

**CALL TO ORDER**

Mayor Brad Myhre called the special meeting to order at 8:00 a.m. 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 April 15, 2016; the Agenda has been posted at Borough Hall and distributed to the newspapers on April 15, 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  
Caroline Scutt  
William Sullivan

Absent from Meeting:

Jack Opdyke

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

**PUBLIC HEARING**

**Ordinance #766 – Bond Ordinance Amending Ordinance #733**

Council approved to open the public hearing on Ordinance #766. Having no public comments on the ordinance, Council approved to close the public hearing on Ordinance #766.

**Ordinance #767 – Bond Ordinance Amending Ordinance #757**

Council approved to open the public hearing on Ordinance #767. Having no public comments on the ordinance, Council approved to close the public hearing on Ordinance #767.

**PUBLIC COMMENTS**

The Council approved to open the public comment session. Having no public comments, the Mayor and Common Council closed the public comment session.

**ORDINANCES:**

**Ordinance #766 – Bond Ordinance Amending Ordinance #733 (Adoption)**

On motion by John Hindman, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt 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

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Brenda S. Shepherd, RMC

#### **Ordinance #767 – Bond Ordinance Amending Ordinance #767 (Adoption)**

On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt 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.

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Brenda S. Shepherd, RMC  
Borough Clerk

**Ordinance #769 – 2016 Salary and Wage Ordinance (Introduction)**

Mayor Myhre noted that the budget committee recommended a 2% increase for 2016. We will introduce the budget at the May 4<sup>th</sup> meeting. The budget committee did an analysis on certain positions and recommended a Borough Clerk adjustment of \$1,500.00, a Police Chief adjustment of \$1,500.00, a Sewer Plant Operator adjustment of \$1,000.00 and a DPW Manager adjustment of \$1,000.00. We do not expect any changes to the proposed budget and it will be a one cent increase on the tax as recommended by the auditor and CFO. Subsequent to a brief discussion on the Salary and Wage Ordinance, the Council wanted the budget introduction in conjunction with the Salary and Wage Ordinance and wanted to table the ordinance until the May 4, 2016 meeting.

On motion by Caroline Scutt, seconded by Cathy Leach, the Mayor and Common Council approved to table the introduction of Ordinance #769 until the May 4, 2016 meeting.

**Ordinance #770 – 2016 Court Salary and Wage Ordinance (Introduction)**

On motion by Caroline Scutt, seconded by Cathy Leach, the Mayor and Common Council approved to table the introduction of Ordinance #770 until the May 4, 2016 meeting.

**RESOLUTIONS:**

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

William Sullivan noted that he met with Architect Pickell and the new plan is exactly what is there now. It will be rebuilt in the same fashion and believe it can be done within the budget allocated. He was concerned with the underframing and piers but they are in good shape. Some of the materials will be reused such as cornices, etc. The bid specs will be worded with those details. We will not replace the roof. Mayor Myhre noted that the Borough was cited by the State Fire Official for a violation of the porch. We have an open bond ordinance for this project. On motion by Michele Liebttag, seconded by William Sullivan, the Mayor and Common Council approved Resolution #2016-49 as follows:

**RESOLUTION #2016-49**

**RESOLUTION AUTHORIZING PUBLIC BIDDING FOR THE PORCH REPLACEMENT AT THE BOROUGH POLICE HEADQUARTERS BUILDING**

**BOROUGH OF FRENCHTOWN, HUNTERDON COUNTY, NJ**

**WHEREAS**, the existing porch at the Borough Police Headquarters is in a state of disrepair and hazardous to the general public; and

**WHEREAS**, the Borough recognizes the need to reconstruct the porch and has engaged the Borough Engineer to prepare a design to accomplish this work; and

**WHEREAS**, the Borough Engineer and Borough (Planning Board) Architect, Christopher Pickell, have worked jointly to prepare plans and specifications for the replacement of the porch, which requires public bidding; and

**WHEREAS**, the Borough Engineer has recommended that the project be advertised and bids be accepted in April/May 2016; and

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE** Borough of Frenchtown that the Borough shall advertise for public bids for the Police Headquarters – Porch Replacement Project in accordance with plans and specifications prepared by the Borough Engineer and Architect.

Certified as a true copy of the Resolution adopted by the Mayor and Council  
On this 20th 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

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

Mayor Myhre noted that this item was moved from the last agenda. The resolution designates the sewer fees for hook up for new construction and for properties subject to special assessments. On motion by Michele Liebttag, seconded by John Hindman, the Mayor and Common Council approved Resolution #2016-50 as follows:

**BOROUGH OF FRENCHTOWN**

**Resolution 2016-50**

WHEREAS, the Borough of Frenchtown has an Ordinance establishing a sewer connection charge per sewer rental unit as defined in Section 16-2.2 of the Borough Codes to any user for the privilege of connecting to the Borough sanitary sewerage to be established and amended periodically by Resolution of the Common Council of the Borough of Frenchtown as provided in Ordinance #480; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Frenchtown that the sewer connection fees shall be as follows:

- A. \$4,500.00 for each connection to the sanitary sewer system.
- B. \$2,000.00 for each connection to the sanitary sewer system where the connecting property is subject to a special sewer assessment.
- C. These sewer connection fees shall remain in effect until further action by the Mayor and Common Council.
- D. This Resolution shall take effect immediately.

Dated: April 6, 2016

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Brad Myhre, Mayor  
Borough of Frenchtown

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2016-54 – Click it or Ticket**

Council President Liebtag noted that the resolution is for the 2016 Click It or Ticket program. There is special funding to cover the program. On motion by Michele Liebtag, seconded by John Hindman, the Mayor and Common Council approved Resolution #2016-54 as follows:

**Resolution #2016-56 – Approval of EAP contract**

Mayor Myhre noted that the Borough recently had an employee matter and the Borough handbook talks about an employee assistance program. The program is offered through Hunterdon Healthcare and is available for employees and family. We are waiting on a few modifications to the contract language as well as amending the number of employees to 14. On motion by John Hindman, seconded by William Sullivan, the Mayor and Common Council approved Resolution #2016-56 as follows:

**RESOLUTION #2016-56**

**APPROVAL OF THE EMPLOYEE ASSISTANCE PROGRAM CONTRACT**

**WHEREAS**, the Borough of Frenchtown offers in its Employee Handbook and Personnel Manual an Employee Assistance Program; and

**WHEREAS**, the Borough of Frenchtown desires to enter into a contract with Hunterdon Heathcare for this Employee Assistance Program; and

**WHEREAS**, the cost of the program is \$378.00 per year; and

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

**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 the contract with the Hunterdon Heathcare for the Employee Assistance Program.
2. This resolution shall take effect immediately.

Dated: April 20, 2016

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Brad Myhre, Mayor

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2016-57 - Resolution authorizing a \$2,000.00 payment to the Municipal Group and authorizing joining a Local Municipal Group, including a payment of \$1,500.00 to the Local Group**

Attorney Cruz noted that he sent two emails, one from the lead attorney for the larger municipal group explaining all the reasons for the additional contribution and the second one sent yesterday which included a copy of Judge Miller's order. The immunity period was extended to 10/31/16. If municipalities are not part of the larger or smaller group, you cannot rely on the work done with those groups. If you continue with the smaller group, it will make sure Frenchtown's interests are protected. There will be court filings that are necessary. If the filing was made by the local group and we are not in that group, we would have to file independently and would not be able to rely on Econsult's reports. Responding to Caroline Scutt, Attorney Cruz noted that it is a policy decision. Mayor Myhre noted that the Borough has developers interested in developing here. We need our COAH obligations addressed so that we are not subject to a builder's remedy. Attorney Cruz noted that the Borough needs an expert in this matter. On motion by Cathy Leach, seconded by Michele Liebttag, the Mayor and Common Council approved Resolution #2016-57 by favorable roll call vote as follows:

**BOROUGH OF FRENCHTOWN**

**RESOLUTION NO. 2016-57**

**RESOLUTION AUTHORIZING A \$2,000.00 PAYMENT TO THE MUNICIPAL GROUP AND AUTHORIZING JOINING A LOCAL MUNICIPAL GROUP, INCLUDING A PAYMENT OF \$1,500.00 TO THE LOCAL GROUP.**

**WHEREAS**, the Common Council of the Borough of Frenchtown entered into a Municipal Services Defense Agreement (“MSSDA”) for the purposes as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the Borough of Frenchtown contributed \$2,000.00 to become a member of a consortium of municipalities (“Municipal Group”) so that the Municipal Group could enter into an agreement with an expert, which expert is now Econsult Solutions, LLC (“Econsult”); and

**WHEREAS**, Jeffrey R. Surenian, Esq., is lead counsel for the Municipal Group; and

**WHEREAS**, Mr. Surenian, on behalf of the Municipal Group, is seeking an additional \$2,000.00 payment in order to continue to fund the preparation of and to defend various expert reports prepared by Econsult to prosecute the litigation; and

**WHEREAS**, the Common Council believes that it is cost effective and efficient to participate in the Municipal Group instead of having to undertake retaining an expert and defending that expert individually; and

**WHEREAS**, the Common Council also believes that it would be cost effective and efficient to join a Local Municipal Group (Somerset, Hunterdon, Warren Counties) which would prepare briefs and other submissions in the Litigation on issues that are common to the Local Municipal Group which would only have to be reviewed by the Borough Attorney; and

**WHEREAS**, a Local Municipal Shared Services Defense Agreement (“LMSSDA”) will be prepared and the Mayor and Clerk are hereby authorized to sign same upon approval of the Borough Attorney.

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

1. That an additional payment of \$2,000.00 to the Municipal Group is hereby authorized.
2. That the check be made payable to Jeffrey R. Surenian and Associates, LLC, Trust Account.



3. That the Borough is hereby authorized to enter into the LMSSDA and pay \$1,500.00 to the Local Municipal Group.
4. This Resolution shall take effect immediately.

**ATTEST:**

**COMMON COUNCIL OF THE  
BOROUGH OF FRENCHTOWN**

\_\_\_\_\_  
Brenda Shepherd, RMC  
Borough Clerk

\_\_\_\_\_  
Brad Myhre, Mayor

I, Brenda Shepherd, Borough Clerk of the Borough of Frenchtown, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on April \_\_\_\_, 2016.

\_\_\_\_\_  
Brenda Shepherd, RMC  
Borough Clerk

Dated: April 20, 2016

Vote on the Motion:

Ayes: Hindman, Leach, Liebttag, and Sullivan

Nays: Scutt

Absent: Opdyke

**EXECUTIVE SESSION**

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

- A. Personnel – Maureen DelGaudio

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 7:35 pm and approved Common Council Resolution #2016-58 as follows:

**RESOLUTION #2016-58**

**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. Personnel – Maureen DelGaudio
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 20, 2016.

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Brenda S. Shepherd, RMC  
Borough Clerk

The Governing Body came out of executive session at 7:50 pm.

Mayor Myhre reminded everyone that on May 1<sup>st</sup> at 2:00 pm Milford vs Frenchtown Softball games is scheduled at Old Frenchtown Field.

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:20 am on motion by Michele Liebttag, seconded by Jack Opdyke and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk