

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 September 7, 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
William Sullivan

Absent from Meeting:

Jack Opdyke
Caroline Scutt

Attorney Albert Cruz and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. Seven members of the public were also present.

Mayor Myhre requested to add the Sustainable Jersey grant resolution to the consent agenda. The Council consented.

PUBLIC HEARING

Ordinance #776 - An Ordinance providing for the numbering for every house or building fronting on any street in the Borough of Frenchtown

The Council approved to open the public hearing on Ordinance #776. Having no comments, Council approved to close the public hearing on Ordinance #776.

Ordinance #777 - Bond Ordinance amending and supplementing Bond Ordinance #753 finally adopted by the Borough Council on November 24, 2014, to increase the appropriation therein by \$30,000 and to increase the authorization of bonds or notes therein by \$28,500 to finance part of the additional costs thereof and to amend the description thereof

The Council approved to open the public hearing on Ordinance #777. Having no comments, Council approved to close the public hearing on Ordinance #777.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Henry Rey, resident on Creek Road, noted that he has lived here 65 year and stated that nobody takes the time to clean the storm drains, tree limbs fall in the road and Public Works does not pick up the tree limbs until the next day. There is no supervision. He went to Mayor Sworen years ago and was told that the road crew gets poison ivy. He understands that the Borough needs a permit to spray weed killer. The County would spray the weeds. The weeds get so bad on Milford Road.

The drains are plugged up and he could show you 10 of them that are clogged. Public Works rides around in the truck. It is a shame to see things like that when you have many coming to town for events. Mayor Myhre noted that we are working with the County to try to do shared services. During the summer, public works has been using vacation time and we only have two people in that department. William Sullivan stated that Milford Road is unique. The right of way ends at the curb line. We cannot run a mower along there. We have been challenged when we have cut weeds on the owner's property. Henry Rey asked if the branches could be cut off of the road on Ridge Road.

Mr. Tabibnia of 76 Kingwood Avenue noted that they are having an issue with speeders on Route 12. He had someone come onto his property on a snowy day and hit a tree. Last Saturday, a speeder almost hit him. Mike Tyksinski from the Hardware Store worked with the County to get the speed limit changed. They did not change the speed limit enough. He spoke with the Police Chief. We need to get flashing speed lights put up to slow speeders down. He will take the lead if we can form a committee. Mayor Myhre noted that the Freeholders did reduce the speed limit. The County Engineer is not in favor of it. The data to reduce the speed limit further is not there. We will look at other traffic calming devices. Mr. Tabibnia stated that he would like to see what we can do and if money needs to be raised, he will do that. Michele Liebttag commented that we can meet with the Police Chief to discuss options.

Mr. Tabibnia also noted that one of his neighbors is running a commercial business out of his house at 74 Kingwood Avenue. He is running a mechanics and autobody shop. The inspector went to inspect him and the neighbor said he was not running a business. This neighbor works on the grass and close to where the woods are and there is a chance of a fire. He has removed tires and other auto parts from his property. This was reported to the zoning officer in addition to a lot of people living there.

Liz Johnson of 19 Second Street asked for Council to explain Ordinance #779. Attorney Cruz noted that the access easement relates to the River Mills Development. Originally, the roads were only to be public. Sidewalks were not to be public. This amendment makes the sidewalks public. The sidewalks remain private with public access.

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

POLICE CHIEF REPORT

Chief Kurylka provided the following reports:

1. As to Riverfest, Chief Kurylka noted that he has never seen that many people attend an event in his 35 years here. Four officers cannot handle that many. There were bottlenecks at every artery. The officers did a great job with the traffic and pedestrian traffic. We tried to get the band to announce that cars will be towed at Second Street.
2. As to the bike path incident 150 yards south of the sewer treatment plant, the incident is under investigation by the New Jersey State Police and the Prosecutor's office. It is not our investigation but the bike path is safe and there is no harm to the public safety and welfare. Facebook insinuates we are hiding something. We need to control Facebook and who is

responsible for it. There have been threats and someone is going to get hurt. The bike incident is over.

3. National Night Out went well and was well attended. The heat index was 119 on the field and we had two people that fell to heat exhaustion. EMS was already there to respond. The fireworks were great. Chief Kurylka thanked everyone for helping. We gave away 20 bikes and helmets.
4. He is down to three officers and needs help. We will be hosting a program at the Presbyterian Church on teenage substance abuse on September 28th at 6:00 pm.
5. Lieutenant Robert Winfield has resigned. He would like to continue as a civilian and work on town events. We would love to work on setting up a pavilion on the field. Chief Kurylka will work with the Mayor and Commissioner about making Robert Winfield a Special Class I officer. He would have no police power but could get a key to the department.
6. Vehicle traffic is increasing tremendously. We are trying to do traffic calming.

Liz Johnson asked if the curb at Second Street could be painted yellow as the posted signs are confusing. Chief Kurylka agreed with Liz Johnson that the signs are confusing. William Sullivan stated that he will talk to Mike Reino about it.

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 Michele Liebttag, seconded by John Hindman h and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 9/7/16 as attached, and Resolution #2016-89 & 2016-96 as follows:

Resolution no. 2016 - 89

Tax sale redemption

Whereas, the Tax Collector has been paid by the mortgage holder to redeem Tax Sale Certificate No. 13-007 the amount of \$4,972.85 on Block 52, Lot 15, and

WHEREAS, at the time of the sale a premium was paid in the amount of \$900.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check payable to US Bank Custodian for Pro Capital III, LLC, 50 S. 16th Street, Philadelphia, PA, 19102, in the amount of \$5,882.85.

BRAD MYHRE, Mayor

September 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-96

**Resolution of Support from Local Governing Body Authorizing the
Sustainable Jersey Grant Application**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Frenchtown Boro strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Frenchtown Boro is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Boro Council of Frenchtown has determined that Frenchtown should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that Boro Council of Frenchtown, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

Attest:

September 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

APPROVAL OF MINUTES

Regular Meeting – August 3, 2016

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council approved to table approval of the August 3, 2016 regular minutes due to lack of quorum for approval.

Special Meeting – August 16 2016

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable roll call vote with William Sullivan abstaining, the Mayor and Common Council approved the minutes of August 16, 2016 Special Meeting.

RESOLUTIONS

Resolution #2016-90 – Chapter 159 – Approval of Items of Revenue and Appropriation – Drive Sober Grant

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-90 as follows:

RESOLUTION NO. 2016-90

APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION

(N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality where such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey, hereby requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$2,500.00, which item is now available as revenue from the State of New Jersey, as a grant to the Borough of Frenchtown in the amount of \$2,500.00.

BE IT FURTHER RESOLVED that the like sum of \$2,500.00 is hereby appropriated under the caption “Drive Sober Grant”; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$2,500.00 from the County of Somerset.

Attest:

September 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

Resolution #2016-91 – Pledge of Municipal Support for New Jersey’s Wildlife Action Plan

On motion by William Sullivan, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-91 as attached to this set of minutes:

Resolution #2016-93 – Resolution establishing salary and wages for certain officials and employees of the Borough of Frenchtown for 2016

On motion by Cathy Leach, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-93 as follows:

RESOLUTION #2016-93

RESOLUTION ESTABLISHING SALARY AND WAGES FOR CERTAIN BOFFICIALS AND EMPLOYEE OF THE BOROUGH OF FRENCHTOWN FOR 2016

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

<u>Position</u>	<u>Salary & Wage</u>
Library Assistant	\$13.00 per hour

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 September 7, 2016.

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-94 – Resolution amending Capital Budget

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-94 as follows:

**RESOLUTION NO. 2016 – 94
AMENDING CAPITAL BUDGET**

WHEREAS, the local capital budget for the year of 2016 was adopted on the 20th day of May, 2016, and

WHEREAS, it is desired to amend said capital budget section.

NOW, THEREFORE BE IT RESOVLED by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the following amendment to the capital budget section of the Borough of Frenchtown be made.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith with the Office of the Director of the Local Government Services. It is hereby certified that this is a true copy of a resolution amending the capital budget section as previously adopted.

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

See Schedule "A" attached.

ORDINANCES:

Ordinance #775 - An Ordinance of the Borough of Frenchtown amending section 803, titled "Enforcement", Subsection 803.b., titled "Construction Permits", to add a new Subsection 803.b.4 specifying the circumstances when a Zoning Permit is required, of the Land Use Ordinance (Introduction)

Mayor Myhre noted that the Council received comments from the Planning Board which were incorporated into the ordinance. Attorney Cruz stated that he has not received a response from the zoning officer's review and recommended that the ordinance be table until the Borough received that response. On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council tabled the introduction Ordinance #775 until it receives a response from the zoning officer.

Ordinance #776 - An Ordinance providing for the numbering for every house or building fronting on any street in the Borough of Frenchtown (Adoption)

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #776 as follows:

ORDINANCE #776

**AN ORDINANCE PROVIDING FOR THE NUMBERING FOR
EVERY HOUSE OR BUILDING FRONTING ON ANY STREET
IN THE BOROUGH OF
FRENCHTOWN.**

BE IT ORDAINED by the Borough of Frenchtown Common Council as follows:

**Chapter
NUMBERING OF BUILDINGS**

§ _____. Purpose and Intent.

The purpose of this Chapter is to require the clear display of authorized and assigned house or building numbers for every building fronting on any street in the Borough of Frenchtown. This is in order to assist the general public and emergency services, public and private, in identifying any property in case of emergency or otherwise in accordance with N.J.S.A. 40:67-1 et seq.

§ _____. Property Number Map.

There is hereby established a uniform system for numbering and renumbering, where appropriate, properties along all streets, avenues, public and private ways in the Borough of Frenchtown.

- A. The Tax Assessor shall prepare a property number map by superimposing upon the assessment map of the Borough of Frenchtown numbers for every property in the Borough of Frenchtown pursuant to the following standards:
- (1) Existing numbers. Notwithstanding any other provisions of this Chapter, the Tax Assessor shall attempt to the extent possible, consistent with the maintenance of the orderly progression of property numbers, to assign to lots on which there are existing structures the numbers which are currently in use.
 - (2) New numbers. All property numbers for new subdivisions and lots created by redivisions shall be consistent and uniform with existing numbers in the immediate area as determined by the Tax Assessor.
 - (3) Even and odd numbers. Even numbers shall appear on one side of each street, while odd numbers shall appear on the opposite side of the street.
 - (4) All parcels of property shall be numbered in a uniform fashion, at fixed intervals as designated by the Tax Assessor, on such property map in order to facilitate continued numbering without need for change when properties are subdivided.

- B. The Tax Assessor shall prepare a street guide listing alphabetically every street in the Borough of Frenchtown with its location and the property numbers currently assigned.

§ _____. Maintenance of Map and Guide.

- A. After the property number map and street guide have been prepared by the Tax Assessor, they shall be maintained in the office of the Clerk.
- B. Upon any subdivision or resubdivision of land in the Borough of Frenchtown resulting in the lot or lots other than those delineated on said map, the Tax Assessor shall assign a property number to each lot resulting from said subdivision or resubdivision which shall be in proper numerical sequence in relation to the number assigned to other lots fronting on the same street, and the Tax Assessor or Clerk shall record the same on the property number map and street guide.
- C. Copies of the initial map and guide and any changes thereto shall be filed, within thirty (30) days of any change, with the Construction Official, Police Chief, Fire Chief, Fire Official, Tax Assessor and Tax Collector of the Borough of Frenchtown, as well as with each post office serving any portion of the Borough.

§ _____. Responsibility of Property Owners.

- A. Whenever any improvements shall be erected or located in the Borough of Frenchtown after the passage of this Chapter and, in order to preserve the continuity and uniformity of numbers of the property, it shall be the duty of the owner to ascertain the correct number or numbers as designated by the property number map from the Tax Assessor for said property and to immediately fasten on the improvement and/or, by some other appropriate method, the property marker clearly setting forth the correct number or numbers so assigned upon said property in the manner provided by this Chapter.
- B. No permit shall be issued for any house, building or structure until the owner has ascertained the official number of the proposed or existing improvement from the Tax Assessor.
- C. Final approval of any structure erected, repaired, altered or modified after the effective date of this Chapter shall be withheld by the Construction Official until permanent and

proper numbers have been affixed to said structure. All subdivisions shall have numbers assigned prior to final approval. All such house numbers shall be shown on the site plan submitted for final approval.

- D. Any structure erected, altered, repaired or modified after the effective date of this Chapter shall have the certificate of occupancy withheld by the Construction Official until permanent and proper numbers have been affixed.
- E. Any person having a number different from that officially assigned shall be deemed to be in violation of this Chapter.

§ _____. Notification of Owners.

After the property number map is complete, the Borough shall notify, by regular mail or personal delivery, all owners of improvements which do not display a number or which display an incorrect number that they must bring their building into conformity with this Chapter within three (3) months of the date of the notice.

§ _____. Applicability.

All residential, commercial, industrial or other structures erected or to be erected within the Borough of Frenchtown shall display identification numbers as provided herein and in accordance with specifications provided herein.

§ _____. Numbering specifications.

- A. The owner, occupant or lessee of each and every structure which now fronts or which may hereafter front upon any public or private street shall, in accordance with this ordinance, cause the authorized and assigned number of such structure to be permanently and conspicuously placed in accordance with the specifications set forth herein. Any building presently numbered shall display the existing number.
- B. Specifications. House or building numbers shall be:

- (1) In Arabic numerals.
- (2) A minimum height of four (4") inches.
- (3) Mounted in secure fashion to the front wall or porch of the building or other fixed appurtenance on the front of the building so as to be clearly visible from the street or road giving access to such building (except as permitted below).
- (4) Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street or road.
- (5) At least thirty (30") inches above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street or road upon which the building fronts.
- (6) If possible, the numbers shall be placed alongside any existing outside lighting so as to be illuminated.

C. Placement of Numbers on Post, Rod or Mailbox.

- (1) If a building is set back one hundred (100') feet or more from the public or private street or road giving access to it or it a number would not be visible from such street or road due to shrubbery or other vegetation, then the owner shall provide a post, rod or other type of fixture of a substantial nature (which may be a mailbox for the property if located along its frontage on the same side of said public street or road), with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from said public or private street or road. Said number, if placed on such post or mailbox, shall also meet the requirements of B.(2), (4) and (5) above.
- (2) If the numbers affixed to the front of the building would not be visible from the street as required or as an alternative thereto, requirements of this Chapter are satisfied if the owner, occupant or lessee shall provide the Arabic numbers, as required hereinabove, upon a post rod or other type of fixture of substantial nature adjacent to a driveway leading to said building so that the number may be conspicuous and visible from either direction when traveling on the road. The location shall not be greater than ten (10') feet from the edge of the roadway. A mailbox, post or rod on the opposite side of the street that the building fronts on will not satisfy the requirements of this Chapter.

- (3) In the case of apartment, condominium and/or townhouse complexes, the number posted shall be the official mailing address number. Numbers shall be placed on each building. The numbers shall be eight (8") inches in height and shall be adequately illuminated after dusk and be clearly visible from the roadways within any apartment, condominium and/or townhouse complex. Each entranceway door shall display numbers three (3") inches in height of the apartments within the entranceway. Each apartment door shall display numbers three (3") inches in height. A storm or screen door shall not obscure required numbers.
 - (4) The rear door to any occupancy other than a residential occupancy must also be marked as specified hereinabove.
- D. All numbers posted pursuant to this Chapter shall be of reflective material or of sufficient visual contrast to the background material to be easily discernible with the aid of an emergency vehicle spotlight.
 - E. All buildings with Fire Department hose connections will have a sign with twelve (12") inch reflective letters "FDC" directly above the unobstructed connection.

§ _____. Multiple Entrances.

- A. Where any improvement has more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant and shall be posted as otherwise provided in this Chapter.
- B. Where only one number can be assigned to any one improvement, the suffix (a), (b), (c), etc., may be required to designate each separate entrance serving the separate occupant.
- C. Where any building or complex of buildings is so structured that all separate entrances serving separate occupants and the numbers assigned to them are not clearly visible from the center line of the street, then the number for each separate entrance shall be placed near the walk or driveway from the street to such separate entrance and upon a gate, post,

fence or other appropriate place so as to be visible from the center line of the street. The height limitations on such a display shall be the same as those provided hereinabove.

- D. For all multifamily improvements having apartment doors opening on interior halls, each door shall have a number no less than two (2") inches high affixed thereon, and all entranceways shall have on the exterior thereof a display indicating the sequence of apartments served by such entranceway.

§ _____. Responsibility for Posting Numbers.

The posting of the numbers as required hereinabove shall be the responsibility of the owner or, in the case of a residence or business not occupied by the owner, the responsibility shall be that of the person in possession of the premises. In the case of an apartment complex, the responsibility shall be that of the owner. In the case of an existing condominium or townhouse complex, the responsibility shall be that of the condominium association.

§ _____. Responsibility for Maintenance of Numbers.

Each person responsible as outlined in this ordinance shall also be responsible for the maintenance and legibility of the required numbers.

§ _____. Appeals.

- A. The owner, occupant or agent of an owner or occupant may, within twenty (20) days of the assignment of a number as hereinabove provided in this Chapter or within twenty (20) days after being notified by the Borough of a violation and/or that it plans to affix the number because of the owner, occupant or agent's inability to do so in accordance with the Chapter requirements, object to the number assigned to his property or to the violation or to the affixing of the number by the Borough by filing a written notice of objection with the Clerk. Such notice shall specify the reasons for the objections.

- B. The Clerk shall convene, within twenty (20) days of the receipt of the written notice of objection pursuant to Subsection A above, a meeting with the Tax Assessor and notify the person who has filed the notice of objection at least five (5) days in advance of the time and place of the meeting with the Tax Assessor.
- C. The objector shall be permitted to be present at the meeting with the Tax Assessor to present his position, but such attendance is not mandatory. The Tax Assessor shall permit an appellant to use an existing number and size or location as long as the appellant shall continue to own or occupy the premises in question, and provided that the existing number shall not duplicate the number assigned to the building number map to another premises and actually used at that location.
- D. A record of the Tax Assessor's deliberations shall be maintained by the Clerk, and the decision on the objection shall be set forth in written form by the Borough, which decision shall set forth findings of fact made by the officials and the reasons for the decision. A copy of said decision shall be mailed by certified mail, return receipt requested, to the person filing the notice of objection within ten (10) days of the decision.
- E. The filing of an appeal under this Chapter shall temporarily suspend enforcement or prosecution until said appeal is determined and correspondingly shall extend the time periods for compliance.
- F. A copy of the final decision issued herein shall be filed with the Clerk.

§ _____. Compliance Required.

- A. As to all buildings which already have designated numbers, compliance is expected by and enforcement shall commence on the 31st day following adoption of this Chapter.
- B. With respect to those buildings which presently have no designated numbers or whose number is in the process of being changed because of duplication, compliance is expected by and enforcement shall commence on the 31st day after Council acceptance of the property numbering map or specific section thereof.

§ _____. Approval of Council.

The Tax Assessor will submit for acceptance to the Borough within 180 days after adoption of this Chapter the plan for numbering properties as set forth herein.

§_____. Violations and Penalties.

Any person who violates any provision of this Chapter shall, upon conviction, be subject to a penalty as stated in Chapter I, Section 1-5, General Penalty.

The violation of any section or subsection of this Chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection or of any order issued pursuant to this Chapter. Each week after receiving the notice of violation shall constitute a separate offense. The person authorized to act as enforcement officer is the Code Enforcement Official.

§_____. Severability.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

§_____. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

Brad Myhre, MAYOR

Brenda Shepherd, RMC, Borough Clerk

Ordinance #777 - Bond Ordinance amending and supplementing Bond Ordinance #753 finally adopted by the Borough Council on November 24, 2014, to increase the appropriation therein by \$30,000 and to increase the authorization of bonds or notes therein by \$28,500 to finance part of the additional costs thereof and to amend the description thereof (Adoption)

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #777 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #777

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 753 FINALLY ADOPTED BY THE BOROUGH COUNCIL ON NOVEMBER 24, 2014, TO INCREASE THE APPROPRIATION THEREIN BY \$30,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$28,500 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF AND TO AMEND THE DESCRIPTION THEREOF

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

AS FOLLOWS:

SECTION 1. The bond ordinance of the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on November 24, 2014, number 753, entitled: "BOND ORDINANCE APPROPRIATING \$60,000, AND AUTHORIZING THE ISSUANCE OF \$57,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS FOR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY", (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the improvements or purposes described in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$30,000, said sum being inclusive of \$1,500 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A.

40A:2-1 et seq. (the “Local Bond Law”), now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased by \$30,000 from \$60,000 and shall equal the amount of \$90,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, including the total amount of down payment increased by \$1,500 from \$3,000 to equal \$4,500. The total appropriation including the total amount of down payment is \$90,000.

SECTION 3. In order to finance the additional cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the Borough in the amount of \$28,500 are hereby authorized to be issued by the Borough for such improvements or purposes in Section 3 of the Original Ordinance, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes stated in Section 3 of the Original Ordinance, as amended and supplemented hereby, shall be increased by \$28,500 from \$57,000 and shall equal the amount of \$85,500.

SECTION 4. Section 3(b) of the Original Ordinance shall be amended to read in its entirety as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
“(b) Reconstruction of the Police Department porch <u>and fire escape</u> in and by the Borough all as	<u>\$50,000</u>	<u>\$47,500”</u>

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 \$50,000 appropriation hereby made.

SECTION 5. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$28,500 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The 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 the obligations and the interest thereon without limitation as to rate or amount.

SECTION 8. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 9. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 9. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 10. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Brad Myhre, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #778 – An Ordinance to provide for the repair and/or replacement of the chimney on the Police Department building (\$4,500) repair or replacement of the drain pipe at the park bathroom (\$8,000) and purchase of the partitions for the park bathroom (\$2,700) for the Borough of Frenchtown, in the County of Hunterdon, New Jersey and appropriating a total amount of \$12,500 from the Capital improvement Fund and \$2,700 from the Open Space Trust Fund (Introduction)

On motion by Cathy Leach, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to table Ordinance #778 until the Council receives an explanation from the CFO on the use of the open space funds.

Mayor Myhre noted that we have an Eagle Scout doing the park bathroom renovations and he needs support from the Borough. We want to use open space funds for that. In addition, we have a broken drain pipe at the park bathroom which needs to be repaired before the Eagle Scout project begins.

Ordinance #779 – An Ordinance authorizing the Borough of Frenchtown to accept the First Amendment to the Public Access Easement through Block 34

Lot 1 as shown on the Frenchtown Tax Map in the Borough of Frenchtown from Frenchtown Bridge Street, LLC. (Introduction)

On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to introduce Ordinance #779 as follows:

ORDINANCE #779

AN ORDINANCE AUTHORIZING THE BOROUGH OF FRENCHTOWN TO ACCEPT THE FIRST AMENDMENT TO THE PUBLIC ACCESS EASEMENT THROUGH BLOCK 34 LOT 1 AS SHOWN ON THE FRENCHTOWN TAX MAP IN THE BOROUGH OF FRENCHTOWN FROM FRENCHTOWN BRIDGE STREET, LLC.

WHEREAS, the need exists for the Public Access Easement between the Borough of Frenchtown and Frenchtown Bridge Street, LLC, dated July 23, 2014 and recorded in the Hunterdon County Clerk's Office on July 24, 2014, in Deed Book 2335 at Page 586 to be amended; and

WHEREAS, the Borough of Frenchtown and Frenchtown Bridge Street, LLC, desire to amend the Public Access Easement to include all sidewalks and walkways as set forth on Schedule "B" attached hereto; and

WHEREAS, this amendment known as the First Amendment to the Public Access Easement, is dated August 31, 2016 and was recorded in the Hunterdon County Clerk's Office on August 31, 2016, in Deed Book 2385 at Page 406; and

WHEREAS, the Mayor and Common Council of the Borough of Frenchtown wish to accept the First Amendment to the Public Access Easement through Block 34 Lot 1 from Frenchtown Bridge Street, LLC.

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

1. Through this Ordinance, the Borough of Frenchtown is authorized to accept the First Amendment to the Public Access Easement through Block 34, Lot 1 from Frenchtown Bridge Street, LLC., dated August 31, 2016 and recorded in the Hunterdon County Clerk's Office on August 31, 2016, in Deed Book 2385 at Page 406
2. This Ordinance shall take effect upon adoption and publication according to law.

Brad Myhre, Mayor

Dated: 9-7-16

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

See Schedule "B" Attached

Ordinance #780 - -Bond Ordinance providing for the acquisition of a mason dump truck for the Department of Public Works, by and in the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey; appropriating \$60,000 therefor and authorizing the issuance of \$57,142 in Bond and Notes to finance part of the cost thereof (Introduction)

On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to introduce Ordinance #780 as follows:

**BOROUGH OF FRENCHTOWN
BOND ORDINANCE #780**

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A MASON DUMP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS, BY AND IN THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$60,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$57,142 IN BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

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

AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$60,000, which sum includes \$2,858 as the amount of

down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes or from moneys actually held by the Borough.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$60,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$57,142 pursuant to the Local Bond Law. 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 \$57,142 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is for the acquisition of a mason dump truck for the Department of Public Works, and all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$57,142.

(c) The estimated cost of said improvement or purpose is \$60,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$2,858, is the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Hunterdon make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Hunterdon. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Hunterdon, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. 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 signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body 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, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general improvement or purpose, 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 improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$57,142 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$6,200 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to payor reimburse expenditures for the costs of

the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Brad Myhre, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Borough wide trash and recycling container replacement

Michele Liebttag noted that there was nothing new to report.

Approval of Frenchtown Fire Department application for Kent E. Ridge

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Frenchtown Fire Department Application for Kent Ridge.

OLD BUSINESS

Mayor Myhre noted that in addition to supporting Sustainable Jersey, he has signed a letter of support for the creation of the Creative Team which is a regional team founded by Sustainable Frenchtown members and the appointment of Leigh Marino as the team coordinator.

COUNCIL COMMENTS

Council congratulated the Police Department on the National Night Out event.

Cathy Leach asked if Resolution #2016-94 should be rescinded until it is determined which funds are being used for the Capital Improvements. Subsequent to a brief discussion, a motion was made by Cathy Leach and was seconded by Michaele Liebttag to rescind Resolution #2016-94 until it is determined which funds will be used for what projects.

CORRESPONDENCE/ANNOUNCEMENTS

None discussed.

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

On motion by Cathy Leach, seconded by Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:30 pm and approved Common Council Resolution #2016-95 as follows:

**RESOLUTION #2016-95
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
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 September 7, 2016.

Brenda S. Shepherd, RMC
Borough Clerk

Action will not be taken.

The Governing Body came out of executive session at 9:10 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:10 pm on motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk