

CALL TO ORDER

Mayor Myhre 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 14, 2016 and the Express Times on January 14, 2016; 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 April 6, 2016.

FLAG SALUTE

Mayor Myhre asked everyone to stand for the flag salute.

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. 13 members of the public were also present.

PUBLIC HEARING

Ordinance #765 – An ordinance to establish an Open Space Advisory Committee in the Borough of Frenchtown, County of Hunterdon and State of New Jersey

Council approved to open the public hearing on Ordinance #765. Having no public comments on the ordinance, Council approved to close the public hearing on Ordinance #765.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Robert Haver of 215 Harrison Street commented on the River Mills project that there is not much progress. He sees that the agenda lists contract negotiations with Frenchtown Bridge Street, LLC. He reminded the Council that the schedule will be to have the buildings complete by July. Residents around there have been enduring construction for a long time. We pay a lot of taxes and it is not fair to endure that we have to deal with that. He encouraged Council to keep them to their deadlines. We have had to put up with a lot, smashed mirrors on my vehicles, construction vehicles, dust, etc. When he came back to Frenchtown, he wanted his kids to have what he had growing up in a small town. It is unfair that he pays \$11,000 in taxes and sewer fees, and cannot even enjoy the property because of all the construction. He encouraged the Council to hold them to the deadlines.

Liz Johnson of 19 Second Street referring to what Robert Haver said commented that since the Council is in contract negotiations, at some point for the people that live near that development, we would like some input as to buffers and buffering for the neighbors if building will continue. She would like to encourage Council to open up some input to the public as to what these negotiations are. They will not make their deadline.

Liz Johnson also congratulated Council on getting grant funding for sidewalks on Ridge Road.

Milford Holland Rescue

Mayor Myhre introduced Diane Lutz from the Milford Holland Rescue squad and noted that the Borough has a long standing and great partnership with them. Diane Lutz will update the Borough on the Budget.

Diane Lutz provided a report which is attached to this set of minutes. She noted that for the last five or six years the budget has been flat. They are requesting an additional \$24,000.00 for equipment and staff as we normally ask but have not had to use it. We are asking for you to put money aside for a new ambulance. This will be from the money we ask you to put aside. Jack Opdyke asked that Diane Lutz check the balances on the proposed budget as one of the columns is incorrect. Responding to Mayor Myhre, Diane Lutz noted that the budget is requesting \$40,000.00 but a portion of that is to be banked for paid staff. We never had to ask for it. We are hoping that money will come in to pay for the health insurance, etc.

Environmental Commission's Annual Report

Jim Meade submitted the Environmental Commission's Annual Report which is attached to this set of minutes. He added that Holly Lowe and Margaret Waldock are here this evening to discuss their 2016 work plan and the open space tax.

Jim Meade provide the Council with the upgrades and repairs that were done last year to the park trails, park bridge and steps, and deer enclosure. They had two clean up days and marked additional trails and boundaries on the Frenchtown preserve and updated the map. They are looking to put in a kios on Horseshoe Bend Road.

Holly Low of 24 Eighth Street noted that there is a need for an environment resource inventory used to evaluate natural resources in the town and that data will be used to comment on development projects. This is part of the 2016 work plan. We are trying to get funding for it. We applied for a grant with Sustainable Jersey but did not get it. The consultant's quote was \$14,000.00 and they will work with us and do part of it this year and part next year. Margaret Waldock stated that she works in the foundation community and there is not a lot of resources out there for this type of work. She added that we have an open space tax and given the way the question was written, she believes a portion of it can be used for open space inventory. Land Use advisement is more important than ever as we see development come to the community advising how it will enhance or impact natural resources and looking at transportation, walking and biking in the community. Holly Low noted that the process involves community meetings to bring us environmental concerns and knowledge such as endangered species, etc. The inventory is updated every 10 years so we will not exceed \$15,000.00 in ten years.

Mayor Myhre noted that Attorney Cruz will look at the open space trust fund to see if a portion of that can be used for it. Council thanked the Environmental Commission for all of it work especially on the parks.

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 Caroline Scutt, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 4/6/16/16 as attached and Resolutions #2016-45 through #2016-47 as follows:

RESOLUTION NO. 2016-45

TEMPORARY BUDGET APPROPRIATIONS

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the 2016 Temporary Budget Appropriations be raised by the statutory one twelfth.

Brad Myhre, Mayor

Dated: 4-6-16

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION 2016-46

TONNAGE GRANT APPLICATION RESOLUTION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping

accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing this municipality to apply for such tonnage grants for calendar year 2015 will memorialize the commitment of this municipality to recycling and to indicate the asset of the Common Council of the Borough of Frenchtown to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the Borough of Frenchtown that the Borough of Frenchtown hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Alan Dilley, Certified Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Borough of Frenchtown

By: _____
Brad Myhre, Mayor

Dated: 4/6/16

ATTEST:

Brenda S. Shepherd, RMC

R E S O L U T I O N #2016-47

BE IT RESOLVED that due to the economic uncertainties of the day, the time for accumulating and preparing the necessary information for the 2016 Budget will exceed the time fixed by statute.

BE IT RESOLVED that the Mayor and Common Council of the Borough of Frenchtown is requesting an extension for introduction to May 4, 2016.

BE IT FURTHER RESOLVED that the Borough Clerk be and hereby is authorized and directed to forward two (2) certified copies of this resolution to the Office of the Director of Local Government Services and furnish said Director with any further information required to act upon this matter.

Brad Myhre, Mayor

Date: April 6, 2016

Attest:

Brenda S. Shepherd, RMC

APPROVAL OF MINUTES

Regular Meeting – March 2, 2016

On motion by Jack Opdyke, seconded by Caroline Scutt and carried by favorable roll call vote with Cathy Leach and Michele Liebttag abstaining, the Mayor and Common Council approved the minutes of March 2, 2016 Regular Meeting.

RESOLUTIONS

Resolution #2016-48 - Resolution establishing Salary & Wages for certain officials and employees of the Borough of Frenchtown for the year 2016

On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-48 as follows:

RESOLUTION #2016-48

BE IT RESOLVED by the Mayor and the Common Council that the salaries and wages for certain officials and employees shall be as follows for 2016:

<u>Position</u>	<u>Salary & Wage</u> <u>Resolution</u>
Full-time Officer Young	\$ 52,000.00 \$ 37.50/hour OT rate

BE IT FURTHER RESOLVED that this Resolution shall be retro-active to January 1, 2016.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at its regular meeting held April 6, 2016.

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-49 – Resolution authorizing public bidding of the Police Department Porch Replacement project

Mayor Myhre noted that he has been in contact with the engineer and architect and William Sullivan had a meeting with Architect Pickell who did a design for the porch. We wanted a porch that looked fitting to the neighborhood but not over the top. We have funding of \$20,000.00 for this project. William Sullivan requested more time to meet with Architect Pickell to discuss the footing. He asked that the resolution be tabled until the next meeting. On motion by William Sullivan, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council approved to table Resolution #2016-49 until the next meeting.

Resolution #2016-50 – Resolution amending the sewer connection fees

Mayor Myhre noted that the Borough has not updated the sewer connection fees for years. Subsequent to a meeting with Adam Liebttag and Jack Opdyke, we want more time to study these increases in conjunction with the hilltop streets. The committee recommended tabling the resolution until the next meeting. On motion by Jack Opdyke, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council approved to table Resolution #2016-50 until the next meeting.

Resolution #2016-51 – Resolution rejecting bids for the Ridge Road Improvement Project Sections II & III

Mayor Myhre noted that the Borough received \$300,000 in State grants and the Borough just received notice that we were awarded an additional \$168,000.00 for curbing and sidewalks. We just put out the bid before we received notice of the new grant. Engineer William Burr recommended that the Borough reject the bids and rebid the project to include the curbing and sidewalks connecting to Kingwood Avenue as one complete project. On motion by William Sullivan, seconded by Jack Opdyke and carried by favorable voice vote, the Mayor and Common Council approved Resolution #2016-51 as follows:

RESOLUTION #2016-51

**RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE
RIDGE ROAD – SECTION 2 AND RIDGE ROAD – SECTION 3
IMPROVEMENT PROJECTS**

FRENCHTOWN BOROUGH, HUNTERDON COUNTY, NJ

WHEREAS, Frenchtown Borough (“Borough”) was awarded a grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$160,000.00 from the NJDOT for the Ridge Road – Section 2 Improvement Project as part of the FY 2014 program; and

WHEREAS, the Borough was also awarded a grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$160,000.00 from the NJDOT for the Ridge Road – Section 3 Improvement Project as part of the FY 2015 program; and

WHEREAS, the Borough Engineer has prepared plans and specifications for the Ridge Road – Section 2 & 3 Improvement Project, and published the appropriate advertisement to enable the Borough to seek bids for the project; and

WHEREAS, seven (7) bids were received and opened on Tuesday, March 29, 2016, in accordance with the advertised date for acceptance of bids from the following contractors:

Contractor	Total Bid	Alternate Bid
DeSantis Construction, Inc. Somerset, NJ	\$331,531.35	\$451,199.00
Reivax Contracting Corp. Newark, NJ	\$347,657.86	\$416,282.86
Top Line Construction Corp. Somerville, NJ	\$372,147.51	\$451,276.54
Brennan Bros. Construction, LLC Old Bridge, NJ	\$418,190.50	\$502,852.50
Vektor Corp. Monroe, NJ	\$454,425.95	\$514,280.55
LandTek dba United Terrain Group Piscataway, NJ	\$483,803.00	\$570,418.00
Your Way Construction Irvington, NJ	\$559,948.43	\$658,373.87

and;

WHEREAS, the Borough recently learned that they had obtained another grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$168,000.00 from the NJDOT for the Ridge Road – Section 4 Improvement Project (FY 2016 program); and

WHEREAS, since learning of the Section 4 grant, the Mayor and Council have decided that it makes sense to combine the Section 2 & 3 project with Section 4, and bid them out as one

(1) project. This will ensure that the construction proceeds in a logical sequence and will result in the best possible project; and

WHEREAS, because the municipality desires to change the scope of work to include Section 4, it is the recommendation of the Borough Engineer that the bids be rejected.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE Borough of Frenchtown that for the reason set forth above, all bids received in response to the Notice to Bidders be and the same are hereby rejected; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council that it authorizes the Borough Engineer to commence design of the Ridge Road – Section 4 Improvement Project; and

BE IT FURTHER RESOLVED, the Borough Engineer will seek permission from NJDOT Municipal Aid office for permission to combine the Ridge Road – Section 2 & Section 3 and Section 4 project into one (1) project. The Borough feels that combining all three (3) sections would be a beneficial way to proceed and ensure the best possible results; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council that it authorizes the Borough Engineer to advertise for the receipt of bids for the combined Ridge Road – Section 2, 3 & 4 Improvement Project, upon completion of the engineering design.

Certified as a true copy of the Resolution adopted by the Mayor and Council
On this 6th day of April 2016.

Brenda Shepherd, RMC, Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk)
Brenda Shepherd
RMC, Borough Clerk

(Presiding Officer)
Brad Myhre, Mayor

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Council approved Engineer William Burr to redesign the Ridge Road Improvement Project to Section IV, curbing and sidewalk, to Kingwood Avenue.

Resolution #2016-52 – Resolution rejecting bids for the Emergency Generator Project
Mayor Myhre noted that the Borough received a grant from FEMA to install backup generators system at Borough Hall and the Police Department and the Borough will use the old sewer plant generator for Public Works. The bids came in higher than expected. He reach out to NJOEM and some of the municipalities decided not to use their grant money so FEMA may give us extra money

for the project as we do not have enough money in the Ordinance. We want to see if we can get more money. He recommended that the bids be rejected as the bids exceeded the cost estimates. On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-52 as follows:

RESOLUTION #2016-52

**RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE SHARED
EMERGENCY GENERATOR PROJECT BETWEEN THE POLICE HEADQUARTERS
& MUNICIPAL BUILDING**

BOROUGH OF FRENCHTOWN, HUNTERDON COUNTY, NJ

WHEREAS, the Borough Engineer has prepared plans and specifications for the Emergency Generator Project, and published the appropriate advertisement to enable the Borough to seek bids for the emergency generator project; and

WHEREAS, three (3) bids were received and opened on Tuesday, March 29, 2016, in accordance with the advertised date for acceptance of bids from the following contractors:

Contractor	Total Bid
Power with Prestige Inc. Newton, NJ	\$72,800.00
Dee-En Electrical Contracting, Inc. Linden, NJ	\$75,000.00
Mt. Salem Electric Co., Inc. Pittstown, NJ	\$86,960.00

and;

WHEREAS, the Mayor and Council find and declare that all bids received exceed the cost estimate for the project, as well as, the amount budgeted towards this project by the Borough; and

WHEREAS, it is the recommendation of the Borough Engineer that the bids be rejected;

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE Borough of Frenchtown that for the reasons set forth above, all bids received in response to the Notice to Bidders be and the same are hereby rejected.

Certified as a true copy of the Resolution adopted by the Mayor and Council

On this 6th day of April 2016.

Brenda Shepherd, RMC, Borough Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)
Brenda Shepherd
RMC, Borough Clerk

(Presiding Officer)
Brad Myhre, Mayor

ORDINANCES:

Ordinance #765 – An ordinance to establish an Open Space Advisory Committee in the Borough of Frenchtown, County of Hunterdon and State of New Jersey (Adoption)

On motion by William Sullivan, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #765 as follows:

ORDINANCE #765

AN ORDINANCE TO ESTABLISH AN OPEN SPACE ADVISORY COMMITTEE IN THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

SECTION 1. Establishment of Open Space Advisory Committee: There is hereby established an Open Space Advisory Committee to review and recommend parcels of land and interests therein for acquisition and preservation as open space within the Borough of Frenchtown.

SECTION 2. Appointment; membership; term; compensation:

- A.** The Open Space Advisory Committee shall consist of five (5) members to be appointed by the Mayor with the consent of the Council. The membership in the Open Space Advisory Committee shall include:
 - 1. One member of the Planning Board of the Borough of Frenchtown.
 - 2. Four citizens of the Borough of Frenchtown, one of which shall be a liason to the Environmental Commission.
- B.** The member of the Planning Board shall have a term which corresponds with their term on the Planning Board. The citizens of the Open Space Advisory Committee shall serve for three-year terms. However, the initial term of two of the five citizen members shall be for two years.

SECTION 3. Duties and functions;

- A.** The Open Space Advisory Committee shall prepare and submit to the Borough Council an Open Space Plan for the Borough of Frenchtown. It shall develop an inventory of open

space properties within the Borough and evaluate and prioritize such open space properties through the development of appropriate criteria. Such plan shall consist of a parcel ranking as well as recommendations concerning the nature of the interests in such real estate to be acquired and the purposes for which such land should be utilized.

- B.** The Open Space Advisory Committee shall assist the Borough in the establishment of an Open Space Tracking Program to catalog the state of privately owned open space in the Borough and record the Borough's progress with respect to open space preservation.
- C.** The Open Space Advisory Committee shall provide guidance and support to the Borough Council and Planning Board on issues and matters of open space.
- D.** The Open Space Advisory Committee shall periodically review its functions and submit a recommendation to the Borough Council as to whether additional duties should be assigned or delegated to the Committee.
- E.** The Open Space Advisory Committee shall select from among its members a Chairperson and a Vice Chairperson to serve as the presiding officer in the absence of the Chairperson. The Committee shall also select a Secretary whose function shall be to maintain minutes of the Committee's meeting and records of the proceedings of the Committee.

SECTION 4. Review and Report on continuation of fund. In the event that no property is acquired or financed under this chapter for a period of five consecutive years, then the Borough Council shall conduct a review and issue a report with recommendations and conclusions concerning the continuation of the Open Space Trust Fund.

SECTION 5. This Ordinance shall take effect immediately upon its passage and publication according to law.

Brad Myhre, Mayor

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #766 – Bond Ordinance Amending Ordinance #733 (Introduction)

On motion by Jack Opdyke, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to introduce Ordinance #766 as follows:

ORDINANCE #766

**BOND ORDINANCE AMENDING ORDINANCE NO. 733
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.**

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:**

Section 1. 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 \$432,000 including the aggregate sum of \$21,000 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, the sum of \$150,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$432,000 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 \$411,000 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 \$411,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. 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>
(a) Restoration of Creek Road in and by the Borough, including stream bank restoration improvements, the removal of debris and sediment from the stream channel, the stabilization of the bank thereof and the improvement to the roadway, 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 \$172,000 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	\$167,267	\$163,500
(b) Improvement of Horseshoe Bend Road in and by the Borough by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), together with all drainage, structures,		

appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, guide rails, utility poles, equipment, crack sealing, 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 \$260,000 appropriation hereby made therefor being inclusive of \$150,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement

264,733

247,500

Totals

\$432,000

\$411,000

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.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) 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.

(b) 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 11.98 years.

(c) 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 \$411,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$99,732.95 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.

Section 5. 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.

Section 6. 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.

Section 7. 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.

Section 8. 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.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

CERTIFICATION

I, Brenda S. Shepherd, Clerk of the Borough of Frenchtown, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of the Bond Ordinance introduced by the governing body of the Borough of Frenchtown on April 6, 2016

Brenda S. Shepherd, RMC

Ordinance #767 – Bond Ordinance Amending Ordinance #767 (Introduction)

On motion by William Sullivan, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to introduce Ordinance #767 as follows:

ORDINANCE #767

**BOND ORDINANCE AMENDING BOND ORDINANCE NO.
757 PROVIDING FOR THE IMPROVEMENT OF RIDGE
ROAD AND KINGWOOD AVENUE IN AND BY THE**

BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY, APPROPRIATING \$635,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$635,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Frenchtown, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$635,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$488,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing the said improvement.

Section 2. For the financing of said improvement or purpose and to meet said \$635,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$635,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$635,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3 (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the reconstruction or resurfacing of Ridge Road and Kingwood Avenue, (between Ridge Road and East Washington Avenue) in and by the Borough so as to provide a roadway pavement at least equal in useful life or durability to a roadway pavement

of Class B construction (as such term is used or referred to in section 40A:2-22 of said Local Bond Law), together with all curbing, sidewalks, drainage facilities, landscaping, signage, structures, 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.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$635,000.

(c) The estimated cost of said purpose is \$635,000.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and 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 benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) 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 \$635,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$106,500 for interest on said obligations, costs of issuing said obligations 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 cost of said improvement and is included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the Borough to be issued for a project funded by a grant from New Jersey Department of Transportation and pursuant to section 40A:2-11(c) of said Local Bond Law no down payment is required for such obligations

Section 5. The funds from time to time received by the Borough on account of the grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3 of this bond ordinance by application thereof either to direct payment of the costs of said improvement or purpose, 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.

Section 6. 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.

Section 7. 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.

Section 8. 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.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

I, Brenda S Shepherd, Municipal Clerk, hereby certify that the above ordinance was introduced on April 6, 2016 at the Regular Council meeting of the Frenchtown Borough Common Council.

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Approval of the Frenchtown Business & Professional Association's events calendar for 2016

Mike Tysinski and Eric Ferido from the Frenchtown Business & Professionals Association noted that they have submitted applications for Bastille Day and Riverfest. The other events for the year have not yet been determined. Bastille Day is schedule for July 16th and Riverfest is scheduled for September 24th, both from Noon to 6:00 pm. We have highlight the request for street closure of Bridge Street between Trenton Avenue and Harrison Street. They met with the Chief of Police and it would be the easiest and safest. It will total 12 hours for the whole year.

Eric Ferido asked if there is anything we can do to facilitate leveling the park by the river for both events to use for vendors? Cathy Leach noted that DPW can repair the tire track damage done by the loaders. Jack Opdyke stated that he can get someone in there with a blade and level it.

Brad Myhre noted that he will place the request on next month's agenda and requested that the Chief sign off on the request form.

Approval of Kleinfelder East, Inc. vouchers for the Wastewater Treatment Plant

Mayor Myhre noted that there are left over bills from Kleinfelder East from last year that he thought should be paid. On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to pay the outstanding Kleinfelder East bills for the Wastewater Treatment Plan.

OLD BUSINESS

Jack Opdyke noted that Victor Gilardi has provided us a monthly report. Almost all the numbers are under what the plant is designed for. BODs, etc. are not detectable in the water. We are putting water in the river that has higher oxygen content then the river itself. We are operating at 98% efficiency.

Jack Opdyke also noted that Victor Gilardi is requesting a credit application for his chemicals and someone will need to sign off on it. Council agreed that the CFO should sign off on the credit application.

Mayor Myhre noted that William Sullivan is working on reducing the need for permit applications on certain zoning permits to streamline zoning permits. He spoke to Mayor DelVecchio about evening hours for the zoning officer.

COUNCIL COMMENTS

John Hindman reported that Michele Liebttag and he met with Raritan Valley Disposal regarding the roll out of the receptacles and talked about the trash cans in the downtown. RVD is willing to pick up any container we deem appropriate to put out. Michele Liebttag added that we are looking at grant money to see if we can get better receptacles downtown. Mike Reino is monitoring the situation.

John Hindman stated that we received disturbing news that the distillery project is not going through. Mayor Myhre noted that he spoke with Jonas Koep who indicated that the current owner grew frustrated with how long the application process was taking to go through the Planning Board and terminated the contract. Mayor Myhre noted that Michele Liebttag and he had a meeting with

the Planning Board Chairman and Vice-Chairman to discuss the Planning Board process. Mr. Koep will go back to the current owner to let him know that we believe the project will be approved. Mayor Myhre added that the project would have enhanced the area and would have been good for the town. Responding to Caroline Scutt, Mayor Myhre noted that we were clear with the Planning Board that certain parts of town need to be developed and the Planning Board should be working with developers to get through the planning process faster. The point of contention at the last meeting was the traffic and parking. The valet expert wanted to testify but the Planning Board closed the meeting for the evening. William Sullivan commented the Planning Board cannot give an applicant an approval and then try to change it later. It is important to go through the application thoroughly.

William Sullivan reported that there was a fire inspection at the police department and there are several items that need to be addressed. We are dividing up the work and looking at how to address certain items such as the porch and electronic features.

Cathy Leach reported that she attended an Environmental Commission meeting on March 8th and the issue of lead awareness was discussed. Caroline Scutt will put information together about lead awareness and how you can reduce lead exposure. It will be posted on the Borough website. There will also be a link to a fact sheet from American Water Works Company.

Cathy Leach also reported that there is a park clean up on Saturday, April 16th from 9 am to 1 pm which has been posted to the website. The Lions Club will provide a pizza lunch. Ms. Leach added that Mike Reino is looking at a tree in the park that may need attention.

Ms. Leach noted that on May 1st, we are hosting the third annual Frenchtown Frenzy and Milford Mayhem softball game at 2:00 pm. This is more information on the website.

Mayor Myhre reported that the Borough will need to hold a special meeting on April 20th or 21st. Council consented to hold that meeting on April 20th at 7:00 pm.

Mayor Myhre noted that election petitions were filed and Jack Opdyke and Cathy Leach did not file for reelection. He thanked them for their service on Council and added that it has been great working with them and he looks forward to finishing out this year with them. He thanked them for their time and commitment and the great deal of time they have put in. This is a volunteer position and a lot of things would not have happened without the time and commitment that each of them contributed. He thanked them for their service. Council applauded.

CORRESPONDENCE/ANNOUNCEMENTS

Michele Liebtag made note of the recycling notification on the Recycling Poetry Contest for 4th to 6th graders. This will be shared with the school.

EXECUTIVE SESSION

Mayor Myhre 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, Docket No. HUN-L-309-15
- B. Contract Negotiations – Tomar Construction Co., Inc.

- C. Contract Negotiations – Frenchtown Bridge Street, LLC.
- D. Personnel matters

No action will be taken.

On motion by John Hindman, seconded by Jack Opdyke and carried by unanimous favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:59 pm and approved Common Council Resolution #2016-53 as follows:

RESOLUTION #2016-53

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, Docket No. HUN-L-309-15
 - b. Contract Negotiations – Tomar Construction Co., Inc.
 - c. Contract Negotiations – Frenchtown Bridge Street, LLC.
 - d. Personnel matters
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 April 6, 2016.

Brenda S. Shepherd, RMC
Borough Clerk

The Governing Body came out of executive session at 9:21 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:21 pm on motion by Michele Liebtag, seconded by William Sullivan and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk