

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 October 7, 2015.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Cathy Leach
Michele Liebttag
Jack Opdyke
Caroline Scutt
William Sullivan

Absent from Meeting:

John Hindman

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 8 members of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

2014 Audit – Auditor Warren Korecky

Mayor Cooper asked Auditor Korecky to attend this meeting to answer questions about the audit and/or recommendations. Responding to Michele Liebttag, Auditor Korecky noted that there are items on the fix asset list that are over 20 years old. The list must be updated and a value assigned to an item. The federal amount is set at \$5,000.00. The inventory is done for planning purposes.

As to the encumbrance system recommendation, Auditor Korecky noted that that purchases and services must be encumbered prior to the purchases or when something is ordered. The money must be set aside. Emergency purchases can be made if the condition is established that it is for the safety, health and welfare of the public. Circumstances will dictate the emergency.

As to the Corrective Action Plan, Auditor Korecky stated that the CFO determines how to address the recommendations. The Council approves the corrective action plan and is responsible for making sure the actions are being implemented and should review it periodically.

Responding to Caroline Scutt, Auditor Korecky noted that the audit report is done the same for all municipalities. The schedules are excessive. The audit lists all the accounts, trust, capital, sewer, general and debt. As to the debt, the Borough had to make sure the sewer rates were substantial enough to pay the debt. The CFO gives the Council an expenditure report monthly. Have the CFO give you a monthly revenue report. If you anticipated a certain amount of revenue and do not collect it, you need to know. November 1st, the Council can transfer money from one budget line item to the other.

Mayor Cooper noted that one of the questions on the Best Practices Checklist is if you filed your Annual Financial Statement, Annual Debt Statement and Audit on time. We have not done that. Auditor Korecky responded that most of the time, he has to wait for the information he requests from the bank which must be put in the audit. It is hard to get the information back in a timely manner. He is working with the Division of Local Government Services to see if they will accept a same time snap shot of accounts, etc.

Responding to Attorney Cruz as to the certification that Council is asked to sign, Auditor Korecky stated that Council is certifying that it read the comments and recommendations. Council has to attest to that. Responding to Attorney Cruz as to the purpose of the audit, Auditor Korecky noted that the audit is a compilation of the records and procedures to validate the numbers the municipality gives us.

Mayor Cooper requested to moved Item 6(c), Resolution of Audit, up on the agenda for approval. Council consented. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the 2014 Audit Resolution #2015-105 as follows:

**BOROUGH OF FRENCHTOWN
RESOLUTION 2015-105**

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.

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 October 7, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

Jesse Krause of 24 Bridge Street asked what happened to the police presents in town. Mayor Cooper responded that one of the Borough's officers was injured in July and has been out of work all this time.

Robb Arent of 24 Bridge Street, referring to Section 13-1.1 item (b-1) of the Borough codes as to boarding up of structures, stated that the Tia Chili building has been board up for over one year. And, as to Section 13-1.1 item 2(d) referring to exteriors, Robb Arent stated that the wood structure on the Kerr Hatchery is creating a blight. The wood on the foundation is bowed out and the roof has collapsed. He does not know if the code officer can issue a notice. William Sullivan responded that the zoning officer works on a complaint basis and he will investigate the complaint. Robb Arent provided a written complaint for the zoning officer.

Mayor Cooper presented a certificate of appreciate to Robb Arent for his services to the Borough as Councilman. Robb Arent noted that he wrote Chapter 13 when he was on Council.

Debbie Kratzer, Chair of the Kingwood Township Environmental Commission, gave the Borough an update on the PennEast Pipeline. PennEast filed a form application with FERC. There is another opportunity to express comments on the project. Everyone is recommended to resubmit their concerns. Ms. Kratzer also noted that you can register as an intervenor. Kingwood Township registered as an intervenor. Once you register as an intervenor, you can make comments. Mayor Cooper responded that he forwarded Ms. Kratzer's email to the Borough's environmental commission. If the environmental commission is not able to file as an intervenor, he is willing to go online and file as an intervenor for the Borough if the Council consents. The Council did not object. Mayor Cooper will file the Borough as an intervenor on the PennEast Pipeline project.

John Anderson of Jersey Central Power and Light noted that the company has been doing significant storm preparations. He also added that Jersey Central Power and Light will have an

open house on November 17th at Raritan Valley Community College. People can learn about transmission lines and substations and can do an apprenticeship during college. He has also shared this information with the high school and vo-tech.

Skye VanSaun asked John Anderson how often JCP&L trims the trees? John Anderson responded that JCP&L's vegetation management cycle is four years.

Skye VanSaun commented that every summer and fall the Philadelphia Museum of Art selects towns to display their art in parks, etc. There are great works of art. The art work is weatherproofed and displayed free. They are accepting applications for the summer of 2016.

Skye VanSaun asked if the zoning officer can look at the property across the street from her on Eighth Street because the roof is falling in. Mayor Cooper asked her to report it to the zoning officer.

Robert Haver of 215 Harrison Street reminded Council that he would post the Council agendas on the website.

Robert Haver asked if the Borough has a date set for Clean-Up. Michele Liebttag responded that Clean-Up day is Saturday, October 24th.

APPROVAL OF ZOMBIE CRAWL

Eric Fredo of Sixth Street stated that he presented an approval request for the Zombie Crawl on October 24, 2015. The only change from last year is that we are requesting to use Sunbeam Park. Safety restrictions will be handed out. They are planning to have a scavenger hunt in an attempt to direct zombies to the merchants in town. This will be contained to the downtown. Council asked that Mr. Fredo provide a list of the locations for the scavenger hunt to Cathy Leach and the Chief. Subsequent to a review by Council of the plans for the Zombie Crawl, a motion was made by William Sullivan to approve the Zombie Crawl on October 24, 2015 as detailed in the Request for Approval. The motion was seconded by Michele Liebttag and carried by unanimous favorable roll call vote.

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 Cathy Leach, seconded Michele Liebttag and carried by favorable voice vote, the Common Council approved the consent agenda approving the bills list of 10/7/15 as attached and the Executive session minutes of August 5, 2015.

APPROVAL OF MINUTES

Special Meeting – August 25, 2015

On motion by Jack Opdyke, seconded by Cathy Leach and carried by favorable roll call vote, the Mayor and Common Council approved the Special Meeting minutes of August 25, 2015 with Caroline Scutt abstaining.

Executive Session – August 25, 2015

On motion by Jack Opdyke, seconded by Cathy Leach and carried by favorable roll call vote, the Mayor and Common Council approved the Executive Session meeting minutes of August 25, 2015 with Caroline Scutt abstaining.

Regular Meeting – September 2, 2015

On motion by Jack Opdyke, seconded by Michele Liebtag and carried by favorable roll call vote, the Mayor and Common Council approved the Regular meeting minutes of September 2, 2015 with Jack Opdyke abstaining.

Executive Session – September 2, 2015

On motion by Jack Opdyke, seconded by Michele Liebtag and carried by favorable voice vote, the Mayor and Common Council approved the Executive Session meeting minutes of September 2, 2015 with Jack Opdyke abstaining.

RESOLUTIONS

Resolution #2015 -103 – Amendment to the Municipal Shared Services Defense Agreement

Mayor Cooper explained that the Borough retained an expert to calculate the Borough's fair share obligation but that expert had a stroke and is unable to testify. We had identified another expert hired by the NJLOM to analyze the report by Fair Share Housing. This consultant agreed to expand the services to include calculations. This resolution amends the Municipal Shared Service Defense Agreement for the new expert. On motion by William Sullivan, seconded Jack Opdyke and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-103 as follows:

BOROUGH OF FRENCHTOWN

RESOLUTION NO. 2015-103

WHEREAS, the Borough of Frenchtown entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment Action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers, The State University of New Jersey, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers, The State University of New Jersey, exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Borough recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough hereby determines that it is in the best interests of the citizens of the Borough of Frenchtown to approve the Amendment and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the Borough with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

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

1. The terms and conditions of the Amendment to the MSSDA attached hereto are hereby approved and/or ratified and confirmed.
2. The Borough Mayor and Clerk be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough with Econsult Solutions, Inc.
4. The Borough Common Council hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough, with the approval of the Borough’s designated counsel, such agreement(s) as are necessary to effectuate the MSSDA as amended.
5. The Borough Common Council further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Borough with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided the action will not require the Borough to appropriate and commit any additional funding for the MSSDA.
6. In the event such changes and actions require the Borough to appropriate and commit any additional funding for the MSSDA, the Borough shall only be responsible for such funding if it authorizes same.

7. This Resolution shall take effect immediately.

ATTEST:

**COMMON COUNCIL OF THE
BOROUGH OF FRENCHTOWN**

Brenda Shepherd, RMC
Borough Clerk

Warren Cooper, Mayor

I, Brenda Shepherd, Borough Clerk of the Borough of Frenchtown, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on October 7, 2015.

Brenda Shepherd, RMC
Borough Clerk

Resolution #2015-104 – Resolution authorizing the issuance of not exceeding \$1,201,536 Bond Anticipation Notes of the Borough of Frenchtown

Mayor Cooper noted that this resolution will authorize Bond Anticipation Notes, combining older BANs and renewing that temporary debt. On motion by William Sullivan, seconded Jack Opdyke and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2015-104 as follows:

RESOLUTION #2015-104

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING
\$1,201,536 BOND ANTICIPATION NOTES OF THE BOROUGH OF FRENCHTOWN,
IN THE COUNTY OF HUNTERDON, NEW JERSEY.**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS
FOLLOWS:**

Section 1. Pursuant to a bond ordinance of the Borough of Frenchtown (herein called “the local unit”), entitled: “Bond ordinance amending bond ordinance no. 597 finally adopted December 4, 2002 in and by the Borough of Frenchtown, in the County of Hunterdon, providing for the installment of bike lanes and related improvements along Trenton Avenue in the Borough of Frenchtown, in the County of Hunterdon, New Jersey, appropriating \$395,000 therefor, including a \$250,000 grant expected from the New Jersey Department of Transportation, and authorizing the issuance of \$137,750 bond or notes of the Borough to finance part of the cost thereof”, finally adopted on December 3, 2003 (#605), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$67,610 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the installation of a park and ride and related improvements along River Road and providing for a village green along the Delaware River, for and by the Borough of Frenchtown, in the County of Hunterdon, New Jersey, appropriating \$825,000 therefor, and authorizing the issuance of \$783,750 bonds or notes of the Borough to finance part of the cost thereof”, finally adopted on March 1, 2006 (#639), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$78,208 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor

Section 3. Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance providing for construction costs for Railroad Avenue improvement project sections 1, 2 and 3 for and by the Borough of Frenchtown, in the County of Hunterdon, New Jersey, appropriating \$700,000 therefor, including \$480,000 expected to be received as three separate NJ Trust Fund Grants expected to be received from the State of New Jersey Department of Transportation, and authorizing the issuance of \$665,000 bonds or notes of the Borough to finance part of the cost thereof”, finally adopted on March 3, 2010 (#683), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$162,684 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Section 4. Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$700,000, and authorizing the issuance of \$666,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Frenchtown, in the County of Hunterdon, New Jersey”, finally adopted on September 27, 2012 (#720), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$643,034 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Section 5. Pursuant to a bond ordinance of the local unit, entitled: “Bond ordinance appropriating \$432,000, and authorizing the issuance of \$411,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Frenchtown, in the County of Hunterdon, New Jersey”, finally adopted on September 4, 2013 (#733), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$250,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes

heretofore issued therefor, and any action heretofore had or taken with respect to said notes is hereby approved, ratified and confirmed.

Section 6. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 5 described, shall be combined into a single and combined issue of bonds in the principal amount of \$1,201,536.

Section 7. The following matters in connection with said Bond Anticipation Notes are hereby determined:

- (a) **All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or treasurer of the local unit (the “chief financial officer”), provided that no note shall mature later than (i) one year from the date of the first note issued hereunder and (ii) three years from the date of the first note issued pursuant to the bond ordinance referred to in Sections 1 to 5 hereof, unless the local unit shall have been paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;**
- (b) **All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and**
- (c) **The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.**

Section 8. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer’s signature upon said notes shall be conclusive as to such determinations.

Section 9. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 10. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 11. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 12. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and

dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 13. This resolution shall take effect immediately.

Upon motion of William Sullivan, seconded by Jack Opdyke, the foregoing resolution was adopted by the following vote:

AYES: Leach, Liebttag, Opdyke, Scutt and Sullivan

NOES: None

Absent: Hindman

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 October 7, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-106 – Resolution authorizing the Mayor and Clerk to sign the Collective Negotiations Agreement

Mayor Cooper stated that the Borough may take action on this matter after the executive session.

NEW BUSINESS

Approval of Corrective Action Plan

On motion by Michele Liebttag, seconded Cathy Leach and carried by favorable roll call vote, the Mayor and Common Council approved the Corrective Action Plan 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: 12/1/2015

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

Approval of Fifth Street Block Party on October 24th from 1 – 9 pm.

On motion by Michele Liebttag, seconded Cathy Leach and carried by favorable roll call vote, the Mayor and Common Council approved the Fifth Street Block Party on October 24th from 1-9 pm.

Trick or Treat – October 31st from 6-8 pm

On motion by Michele Liebttag, seconded Cathy Leach and carried by favorable voice vote, the Mayor and Common Council approved Trick or Treat for October 31st from 6-8 pm.

Halloween Parade – October 30th at 7:00 pm

On motion by William Sullivan, seconded Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved the Halloween Parade for October 30th commencing at 7:00 pm.

Discussion of Council minutes

Mayor Cooper noted that Attorney Cruz recommended that the Council review the long standing verbatim minutes. Attorney Cruz noted that the legal requirements are that the minutes contain who is present, what actions were taken and the vote, when the meeting started and ended.

Attorney Cruz added that Roberts Rules of Order stated that the minutes should contain a record of what is done not what is said. Subsequent to a brief Council discussion, Council agreed that the minutes should be a summary of what is done and the Clerk will provide minutes that reflect non verbatim coverage of the Council meetings.

2015 Best Practices Checklist

Mayor Cooper stated that the Council must review the Best Practices Checklist which is a set of guidelines for municipalities. Municipalities lose state aid if they do not get 40 out of the 50 questions. Mayor Cooper noted that there are two items for consideration this evening in reference to the Best Practices Checklist items, Resolution 2015-107 and Resolution 2015-108. If the Borough adopts these resolutions, we can also get credit for updating the personnel manual. Council reviewed the 2015 Best Practices checklist and was in agreement with the answers to the questions.

Resolution #2015 - 107 – Amendment to the Borough of Frenchtown’s Employee Handbook and Personnel Manual – Driver’s License Policy and Use of Municipal Vehicles

Mayor Cooper stated that this resolution controls private use of municipal vehicles and is a revisions to the Borough’s Employee Handbook and Personnel Manual. On motion by Jack Opdyke, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-107 as follows:

Resolution #2015-107

RESOLUTION AMENDING THE BOROUGH OF FRENCHTOWN’S EMPLOYEE HANDBOOK AND PERSONNEL MANUAL TO INCLUDE A DRIVER’S LICENSE POLICY AND USE OF MUNICIPAL VEHICLES POLICY

Driver’s License Policy:

Any employees whose work requires the operation of Frenchtown Borough vehicles must hold a valid driver's license and any employee driving a Frenchtown Borough commercial vehicle must hold a valid Commercial Driver’s License.

All job applicants applying for work that would require the operation of a municipal vehicle will be required to submit to a driver abstract as a condition of employment. A report indicating a suspended or revoked license status will be cause to deny or terminate employment.

Frenchtown Borough will periodically check the driving records of its employees who operate municipal vehicles. Any employee who is found not to hold a valid driver's license will not be permitted to operate a municipal vehicle until such time as a valid license is obtained. Further, an employee who fails to report the loss of driving privileges is subject to disciplinary action, including demotion or termination.

Any information obtained by the Borough of Frenchtown in accordance with this section shall be used by the Borough of Frenchtown only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver’s Privacy Protection Act (18

U.S.C. S 2721 et seq.)

Use of Municipal Vehicles:

Personal use of municipal vehicles is prohibited except as described in this paragraph. If a road emergency is imminent, the DPW Supervisor is permitted to drive his municipal vehicle home as required by road or weather conditions. Employees authorized to use such vehicles for commuting to/from work shall have a fringe benefit value per the regulations of the United States Internal Revenue Service (IRS) added to their gross income reported on the employee's W-2, unless the vehicle in question meets the "qualified non-personal vehicle" criteria specified by the IRS.

I do hereby certify that the foregoing is a true copy of the Resolution passed by the Mayor and Council of the Borough of Frenchtown at a meeting duly held on the 7th day of October, 2015.

Brenda S. Shepherd, Municipal Clerk

Resolution #2015-108 - Resolution requiring Elected Officials to attend annual education or training

Mayor Cooper noted that this resolution will require Elected Officials to attend annual education or training and will meet one of the requirements of the Best Practices Checklist items. Responding to Council, Mayor Cooper stated that the training can be done by a certified trainer at Borough Hall as has been done in the past. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-108 as follows:

**Resolution #2015-108
RESOLUTION REQUIRING ELECTED OFFICIALS TO ATTEND ANNUAL
EDUCATION OR TRAINING**

WHEREAS, the Borough of Frenchtown seeks to maintain and ensure the quality and efficiency of its elected officials; and

WHEREAS, the State of New Jersey has conditioned the municipality's receipt of State Aid for a municipality upon implementation of the action items on the "Best Practices" checklist; and

WHEREAS, The Borough of Frenchtown desires to require its elected officials to attend an annual education or training.

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

- Members of the Governing Body shall be required to attend, on an annual basis, at least one course offered by the Rutgers University for Government Services or a similar education provider such as the NJ League of Municipalities, covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, capital planning, shared services)

- Governing Body members shall notify the Chief Financial Officer when they have completed their annual education or training
- The Chief Financial Officer will complete the question in the Best Practices checklist, pertaining to elected official required training on an annual basis, based on the passage of this resolution.

I do hereby certify that the foregoing is a true copy of the Resolution passed by the Mayor and Council of the Borough of Frenchtown at a meeting duly held on the 7th day of October, 2015.

Brenda S. Shepherd, Municipal Clerk

OLD BUSINESS

Wastewater Treatment Plant Facility update

Mayor Cooper noted that there is an invitation to the ribbon cutting ceremony for the new Wastewater Treatment Plant on October 14th at 1:45 pm.

Jack Opdyke reported that the only issue we have at the plant is that the 2 blowers are not putting out the required output. Victor Gilardi is working with the manufacturer to get it corrected.

Hilltop Streets

Mayor Cooper noted that there is nothing new to report.

Frenchtown 7, LLC – Redevelopment Plan

Mayor Cooper noted that there is nothing new to report.

Sewer Rents Policy

Mayor Cooper noted that there is nothing new to report.

COUNCIL COMMENTS

Michele Liebtag reported the following:

- 1) The County will no longer provide animal control services so the Borough will have to find animal control services for 2016.
- 2) The County will be closing the transfer station in a year and a half.
- 3) The Borough will be going out to bid for garbage and recycling this year.
- 4) Clean Up day is scheduled for October 24th. A newsletter will be mailed shortly.
- 5) The Halloween Parade will commence at River Road and proceed to the American Legion.

As to the Police Department, Michele Liebtag reported the following:

- 1) The new part time officer resigned to take a full time position in another municipality.
- 2) Tomorrow will be Officer Robert Young's one year anniversary.
- 3) The Police Department and Chief Kurylka did a fantastic job with the fireworks.

As to Officer Robert Young, Attorney Cruz stated that the Borough must take action according to

the ordinance and the Borough must get a recommendation from the Police Chief. Michele Liebttag provided the recommendation of the Police Chief to Council. Subsequent to review of the Police Chief's recommendation, the Council agreed to hire Patrolman Robert Young on a permanent basis.

On motion by Michele Liebttag, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2015-110 as follows:

RESOLUTION #2015-110

WHEREAS, on October 8, 2014, the Borough of Frenchtown hired Robert Young Jr. as Patrolman for a one year probationary period; and

WHEREAS, during this probationary period, the Police Chief, Police Commissioner and the Police Committee observed that Patrolman Young his performing his duties in a satisfactory fashion; and

WHEREAS, the Chief of Police recommended in his letter, dated September 29, 2015, that Patrolman Robert Young Jr. be promoted to full time Patrolman status.

NOW THEREFORE BE IT RESOLVED, by the Borough of Frenchtown, County of Hunterdon and State of New Jersey that:

- 1) Patrolman Robert Young Jr. be promoted to full time position of Patrol Officer effective October 8, 2015.
- 2) This resolution shall take effect immediately.

Attest:

October 7, 2015

Brenda S. Shepherd, RMC
Borough Clerk

Warren E. Cooper, Mayor

Cathy Leach discussed the request of the Delaware Valley Athletic Association (DVAA) for the Borough to make numerous improvements to the softball field at Old Frenchtown Field at a cost of approximately \$5,000.00. William Sullivan noted that there was an agreement with the DVAA that they would do the bulk of the maintenance. Grading and seeding would be beneficial to everyone. There was a consensus from Council to do only grading and seeding at Old Frenchtown Field.

Caroline Scutt reported the following:

- 1) There is a meeting scheduled for October 21, 2015 with the department heads to discuss prioritizing budgets and reviewing the new encumbrance system.

Mayor Cooper reported the following:

- 1) He met with Assemblywoman Donna Simmon the difficulties the Borough had with building the new sewer plant and recommended that the public contract laws be

- amended to award a bid to the lowest responsible bidder not responsive bidder.
- 2) Fixed asset report was received from the Fire Department and the Sewer Department will have the fixed asset list by the end of the month.
 - 3) The Budget is better than it appeared although debt service is ongoing.
 - 4) The church property on Second Street which includes the church, house and parking lot is for sale and the asking price has dropped significantly. He would like other members on Council to be part of the discussion with the church. Caroline Scutt volunteered.
 - 5) The Lower Delaware Wild and Scenic has provided its Annual Reports to the Borough. Copies are available at Borough Hall.
 - 6) The United Way is formulating issues of concern for Hunterdon County. ALICE (Asset Limited, Income Constrained, Employed) identifies individuals or families that are above poverty but below the point where they can afford to live in Hunterdon County. Of the 619 family units in Frenchtown, 54% are ALICE or below. This data suggests that we take that into consideration when developers come to town.
 - 7) Mayor Cooper announced that Emily Slack is turning 100. Council agreed to recognize Emily Slack with a proclamation and banner.

EXECUTIVE SESSION

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

- a. Potential Litigation - Tabibnia v. Borough of Frenchtown
- b. Contract Negotiations – PBA Local 188
- c. 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 Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 9:55 pm and approved Common Council Resolution #2015-109

RESOLUTION #2015-109

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. Potential Litigation - Tabibnia v. Borough of Frenchtown
 - b. Contract Negotiations – PBA Local 188
 - c. Litigation -In the Matter of the Borough of Frenchtown for a Judgment of Compliance of Its Third Round Housing Element and Fair Share Plan
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 October 7, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

The Governing Body came out of executive session at 10:45 pm. No action was taken.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 10:45 pm on motion by Michele Liebttag, seconded by William Sullivan and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk