

**CALL TO ORDER**

Mayor Brad Myhre called the special meeting to order at 7:30 a.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly noticed to the Hunterdon County Democrat and the Express Times on September 15, 2016, 2016; the Agenda has been posted at Borough Hall and distributed to the newspapers on September 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  
Jack Opdyke  
Caroline Scutt

Absent from Meeting:

William Sullivan

Borough Clerk, Brenda S. Shepherd, were also present for the Meeting. One members of the public was present.

**PUBLIC HEARING**

**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**

The Council approved to open the public hearing on Ordinance #780. Having no comments, Council approved to close the public hearing on Ordinance #780.

**PUBLIC COMMENT**

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

**ORDINANCE #778 – Capital Improvement Ordinance to provide for the repair and/or replacement of the chimney on the Police Department Building (\$4,750.00), repair or replacement of the drain pipe at the Park bathroom (\$8,300.00) and purchase of partitions for the bathroom at the Park (\$2,700.00) for the Borough of Frenchtown (Introduction)**

Mayor Myhre noted that Attorney Cruz has determined that the use of Open Space Fund money is appropriate for the park bathroom repairs. On motion by John Hindman, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #778 as follows:

**BOROUGH OF FRENCHTOWN**

**ORDINANCE #778**

AN ORDINANCE TO PROVIDE FOR THE REPAIR AND/OR REPLACEMENT OF THE CHIMNEY ON THE POLICE DEPARTMENT BUILDING (\$4,750.00), REPAIR OR

REPLACEMENT OF THE DRAIN PIPE AT THE PARK BATHROOM (\$8,300.00) AND PURCHASE OF PARTITIONS FOR THE BATHROOM AT THE PARK (\$2,700.00) FOR THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING A TOTAL AMOUNT OF \$4,750.00 FROM THE CAPITAL IMPROVEMENT FUND AND \$11,000.00 FROM THE OPEN SPACE TRUST FUND

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRENCHTOWN IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of the 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 purposes described in Section 2, there is hereby appropriated the sum of \$15,750.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Borough of Frenchtown hereby authorizes the repair or replacement of the chimney on the police department building, repair of the bathroom drain pipe at the park bathroom and purchase of partitions for the bathroom at the park for the Borough of Frenchtown.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Borough of Frenchtown, but rather a capital expense and the Borough of Frenchtown's estimated cost of said work, acquisition or improvement is \$15,750.00.

Section 4. The sum of \$15,750.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$4,750.00 from the Capital Improvement Fund and \$11,000.00 from the Open Space Trust Fund of the Borough of Frenchtown for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 6. This ordinance shall take effect immediately upon adoption according to law.

---

Brad Myhre, Mayor

ATTEST:

---

Brenda S. Shepherd, RMC  
Borough Clerk

**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 (Adoption)**

Mayor Myhre noted that the Borough will be using a note to finance this. Phoenix Financial was able to negotiate a ten year 2% fixed rate and will combine all the current BANS.

On motion by Jack Opdyke, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of 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.

**ORDINANCE #781 - An Ordinance to amend the salary & wages of certain officials and employees of the Joint Municipal Court of the Delaware Valley for the year 2016 (Introduction)**

Mayor Myhre noted that this is amending the court salary and wage ordinance to include an alternate municipal prosecutor. We are appointing an alternate for the remainder of the year which is Erik Peterson. The Prosecutor's office wanted the appointment by October 1<sup>st</sup>. On motion by Michele Liebttag, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #781 as follows:

**ORDINANCE # 781**

**AN ORDINANCE  
TO AMEND THE SALARY & WAGES  
OF CERTAIN OFFICIALS AND EMPLOYEES  
OF THE JOINT MUNICIPAL COURT OF THE DELAWARE VALLEY  
FOR THE YEAR 2016**

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

1. The following rate for the year 2016 is hereby established for the following designated officials and employees the Joint Municipal Court of the Delaware Valley:

Alternate Municipal Prosecutor ----- \$301.96 per court session

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

---

Brad Myhre, Mayor

Attest:

---

Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION #2016-94 - Resolution amending the Capital Budget**

On motion by Jack Opdyke, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016948 as follows:

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

**WHEREAS**, the local capital budget for the year of 2016 was adopted on the 20<sup>th</sup> 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.

**RESOLUTION #2016-97 – Resolution authorizing payment in the amount of \$5,000.00 for Joint Vicinage 13 defense costs in the matter of the Mt. Laurel Declaratory Judgment actions filed in Hunterdon, Somerset and Warren Counties, State of New Jersey, pursuant to In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) Superior Court of Hunterdon, Somerset and Warren Counties (“Litigation”)**

Mayor Myhre noted that the Borough is fighting this in the court system. In addition, Planner McKenzie advised us that all the undeveloped acreage behind Ward Street could be projected for our COAH number. On motion by Cathy Leach, seconded by Michele Liebttag and carried by favorable roll call vote, the Mayor and Common Council approved Resolution #2016- 97 as follows:

**BOROUGH OF FRENCHTOWN  
COUNTY OF HUNTERDON, NEW JERSEY**

**RESOLUTION NO. 2016-97**



**AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,000.00 FOR JOINT VICINAGE 13 DEFENSE COSTS IN THE MATTER OF THE MT. LAUREL DECLARATORY JUDGMENT ACTIONS FILED IN HUNTERDON, SOMERSET AND WARREN COUNTIES, STATE OF NEW JERSEY, PURSUANT TO IN RE ADOPTION OF N.J.A.C. 5:96, 221 N.J. 1 (2015) SUPERIOR COURT OF HUNTERDON, SOMERSET AND WARREN COUNTIES (“LITIGATION”)**

**WHEREAS**, the Borough of Frenchtown entered into a Municipal Shared Services Defense Agreement (“MSSDA”) with various municipalities in Vicinage 13 to share joint costs and attorney’s fees in the Litigation presently before the Honorable Thomas C. Miller, P.J.Cv.; and

**WHEREAS**, Judge Miller entered Omnibus Case Management Order #2 signed and filed on April 19, 2016 (“Omnibus Order”), of which the Borough of Frenchtown is a party thereto pursuant to Docket No. HNT-L-309-15; and

**WHEREAS**, Jeffrey R. Surenian, Esq., will act as lead attorney regarding the filing of certain motions and the conducting of discovery pursuant to the Omnibus Order and certain Vicinage 13 municipalities, including the Borough of Frenchtown (“Vicinage 13 Group”), desire to contribute to and have contributed a joint defense fund held by Katrina Campbell, Esq. in the attorney trust account of Lavery, Selvaggi, Abromitis & Cohen, P.C. to reimburse Mr. Surenian and other attorneys assisting his efforts; and

**WHEREAS**, the Vicinage 13 Group further authorizes Ms. Campbell to disburse such funds from escrow to reimburse Mr. Surenian and other attorneys assisting his efforts in accordance with the MSSDA; and

**WHEREAS**, the Chief Financial Officer of the Borough of Frenchtown has certified funds available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the Borough of Frenchtown, in the County of Hunterdon, and State of New Jersey, that the Mayor and Borough Administrator be and hereby are authorized to enter into an amended MSSDA to be reviewed and approved by the Borough Attorney and payment to the attorney trust account of Lavery, Selvaggi, Abromitis & Cohen is authorized relating thereto in an additional amount of five thousand (\$5,000.00) dollars; and

**BE IT FURTHER RESOLVED** by the Common Council of the Borough of Frenchtown that a copy of this Resolution be placed on file and available for public inspection in the office of the Borough Clerk.

**ATTEST:**

**BOROUGH OF FRENCHTOWN  
COMMON COUNCIL**

Brenda Shepherd, RMC  
Borough Clerk

Brad Myhre, Mayor

**CERTIFICATION**

I, Brenda Shepherd, 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 September 22, 2016.

---

Brenda Shepherd, RMC  
Borough Clerk

Vote on the motion:

Ayes: Hindman, Leach, Liebttag and Opdyke

Nays: Scutt

Mayor Myhre noted that we will have a new library assistant to hire at the next meeting. We are waiting for Chief Kurylka to complete the background check and sign off on it.

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:12 am on motion by Michele Liebttag, seconded by John Hindman and carried by favorable voice vote.

Respectfully submitted,

---

Brenda Shepherd, RMC  
Borough Clerk