner will assess what impact it has on your own plan. Mayor Cooper asked Clerk Shepherd to refer the letter to the Borough Planner and Engineer.

League of Municipalities Convention – November 17th – November 19th

Mayor Cooper noted that the League of Municipalities Convention is November 17-19. Please let Clerk Shepherd know if you are going to attend.

2015 Budget Status

Mayor Cooper noted that if you are looking at the budget reports CFO Laudenbach provides us, you will see that there are a number of lines that are close to zero. He would like to have the budget

committee get together to look at these numbers to decide if we need to enforce budget spending limitations. Mayor Cooper noted that Jack Opdyke was on the budget committee last year. He asked that if Jack Opdyke does not want to be on that committee next year, would anyone be interested? Cathy Leach recommended that the Council President be on the committee.

Approval of Raffle License for Frenchtown American Legion Post #113 for calendar raffle from 10/1/15-12/31/15 at 7:00 pm

On motion by William Sullivan, seconded by Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved the Raffle License Application for the Frenchtown American Legion Post #113 for calendar raffle from 10/1/15 – 12/31/15 at 7:00 pm.

OLD BUSINESS

Wastewater Treatment Plant Facility update -

Mayor Cooper noted that Victor Gilardi is trying to plan a ceremony but nothing has been set. Mayor Cooper also noted that he has no knowledge of there being any problems with the facilities.

Hilltop Streets

Mayor Cooper noted that this items had gotten bumped. He hopes to start this up this month.

Frenchtown 7, LLC – Redevelopment Plan

Mayor Cooper reported that the Technical Review subcommittee met with the developer last night. Some of the aspects of the redevelopment agreement was discussed. He is hoping that the Redevelopment Plan comes to the Planning Board in October.

Sewer Rents Policy

Mayor Cooper stated that in light of the impact on the sewer rents with the debt service, he would like to ask the ad hoc sewer committee to review the figures to take a stab at the fifty percent water usage. We have new individuals that are interested in serving on that committee. Mayor Cooper noted that he sent Adam Liebttag an email late this afternoon. If anyone would like to be on that committee, please let him know. Michele Liebttag noted that the Council already voted to reestablish that committee.

COUNCIL COMMENTS

Michele Liebttag noted that the Town wide Yard Sale is September 11th, 12th and 13th. Flyers are available.

Michele Liebttag reported that John Hindman and she are working on finalizing the Borough Clean Up date. We are looking at October 17th or the 24th depending on the company's availability. This will not impact the parade.

Michele Liebttag noted that Chief Kurylka has worked hard at raising donations for the fireworks. The fireworks are suppose to be impressive. They will start at dusk at Old Frenchtown Field on September 6th.

William Sullivan reported that we had a shade tree fall on Eighth Street. It took a lot of effort and funding from the Shade Tree Commission. He would like to see if we can split the cost with Public Works if it is too much.

Michele Liebttag noted that the Borough approved a resolution in reference to trying to compel the County to do a cost assessment of the jail being a shared service with Somerset County. It was reported today that the Freeholder Board approved the closing of the jail and has already started to transfer some of the prisoners to Somerset County. The Freeholder Board said that it was a million dollar cost savings. The impact was not included in that assessment. Mayor Cooper asked if Council wants to attempt to take any further action at this time? Michele Liebttag stated that she does not think there is any further action we can take. We need to actually find out if there is a cost to our police department for transport. They are saying that it will be an impact to us. We should be vigilant to make sure it is not a negative impact to municipalities. The County is suppose to be providing the transport. Mayor Cooper stated that we do not have a facility to hold an individual. Michele Liebttag noted that Hunderdon County is still a depository for abtemporary period and the County will transport the prisoner to Somerset County.

Cathy Leach reported that the Momentum Theatre Group was here. It was fabulous to see them perform at Old Frenchtown Field. She hopes they come back next year. We did it at Old Frenchtown Field because they required electricity.

CORRESPONDENCE

Mayor Cooper noted that there is a letter from NJDOT asking us to present a resolution confirming that the existing centerline markings on Route 12 are in compliance with the current design standards making it a “No Passing” zone. Cathy Leach recommended filling in the resolution with the Borough of Frenchtown information and approving it. On motion by William Sullivan, seconded by Caroline Scutt and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-102 as follows:

Resolution #2015-102 – NJDOT traffic investigation on Route 12 No passing zone

On motion by William Sullivan, seconded by Caroline Scutt and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-102 as follows:

RESOLUTION #2015-102

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 12 in the Borough of Frenchtown; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 12 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along Route 12;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Frenchtown, County of Hunterdon, in the State of New Jersey, that it supports the use of a “No Passing Zone” on Route 12 in the Borough of Frenchtown as recommended by NJDOT.

BE IT FURTER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

By: _____
Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC

I, Brenda S. Shepherd, do hereby certify that the foregoing is a true copy of a resolution adopted by the Frenchtown Borough Council at a meeting held on the 2nd day of September 2015.

Benda S. Shepherd, RMC

EXECUTIVE SESSION

Mayor Cooper noted that the Council will go into executive session to discuss the following:

- a. Attorney Client Privilege – Personnel Investigation
- b. Litigation-In the Matter of the Borough of Frenchtown for a Judgment of Compliance of Its Third Round Housing Element and Fair Share Plan

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 9:00 pm and approved Common Council Resolution #2015-101 as follows:

RESOLUTION #2015-101

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) Attorney Client Privilege – Personnel Investigation
 - b) Litigation-In the Matter of the Borough of Frenchtown for a Judgment of Compliance of Its Third Round Housing Element and Fair Share Plan

- c) Contract Negotiations with Frenchtown Bridge Street, LLC. (River Mills) – a Payment in Lieu of Taxes (PILOT) agreement

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 September 2, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

The Governing Body came out of executive session at 9:35 pm.

The regular meeting resumed at 9:35 pm.

Caroline Scutt noted that she was elected by the people and she feels that the people think that we are deliberately making it difficult for them to understand what is going on. It is our responsibility to communicate clearly to people. William Sullivan responded that people will be upset and will react and they have the right to react. We have the right to absorb their reaction and do the right thing. It is okay they are upset. He feels that we do the right thing and do the best we can. If they are not happy, it is okay. The misinformed will be upset. They can come to the Council meetings but they do not come. Caroline Scutt commented that the tax and sewer increase is a good example. People could come to the meetings. She believes that we could have done a better job in advance of getting the tax and sewer bills out to inform the taxpayers that the Borough discussed the budget and it will have a tremendous impact. John Hindman stated that now that the minutes are on the website, people can review minutes. He does not think additional correspondence to inform people is necessary. Mayor Cooper responded that we could have and should have done a better job communicating the impact on this year's tax and sewer bills. One way we could have done that and failed to do that was to include a letter in the tax bills explaining why there was a big impact. He will do a better job in the future. On the other hand, we could communicate as much as we want and there will still be people who are angry and think we are not considering the community. Caroline Scutt agrees that people need to be more involved with Government and she also agrees that things are confusing to the public, etc. We have no plan for taxes next year. We need to come up with a plan. Mayor Cooper stated that

we are going to come up with a plan. We have no choice because next spring we will be voting on another budget. We will be more alert as to the problems we faced and we will do a better job communicating to the taxpayer. There is nothing that we discuss in public that cannot be discussed with the public.

Clerk Shepherd noted that she has distributed to each Council member Supplement #10 for the Code Book.

Clerk Shepherd also noted that she is passing around the group affidavit for the 2014 Audit for the Council to sign. Caroline Scutt stated that the group affidavit says that we have reviewed the audit and audit recommendations. She cannot sign the affidavit because she has not reviewed the audit in its entirety. She would like the auditor to be available to answer questions about the audit. Attorney Cruz stated that Caroline Scutt should have moved to table the audit resolution. He recommended that the Council ask Auditor Korecky to come to the next meeting and to request an extension from the DLGS until the next Council meeting. If the extension is not granted, the Council will have to have a special meeting. The Council could rescind the Audit resolution and take it up at the next meeting. Reviewing the Statute, Attorney Cruz noted that the statute states that the Governing Body has 45 days from date of receipt of the audit to pass a resolution stating that they have reviewed, at a minimum, the general comments and recommendations. You are not doing anything with the audit. You are acknowledging the recommendations and implementing a corrective action plan. He agrees that the resolution and affidavit refers to both the audit and audit recommendations. It is a matter of preference of the Governing Body. The Council would have sufficient time to approve this at the next meeting. Council could rescind the resolution and corrective action plan approved earlier in the meeting.

On motion by Michele Liebttag, seconded by Caroline Scutt and carried by favorable roll call vote, the Mayor and Common Council approved to rescind resolution #2015-98 and the Corrective Action Plan.

Vote on the motion:

Ayes – Hindman, Leach, Liebttag and Scutt

Nayes – Sullivan

Abstain – None

Mayor Cooper noted that he will ask Auditor Korecky to attend the Borough's October Council meeting. He added that if you have questions, please email him.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:55 pm on motion by Cathy Leach, seconded by Michele Liebttag and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk