

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 November 4, 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. 14 members of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Adam Blackburn of 39 Third Street stated that he would like to offer a comment or suggestion on the redevelopment plan for the Eighth and Harrison Streets property attached to the minutes of the September meeting. It is incomplete. Mayor Cooper responded that it was a draft redevelopment plan that went through a lot of changes and discussions since then. Adam Blackburn stated that he hopes his comments in his letter will be addressed and will be included into the plan. It is missing discussions of impact on taxes and sewer, traffic pattern impacts, law enforcement, remedies for non-performance of developing, impacts on the sewer system, impacts on stormwater management and the fact that a commercial element may be introduced to that part of town across from the school and that traffic impact. There is no discussion on something that has been important to this Council in recent years and that is energy conservation and sustainable building practices. It does not consider impacts on failure to develop the property as seen by the other development. Twenty units per acre is too many. There is no other part of town that has that density. This redevelopment allows for rental or home ownership. To preserve the character of the town, it should be homeownership with affordable housing included. Mayor Cooper noted that the redevelopment plan is being drafted between members of the Planning Board and the developer. It will come before the Planning Board for public discussion and it will be before the Council as well. There will be plenty of opportunities for public input.

Brad Myhre of Seventh Street thanked the Mayor for his service to our community. He has done a great job and always carries himself with integrity. We had an impressive election in Frenchtown with the turn out which speaks volumes about our people. Brad Myhre thanked Warren Cooper for

running a great race and keeping it classy. He thanked Warren Cooper for his services.

Liz Johnson of 19 Second Street asked what has been decided as to the payment in lieu of taxes for the River Mills project? Will action be taken? Mayor Cooper stated that no action has been taken. Any action that will be taken would be proceeded by discussion which would be public. Liz Johnson asked that if discussion and action will not be taken, is the executive session minutes available to the public. Mayor Cooper stated that executive session minutes become available when the matter is no longer deemed private. Mayor Cooper stated that we do not have control over an item that would come to us in executive session. For us to say we are done in the matter of River Mills, we cannot say that because we do not know that. You can infer from that fact that the discussion back in August has not been a public discussion or has not been back on the executive session items. Liz Johnson asked if executive session minutes would ever be revealed to the public if Council decides not to take action? Attorney Cruz noted that once the matter is no longer deemed to be confidential or the matter is concluded, it can be released. Responding to Liz Johnson as to the Council not taking action, Attorney Cruz stated that it is not a conclusion of the matter. The matter is still pending. Mayor Cooper added that the Municipal Attorney will make that decision. Liz Johnson stated that she will come back to every meeting and ask if the town is making that determination.

Michael Flood of Sixth Street asked how often the Council is having Council meetings? Mayor Cooper responded that the Council is meeting once a month except that there was one year where the Council met twice a month. Mayor Cooper added that occasionally, the Council will set a second special meeting in the month if items come up that are under a time constraint.

Robert Haver of 215 Harrison Street, noted that in the Mayor's previous email blast last month, the Tabibnia matter was listed. He asked for an explanation of the reduction in sewer billing for Block 52 Lot 29 and what is being proposed in the resolution? Attorney Cruz noted that Mr. Tabibnia has requested a refund with respect to sewer billing. His contention is that he should be charged one unit as opposed to two. Multi-use properties have to submit an annual report form to the municipality to give the billing department an idea of how many units are on that property. That had not been done since it was determined that the number of sewer units was two. Mr. Tabibnia brought that to the Borough's attention in March of 2014 and has requested a refund retroactive to that date. The resolution will not be acted upon tonight because all of the information has not been finalized. Robert Haver noted that he has a two unit property that is only being used as one. Attorney Cruz stated that it is not the use itself but the category that the property falls into. It is categorized in the ordinance.

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 William Sullivan, seconded Michele Liebtag and carried by favorable voice vote, the Common Council approved the consent agenda approving the bills list of 11/4/15 as attached and Resolution #2015-111 as follows:

RESOLUTION NO. 2015 - 111
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 \$584.19, which item is now available as revenue from the State of New Jersey, as a grant to the Borough of Frenchtown in the amount of \$584.19.

BE IT FURTHER RESOLVED that the like sum of \$584.19 is hereby appropriated under the caption "Body Armor Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$584.19 from the State of New Jersey.

Attest:

November 4, 2015

Brenda S. Shepherd, RMC
Borough Clerk

Warren E. Cooper, Mayor

PRESENTATION OF VOUCHERS

Current Fund - Opdyke voucher

On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the current fund Opdyke vouchers.

APPROVAL OF MINUTES

Regular Meeting – October 7, 2015

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable roll call vote, the Mayor and Common Council approved the Regular Meeting minutes of October 7, 2015 with John Hindman abstaining.

Executive Session – October 7, 2015

On motion by Cathy Leach, seconded by Michele Liebttag and carried by favorable roll call vote, the Mayor and Common Council approved the Executive Session meeting minutes of October 7, 2015 with John Hindman abstaining.

RESOLUTIONS

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

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2015-106

RESOLUTION #2015-106

WHEREAS, the Common Council of the Borough of Frenchtown has negotiated a Collective Negotiations Agreement with the Hunterdon County Policemen’s Benevolent Association Local 188, Borough of Frenchtown Unit; and

WHEREAS, the Common Council of the Borough of Frenchtown desires to enter into this Collective Negotiations Agreement with the Hunterdon County Policemen’s Benevolent Association Local 188, Borough of Frenchtown Unit; and

WHEREAS, the Common Council of the Borough of Frenchtown authorizes the Mayor and Clerk to sign and file with the State of New Jersey this Collective Negotiations Agreement with the Hunterdon County Policemen’s Benevolent Association Local 188, Borough of Frenchtown Unit.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey that the Mayor and Clerk of the Borough of Frenchtown are hereby authorized to sign and file with the State of New Jersey the Collective Negotiations Agreement with the Hunterdon County Policemen’s Benevolent Association Local 188, Borough of Frenchtown Unit.

Warren E. Cooper, Mayor

Dated: November 4, 2015

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-112 – Block 52 Lot 29 – Reduction in Sewer Billing

Mayor Cooper noted that no action will be taken this evening as the information has not been finalized.

Resolution #2015-113 – 2015 Budget Appropriation Transfer

On motion by William Sullivan, seconded Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2015-113 as follows:

RESOLUTION NO. 2015-113

2015 BUDGET APPROPRIATION TRANSFER

WHEREAS, it appears that the unexpended balance in the following accounts will not be sufficient to pay outstanding bills:

Buildings and Grounds – Other Expense
Utility and Bulk Expenses – Water
DCRP – Employer Contribution

WHEREAS, it appears that there will be for 2015 an unexpended balance in the following account:

Utility and Bulk Expenses - Gasoline

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

Utility and Bulk Expenses – Gasoline \$ 3650.00

TO:

Buildings and Grounds – Other Expense \$ 3000.00
Utility and Bulk Expenses – Water \$ 500.00
DCRP – Employer Contribution \$ 150.00

Warren E. Cooper, Mayor

Attest:

November 4, 2015

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2015-114 – 2015 Sewer Budget Appropriation Transfer

On motion by William Sullivan, seconded Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2015-114 as follows:

RESOLUTION NO. 2015-114

2015 BUDGET APPROPRIATION TRANSFER

WHEREAS, it appears that the unexpended balance in the following accounts will not be sufficient to pay outstanding bills:

Sewer Utility – Disability Insurance

WHEREAS, it appears that there will be for 2015 an unexpended balance in the following account:

Sewer Utility – Other Expense

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

Sewer Utility – Other Expense \$100.00

TO:

Sewer Utility – Disability Insurance \$100.00

Warren E. Cooper, Mayor

Attest:

November 4, 2015

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES

Ordinance #762 – Amendment to the 2015 Salary and Wage Ordinance for certain Officials and Employees of the Borough of Frenchtown (Introduction)

On motion by William Sullivan, seconded John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to introduce Ordinance #762 as follows:

ORDINANCE #762

**AN ORDINANCE
TO AMEND THE SALARY & WAGES
OF THE CERTAIN BOROUGH OFFICIALS AND EMPLOYEES FOR THE YEAR 2015**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. The following salaries for the year 2015 are hereby amended for the following designated officials and employees of the Borough of Frenchtown:

Police Patrolman- full time ----- \$35,000.00 to \$62,050.00
2. The following overtime hourly rates for the year 2015 are hereby amended for the following designated officials and employees of the Borough of Frenchtown:

Police Patrolman (full-time OT Rate) -----\$25.23 to \$44.75

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Cooper noted that the public hearing and adoption of the ordinance will be scheduled for the December 2nd meeting.

NEW BUSINESS

Approval of Raffle License application for 50/50 Raffles by the Lions Club on January 1, 2016 and September 4, 2016

On motion by Michele Liebttag, seconded John Hindman and carried by favorable roll call vote, the Mayor and Common Council approved the Raffle License Application for 50/50 Raffles by the Lions Club on January 1, 2016 and September 4, 2016.

Discussion on Animal Control Services for 2016

Mayor Cooper noted that last year, the County Freeholders decided to provide animal control services to municipalities as a shared service agreement. This year the Freeholder decided they will not provide that shared service in 2016. Mayor Cooper added that the Borough has received a proposal from the Hunterdon Humane. The Borough will also seek proposals from Animal Control Solutions and Animal Control Investigative Services. Attorney Cruz noted that the proposals should address vicious dogs.

Emily Slack Day

Mayor Cooper noted that Emily Slack, a life time resident who lives on Harrison Street is about to celebrate her 100th birthday on December 23rd. The Council decided to discuss a celebration for her. Subsequent to a brief discussion, the Council agreed to declare December 23rd Emily Slack day, provide her with a plaque and resolution, and invite her for cake. On motion by William Sullivan, seconded by Michele Liebttag and carried by favorable voice vote, the Mayor and Council agreed to declare December 23rd Emily Slack day, provide her with a plaque and resolution, and invite her for cake.

Budget - Town Hall meetings

Mayor Cooper reported he is proposing to begin a series of town hall meetings in December to discuss the aspects of the 2016 Budget. Subsequent to a Council discussion, the Council preferred that the public comments for the budget be opened at the time the Council is working on the budget.

OLD BUSINESS

Wastewater Treatment Plant Facility update

Mayor Cooper noted that there is no report.

Hilltop Streets

Mayor Cooper noted that it is still in the process.

Frenchtown 7, LLC – Redevelopment Plan

Mayor Cooper noted that there is nothing new to report.

COUNCIL COMMENTS

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

1. Police Secretary Melissa Gustafson successfully completed an OPRA course.
2. The Police Department did a great job on Halloween. They visited the school and handed out glow sticks for safety measures on Halloween.

Michele Liebttag thanked the Police, Fire and OEM for participating in the Halloween parade.

Cathy Leach reported the following:

1. Librarian Sara Heil is retiring December 31st and was invited to be a member of the Library Board starting January 1, 2016.
2. The Library Board will recommend the hiring of a library assistant for the Council's December 2nd meeting if the budget committee can find the \$671.00 needed to enable the library assistant to work 61 hours in December.

William Sullivan reported that the leaf pick up started November 2nd and will continue through November or until there is no more leaves to pick up.

As to the FEMA grant for emergency generators, Mayor Cooper reported that the engineer is working on a plan to retro fit the generator from the old sewer plant to Borough Hall and the Police building.

EXECUTIVE SESSION

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

- a. 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 John Hindman and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:20 pm and approved Common Council Resolution #2015-115 as follows:

RESOLUTION #2015-115

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. 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 November 4, 2015.

Brenda S. Shepherd, RMC
Borough Clerk

The Governing Body came out of executive session at 8:50 pm. No action was taken.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:50 pm on motion by Michele Liebttag, seconded by William Sullivan and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk