

**CALL TO ORDER**

Mayor Warren Cooper called the special meeting to order at 7:30 a.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly noticed to the Hunterdon County Democrat on March 20, 2015 and the Express Times on March 20, 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 March 20, 2015.

**ROLL CALL**

Present for the Meeting:

John Hindman  
Cathy Leach  
Michele Liebttag  
Jack Opdyke  
Caroline Scutt  
William Sullivan

Absent from Meeting:

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. No members of the public were present.

**PUBLIC COMMENTS**

The Council approved to open the public comment session. Having no comments from the public, the Council approved to close the public comment session.

**RESOLUTION**

**Resolution #2015-44 – Johnson v. Borough of Frenchtown Settlement Agreement and General Release**

Attorney Cruz noted that the settlement is consistent with what was discussed. The Plaintiff has signed the necessary document. This resolution will formally approve the settlement and the settlement agreement. Attorney Debbie Rosenthal has prepared a resolution to authorize Mayor to sign. On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-44 as follows:

**BOROUGH OF FRENCHTOWN  
HUNTERDON COUNTY  
RESOLUTION # 2015-44**

WHEREAS, Plaintiff, Harold Johnson ("Johnson"), filed suit against the Borough of Frenchtown, ("Borough"), and Allan Kurylka ("Kurylka"), in a certain civil action entitled, Harold Johnson v. Borough of Frenchtown and Allan Kurylka, filed in the Superior Court of New Jersey, Hunterdon County, bearing Docket No. HNT-L-519-12 (the "Litigation"); and

WHEREAS, legal representation was provided through Scottsdale Insurance Company, which requires the consent of the Borough to settle the Litigation; and

WHEREAS, Scottsdale Insurance Company recommended that the Borough settle the Litigation, which recommendation was made solely for business purposes, essentially to avoid additional attorney's fees, and without any admission of liability; and

WHEREAS, the terms and conditions of an agreement to resolve all issues related to the Litigation are embodied in a certain Settlement Agreement and General Release signed by Johnson ("Settlement Agreement"); and

WHEREAS, after conferring with the Borough Attorney, the Borough Council is agreeable to accept the recommendation of Scottsdale Insurance Company regarding settlement and to resolve the Litigation as set forth in the Settlement Agreement.

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

1. All of the terms and conditions of the Settlement Agreement be and the same are hereby approved, ratified and confirmed by the Borough.
2. The Mayor and Borough Clerk, together with the Borough Attorney and other appropriate and applicable officers, employees, professionals and staff of the Borough are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

**C E R T I F I C A T I O N**

I, Brenda Shepherd, Borough Clerk of the Borough of Frenchtown, hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council of the Borough of Frenchtown at a duly convened meeting held on March 26, 2015

---

BRENDA SHEPHERD

**Resolution #2015-45 -2014 Reserve Budget Appropriation Transfer Resolution**

Mayor Cooper stated that the purpose of the resolution is to transfer funds from the reserve budget to the capital improvement fund. We have surplus from last year's budget. We have not been attentive to funding the capital improvement budget as we should. We are in a position to transfer money. Otherwise, we cannot touch the reserve from 2014 until 2016. Subsequent to discussion, the resolution was amended to allow a \$20,000.00 transfer instead of \$25,000.00 removing \$5,000.00 social security line item. On motion by William Sullivan, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-45 as follows:

**RESOLUTION NO. 2015-45**

**2014 RESERVE BUDGET APPROPRIATION TRANSFER**

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

Capital Improvement Account

WHEREAS, it appears that there will be for 2014 an unexpended balance in the following account:

A & E – Salary & Wages  
A & E – Other Expense  
Police – Salary & Wages  
Celebration of Public Events  
Gasoline  
Natural Gas  
Social Security

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:

A & E – Salary & Wages	\$ 1500.00
A & E – Other Expense	\$ 4000.00
Police – Salary & Wages	\$ 6000.00
Celebration of Public Events	\$ 3000.00
Gasoline	\$ 4000.00
Natural Gas	\$ 1500.00

TO:

Capital Improvement Fund

\$20,000.00

---

Warren E. Cooper, Mayor

Attest:

March 26, 2015

---

Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2015-46 - Person to Person liquor license transfer from Frenchtown Wine & Liquors, LLC to H & S Liquors, LLC.**

Attorney Cruz noted that the person to person liquor license transfer is for premises located at 19 Trenton Avenue, the former Wine Italiano. There had been an objection filed by a distributor but was withdrawn because the seller and distributor came to an agreement. When that objection was filed, the objector pointed out that other distributors were owed money. Both the seller and seller's attorney said that all will be paid. The buyer's attorney is aware of it. The effect on the buyer is that they will not be able to have liquor delivered on account and would have to pay COD. The police department has not sent in the report but the Clerk has been in touch and has been advised that the criminal background checks are clear. On motion by Jack Opdyke, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved resolution #2015-46 as follows:

**BOROUGH OF FRENCHTOWN**

**Resolution 2015-46**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1011-44-001-007, heretofore issued to Frenchtown Wine and Liquors, LLC. for premises located at 19 Trenton Avenue, Frenchtown, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fee has been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulation promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the response to question 4.2 of the application was amended from a "no" to "yes"

and the applicant must apply for the necessary a transit permit; and

WHEREAS, the Borough has received a tax clearance certificate for the transfer of the liquor license.

NOW THEREFORE BE IT RESOLVED, that the Frenchtown Borough Council does hereby approve, effective March 26, 2015, person to person transfer of the aforesaid Plenary Retail Distribution License to H & S Liquors, LLC. for premises located at 19 Trenton Avenue, Frenchtown, NJ.

BE IT FURTHER RESOLVED that the Frenchtown Borough Council does hereby direct the Borough Clerk to endorse the license certificate to the new owners as follows: "This license, subject to all its terms and conditions, is hereby Person-to-Person transferred to H & S Liquors, LLC. for premises located at 19 Trenton Avenue, Frenchtown, NJ 08825, effective March 26, 2015."

Dated: March 26, 2015

---

Warren E. Cooper, Mayor

**ATTEST:**

---

Brenda S. Shepherd, RMC  
Borough Clerk

**EXECUTIVE SESSION**

Attorney-Client Privilege-Retaining Special Counsel

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 7:43 am and approved Resolution #2015-47 as follows:

**RESOLUTION #2015-47**

**EXECUTIVE SESSION RESOLUTION**

**WHEREAS**, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Borough Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:
  - A. Attorney-Client Privilege-Retaining Special Counsel
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 March 26, 2015.

---

Brenda S. Shepherd, RMC  
Borough Clerk

The executive session was concluded at 8:22 am.

#### **SPECIAL MEETING CONTINUED**

On motion by William Sullivan, seconded by Michele Liebtag and carried by unanimous favorable voice vote, the Mayor and Common Council approved to retain special counsel, Matthew Giacobbe, to conduct an employment investigation for an hourly charge of \$150.00 with a not to exceed amount of \$5,000.00. A formal resolution will be approved at the next meeting.

Attorney Cruz noted that he will be on vacation for the April 1<sup>st</sup> meeting. Attorney Paul Rizzo will cover. Attorney Cruz stated that he will be back on April 13<sup>th</sup>.

Clerk Shepherd reported that election petitions are due by 4:00 pm on Monday, March 30<sup>th</sup>.

#### **ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:25 am on motion by Michele Liebtag, seconded by Cathy Leach and carried by favorable voice vote.

Respectfully submitted,

---

Brenda Shepherd, RMC  
Borough Clerk