

CALL TO ORDER

Mayor Myhre called the special meeting to order at 9:35 am. and stated that in compliance with the “Open Public Meetings Act” this Meeting was duly noticed to the Hunterdon County Democrat and the Express Times on January 17, 2020; the Agenda has been posted at Borough Hall and distributed to the newspapers.

FLAG SALUTE

Mayor Myhre asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Liz Johnson
Michele Liebttag
Holly Low
Tami Peterson
Caroline Scutt

Absent from Meeting:

William Sullivan

Borough Clerk Brenda S. Shepherd and Attorney Albert Cruz were present for the Meeting. There were ten members of the public present.

PUBLIC COMMENTS

The Council approved opening the public comment session.

Mary Stewart of Eighth Street stated that she is interested in what is going on at the Country Classics site with the piles of dirt and what they are uncovering with the holes. Mayor Myhre noted that there are existing piles being removed from the site. They are waiting for lab results to see where they would be disposed. With the parcel on Eighth and Harrison Streets, it is possible that they are doing additional testing as part of their due diligence. They could not touch that site until they acquired it. He will ask Brian Fennelly for an update.

Ed Jozowsk of Eighth Street commented that there should be more public input and do it on a weekend. A lot of people do not know about it. Mayor Myhre noted that there were a half a dozen meetings and the Planning Board had a public hearing on the development. The Planning Board did approve the project. The Borough can give an overview of the project. Mr. Jabowski added that he hears opinions about a PILOT program. Mayor Myhre noted that the Borough will have discussions on the PILOT program. When we are out of negotiations, the Council will discuss it with the public. No decisions are made in an executive session.

Holly Lowe of Eighth Street stated that she is here with concerns of the neighborhood. More public engagement sessions should occur and a weekend would be great. She is asking Council to do a cost benefits analysis and the economic benefits of a PILOT and the cost to the town and the remediation process in regard to the redeveloper’s agreement. Mayor Myhre noted that there was a recommendation for a vapor extraction system and the developer has agreed to put in that system. The Redeveloper’s Agreement has not yet been signed. He added that at the last Planning Board meeting, it was noted that the Board of Education, Country Classics and

representatives of the Council agreed that traffic calming measures will be incorporated into that document.

Holly Low also noted that in recent months, Country Classics has been digging piles of soil and covering it with plastic. In January the plastic flew off. The DEP reached out to Brian Fennelly and they were covered up. It is a concern. Trucks are driving off the property without the tires being decontaminated. A lot of neighbors share the same concern. She would appreciate it if additional documents are put up on the website. She has a request signed by residents. She asked about the Safety and Health report. Mayor Myhre noted that it has been posted on the website. In reference to the trucks on the site, the site manager, Gary, said the trucks did remain on the rip rock, were loaded by an excavator and did not drive on the soil. They are not backing into the piles of soil. Holly Low responded that there are so many areas of concern, the entire site is hazardous. The LSRP is tasked with the clean up. The property has been contaminated for 70 years. There are high levels of lead and we have significant concerns to make sure that there is no erosion of trust. She provided a citizen's guide to excavation and when trucks are driving off sites onto roadways, there are different ways to wash the truck tires. She wants the Council to be aware of their concerns and to share what the standards are that must be followed.

Responding to Tami Peterson, Mayor Myhre noted that the Borough did a tax agreement with ArtYard. ArtYard will continue to pay taxes on one property at the current rate and will give us a revenue amount that will continue to give us a revenue stream. The Borough has not done a PILOT program. We did not give one to River Mills which has been said to be the reason the development failed.

Terry Pearson of 709 Harrison Street, asked that the most recent updates be on the website. Mayor Myhre noted that the updates are listed on the website and you can choose from a list of the documents.

Having no other comments, the Mayor closed the public comment session.

RESOLUTIONS

Resolution #2020-35 - Authorizing the award of a contract to Phoenix Advisors, LLC. for financial advisory services for the Borough of Frenchtown

Mayor Myhre noted that Phoenix Advisors, LLC. advises the Borough on its debt situation and provides the Borough guidance on preparing a PILOT program. This will be paid by the developer. On motion by Liz Johnson, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-35 as follows:

RESOLUTION #2020-35

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PHOENIX ADVISORS, LLC. FOR FINANCIAL ADVISORY SERVICES FOR THE BOROUGH OF FRENCHTOWN

WHEREAS, the Borough of Frenchtown has a need to acquire Financial Advisory Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, Anthony P. Inverso of Phoenix Advisors, LLC. would prepare analysis and consulting on economic and redevelopment projects in an amount not to exceed \$15,000.00; and

WHEREAS, Anthony P. Inverso of Phoenix Advisors, LLC. has submitted a proposal dated January 13, 2020 indicating they will provide the following financial advisory services for the following fees:

- a) Redevelopment Agreement Advisory, \$195.00 per hour, billed quarterly, for the analysis of and consulting on economic and redevelopment projects; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract from the Country Classics Redevelopment escrow: and

WHEREAS, the Council of the Borough of Frenchtown desires to award a non-fair and open professional services contract to Anthony P. Inverso of Phoenix Advisors LLC; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, Anthony P. Inverso of Phoenix Advisors, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that Phoenix Advisors, LLC. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Phoenix Advisors, LLC. from making any reportable contributions through the term of the contract, and

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the following persons and/or firms for the analysis of and consulting on economic and redevelopment projects:

Anthony P. Inverso of Phoenix Advisors, LLC

2. A non-fair and open contract be awarded to Anthony P. Inverso of Phoenix Advisors, LLC. to provide financial advisory services in an amount not to exceed \$15,000.00.
3. Notice of award of this contract is to be published in the official newspaper of the Borough of Frenchtown.
4. This resolution shall take effect immediately.

Dated: January 27, 2020

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020- 36 - Authorizing the award of a contract to Cleary, Giacobbi, Alfieri, Jacobs, LLC. for labor counsel services for the Borough of Frenchtown

On motion by Tami Peterson, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-36 as follows:

RESOLUTION #2020-36

PROFESSIONAL SERVICE CONTRACT

WHEREAS, the Borough of Frenchtown is in need of the services of Labor Counsel to provide for investigations of personnel matters; and

WHEREAS, Labor Counsel would provide an investigation of a personnel matter and a comprehensive report; and

WHEREAS, Matthew J. Giacobbe of Cleary, Giacobbi, Alfieri, Jacobs LLC. submitted a proposal dated 1/3/20 indicating they will provide Labor Counsel services for the amount of \$150.00 per hour plus out of pocket expenses; and

WHEREAS, the Council of the Borough of Frenchtown desired to award a non-fair and open professional services contract to Matthew J. Giacobbe of Cleary, Giacobbi, Alfieri, Jacobs LLC.; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, the value of the contract for 2020 will not exceed \$7,500.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5. and

WHEREAS, Matthew J. Giacobbe of Cleary, Giacobbi, Alfieri, Jacobs LLC. will be required to complete and submit a Business Entity Disclosure Certification which certifies that Matthew J. Giacobbe of Cleary, Giacobbi, Alfieri, Jacobs LLC. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Matthew J. Giacobbe of Cleary, Giacobbi, Alfieri, Jacobs LLC. from making any reportable contributions through the term of the

contract; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Matthew J. Giacobbe of Cleary, Giacobbi, Alfieri, Jacobs LLC. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Hunterdon County Democrat.

Dated: January 27, 2020

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-37 – Authorizing settlement with the NJDEP

Liz Johnson noted that the Borough has violated the permit requirements for ammonia and fecal. NJDEP made it a major violation because there were two violations. The Borough had to pay \$7,000.00. The problems were fixed. This will not increase rates. We are working to bring in additional revenue for the plant. Mayor Myhre noted that this resolution approves the settlement agreement with the NJDEP. On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-37 as follows:

RESOLUTION 2020-37
Settlement Agreement
Frenchtown Borough Sewage Treatment Plant

WHEREAS, Frenchtown Borough owns and operates a wastewater treatment plant (“facility”) located at River Road, Frenchtown Borough, Hunterdon County, New Jersey; and

WHEREAS, the New Jersey Department of Environmental Protection issued New Jersey Pollutant Discharge Elimination System (“NJPDES”) Discharge to Surface Water Permit number NJ0029831 (“Permit”) to Frenchtown Borough with an effective date of July 1, 2017, and an expiration date of June 20, 2022; and

WHEREAS, the NJPDES Permit sets forth specific parameters to be monitored and reported on Discharge Monitoring Report (“DMR”) forms and identifies discharge limitations for each parameter for each permitted outfall; and

WHEREAS, the Department has determined that Frenchtown Borough has violated the terms and conditions of its NJPDES Permit by exceeding discharge limitations at discharge number 001A; and

WHEREAS, the Department therefore alleges that Frenchtown Borough is liable for civil administrative penalties for the above referenced violations pursuant to N.J.S.A. 58:10A-10.d and N.J.A.C. 7:14-8 et seq in the amount of \$7,000.00; and

WHEREAS, in the interest of resolving the matter, the Department and Frenchtown Borough agree to settle this matter; and

WHEREAS, the Chief Financial Officer has certified that the funds are available from the Sewer Utility Fund account.

NOW, THEREFORE, BE IT RESOLVED that that the Mayor & Common Council of the borough of Frenchtown authorizes the Borough to enter into a Settlement Agreement with the New Jersey Department of Environmental Protection, Water Compliance and Enforcement, as described herein.

BE IT FURTHER RESOLVED that:

1. In full settlement of the aforementioned violations, Frenchtown Borough shall pay a penalty of \$7,000.00.
2. Neither the entry into this Settlement Agreement nor the payment of the settlement amount shall constitute an admission of liability by Frenchtown Borough for the violations listed.
3. This Settlement Agreement shall be effective upon execution by both parties.

Borough of Frenchtown

By _____
Brad Myhre, Mayor

Dated: January 27, 2020

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020- 38 – Resolution approving the Agreement for Provision of Electricity Generator Supply Services for Residential Government Aggregation

Michele Liebtag noted that Concord will begin engaging in the education piece for the energy aggregation program for residents with a target date to commence April 1st. Attorney Cruz noted that the energy aggregator will run the program, do the mailings, hold a town hall education session and will consult with the Borough. On motion by Liz Johnson, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-38 as follows:

RESOLUTION #2020-38

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE SUPPLIER SERVICE AGREEMENT BETWEEN THE BOROUGH OF FRENCHTOWN AND IDT ENERGY INC.

WHEREAS, on June 5, 2019, the Common Council of the Borough of Frenchtown adopted Ordinance #839 publicly declaring its intent to commence a governmental energy aggregation program (GEA) program; and

WHEREAS, on August 7, 2019 the Borough of Frenchtown adopted Resolution #2019-95 authorizing the signing of government energy aggregation program agreements; and

WHEREAS, the Borough of Frenchtown, as a participating member of the Hunterdon Area Energy Cooperative, hereby agrees to proceed with the program by signing the Supplier Service Agreement between the Borough of Frenchtown and IDT Energy, Inc. accepting pricing which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Common Council of the Borough of Frenchtown authorizes the Mayor to sign the Supplier Service Agreement between the Borough of Frenchtown and IDT Energy, Inc. accepting pricing which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program.
2. This Resolution ratifies and confirms the prior actions taken by the Borough and the implementation of the governmental energy aggregation program for the residents of the Borough of Frenchtown.

Borough of Frenchtown

By _____
Brad Myhre, Mayor

Dated: January 27, 2020

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-39 – Resolution terminating the agreement with Hudson Energy and commencing with MidAmerica

Mayor Myhre noted that the Borough will enter into the County Energy Aggregation program. This program is just for municipalities and counties. The Borough will terminate its current program which ends on March 20, 2020. On motion by Michele Liebttag, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-39 as follows:

RESOLUTION #2020-39

RESOLUTION AUTHORIZING THE TERMINATION OF THE HUDSON ENERGY SERVICES, LLC. CONTRACT AND COMMENCE WITH MIDAMERICAN ENERGY SERVICES LLC.

WHEREAS, the Borough of Frenchtown entered into an electricity contract with Hudson Energy Services, LLC., on 3/20/18 for a term of 24 months for energy generation services; and

WHEREAS, the Borough of Frenchtown approved to join the 2019 Hunterdon County Cooperative Pricing system on July 10, 2019 for the 2019 Electricity Generation Supply Service bid; and

WHEREAS, the Hunterdon County Cooperative Pricing System received bids for the 2019 Electricity Generation Supply Service and the County Freeholders approved the bid with MidAmerican Energy Services, LLC. in the amount of 8.073 centers per kilowatt hour; and

WHEREAS, the Borough of Frenchtown wishes to terminate its contract with Hudson Energy and commence with MidAmerican Energy Services, LLC. for electricity generation supply services effective April 1, 2020 at a rate of 8.073 cents per kilowatt hour.

NOW, THEREFORE BE IT RESOLVED that the Common Council of the Borough of Frenchtown approves the termination of the Hudson Energy Services, LLC. contract and commence with MidAmerican Energy Services, LLC. for energy generation services effective April 1, 2020 at a rate of 8.073 cents per kilowatt hour.

Borough of Frenchtown

By _____
Brad Myhre, Mayor

Dated: January 27, 2020

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Approval of event dates for the Frenchtown Business and Professional Association

Mayor Myhre asked the Business Association if there would be changes from last year's events. Laura Pointon stated that there will be some changes but she does not have those details. They will submit individual events applications. She knows that PRIDE will do multiple days of events. On motion by Michele Liebttag, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the event dates for the Frenchtown Business and Professional Association subject to individual permits being submitted to the Police Department for review and approval.

PUBLIC COMMENTS

The Council approved opening the public comment session.

Responding to public members as to obtaining data from the website on the redevelopment project, Caroline Scutt asked that people email where they get lost on the site and share where there is an inability to access information or how to get to it more easily. Mayor Myhre will confirm that all the reports are posted on the website.

Having no other comments, the Mayor closed the public comment session.

EXECUTIVE SESSION

Mayor Myhre noted that there a need for the Council to go into executive session to discuss the following:

- a. Contract Negotiations – Country Classics at Frenchtown LLC
- b. Property Acquisition

On motion by Liz Johnson, seconded by Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved to go into executive session at 7:25 pm and the following resolution:

RESOLUTION #2020-40

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:

2. The public shall be excluded from discussion of the hereinafter specified subject matters.
3. The general nature of the subject matter to be discussed is as follows:
 - a. Contract Negotiations – Country Classics at Frenchtown LLC
 - b. Property Acquisition
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 January 27, 2020.

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Myhre noted that no action will be taken.

The Council came out of executive session at 9:30 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:30 pm on motion by Liz Johnson, seconded by Michele Liebttag and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk