

### **CALL TO ORDER**

Mayor Warren Cooper called the meeting to order at 7:30 a.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly advertised and published in the Express Times on September 12, 2012; 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 September 27, 2012.

### **FLAG SALUTE**

Mayor Cooper asked everyone to stand for the flag salute.

### **ROLL CALL**

Present for the Meeting:

Robb Arent via teleconference  
Seth A. Grossman  
Michele Liebtag  
Brad Myhre via teleconference

Absent from Meeting:

Cathy Leach  
William Sullivan

Borough Clerk, Brenda S. Shepherd, was present for the meeting. No members of the public were present.

### **PUBLIC HEARING**

**Ordinance #720** – Bond Ordinance Appropriating \$700,000.00 and authorizing the issuance of \$666,000.00 Bonds or Notes of the Borough for various improvement or purposes authorized to be undertaken by the Borough of Frenchtown in the County of Hunterdon, New Jersey

On motion by Seth A. Grossman and seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to open the public hearing on Ordinance #720. There were no comments from the public. On motion by Seth A. Grossman and seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to close the public hearing on Ordinance #720.00.

### **PUBLIC COMMENTS**

The Mayor and Common Council approved to open the public comment session by favorable voice vote. Having no comments from the public, the Mayor and Common Council approved to close the public comment session by favorable voice vote.

### **ORDINANCES**

**Ordinance #720** – Bond Ordinance Appropriating \$700,000.00 and authorizing the issuance of \$666,000.00 Bonds or Notes of the Borough for various improvement or purposes authorized to be undertaken by the Borough of Frenchtown in the County of Hunterdon, New Jersey  
**(Adoption)**

On motion by Seth A. Grossman and seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Bond Ordinance #720 as follows:

**ORDINANCE # 720**

**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.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Frenchtown, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$700,000 including the aggregate sum of \$34,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (a) of said Section 3, any monies received or expected to be received by the Borough from the Federal Emergency Management Agency as a grant-in-aid of financing said improvement or purpose and, in the case of the improvement or purpose described in paragraph (b) of said Section 3, any monies received or expected to be received by the Borough from the United States Department of Agriculture as a grant-in-aid of financing said improvement or purpose.

For the financing of said improvements or purposes and to meet the part of said \$700,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$666,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$666,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
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<p>(a) Improvement of the pedestrian bridge crossing Nishisakawick Creek in Frenchtown Park located on Creek Road in the Borough, including the installation of new framing and fencing, together with all landscaping, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$25,000 hereby appropriated therefor being inclusive of any monies received or expected to be received by the Borough from the Federal Emergency Management Agency as a grant-in-aid of financing said improvement or purpose</p>	<p>\$25,000</p>	<p>\$23,500</p>
<p>(b) Restoration of Nishisakawick Creek by the Borough, including the construction of stream restoration improvements, the removal of debris and sediment from the stream channel and the stabilization of the bank thereof, together with all landscaping, site work, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$675,000 hereby appropriated therefor being inclusive of any monies received or expected to be received by the Borough from the United States Department of Agriculture as a grant-in-aid of financing said improvement or purpose</p>	<p><u>675,000</u></p>	<p><u>642,500</u></p>
<p>Totals</p>	<p>\$700,000</p>	<p>\$666,000</p>

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is fifteen (15) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$666,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Amounts not exceeding \$90,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

The funds from time to time received by the Borough on account of the grants referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in Section 3(a) and 3(b) of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond

ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Introduction:

Publication:

Adoption:

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Warren E. Cooper, Mayor

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

## **RESOLUTIONS**

### **Resolution #2012-103 - Resolution authorizing the issuance of not exceeding \$666,000 bond anticipation notes of the Borough of Frenchtown**

On motion by Seth A. Grossman and seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2012-103 as follows:

### **RESOLUTION #2012-103**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$666,000 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:**

Pursuant to a bond ordinance of the Borough of Frenchtown (herein called “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 \$666,000 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.

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

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 Section 1 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;

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

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.

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.

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.

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.

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.

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.

This resolution shall take effect immediately.

Dated: 9-27-12

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Warren E. Cooper, Mayor

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, a motion was made by Michele Liebttag, and seconded by Seth A. Grossman to adjourn the meeting at 7:40 a.m. Motion carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk