

**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 October 5, 2016.

**FLAG SALUTE**

Mayor Myhre asked everyone to stand for the flag salute.

**ROLL CALL**

Present for the Meeting:

Cathy Leach  
Michele Liebttag  
Jack Opdyke  
Caroline Scutt  
William Sullivan

Absent from Meeting:

John Hindman

Attorney Paul Rizzo and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. Nine members of the public were also present.

**PUBLIC HEARING**

**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**

The Council approved to open the public hearing on Ordinance #778. Having no comments, Council approved to close the public hearing on Ordinance #778.

**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.**

The Council approved to open the public hearing on Ordinance #779. Having no comments, Council approved to close the public hearing on Ordinance #779.

**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**

The Council approved to open the public hearing on Ordinance #781. Having no comments, Council approved to close the public hearing on Ordinance #781.

**PUBLIC COMMENTS**

The Council approved to open the public comment session.

**Special Presentation and request for special events permit - ArtYard, Inc.**

Jill McDonald and Geraldine Dougherty stated that they are in the process of researching and working with the NJDEP and architects to determine a campus strategy. They bought the hatchery property which will be part of that strategy. They want to get up and running at 62A Trenton Avenue before we finish the building program which could take 2 years. They do not want the space unused. They went back to the Planning Board to amend the preliminary variance to allow us to use the space for small screenings, etc. They cannot return to the Planning Board until the end of month and the Planning Board suggested that we come before Council for a one time special events permit. We are requesting a special events permit for October 22<sup>nd</sup> for a film screening on Apberger's along with an art workshop. This event will be at our own facility. Mayor Myhre noted that this is a great event and he does not have an issue with it. He recommended that ArtYard contact the police to see if coverage is needed. The Council had no object to the event and made the following motion. On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved ArtYard to hold a special event on October 22<sup>nd</sup> as described above.

**Eric Fiorito – Frenchtown Business and Professional Association**

Eric Fiorito stated that it is time for the Zombies to shuffle into town. The event will be October 22<sup>nd</sup> and will start at 1 pm. They would like to use Sunbeam Park for participants to register and they will offer make up. They will also be running a scavenger hunt in the businesses through town. Rules of the Zombie Crawl will be given to every participant. No weapons, etc. will be allowed. He will provide a form for use of Sunbeam Park. He gave the Police Chief the information sheet and hope he can weight in. The Delaware River towns will have a crawl as well and this will continue down river as well.

Eric Fiorito stated that they would also like to hold a Radio Theater the same night. The plan was to perform War of the Worlds. We have 5 to 6 voice performers. There are artists doing the sound effects and readings. It will be 1 to 1 ½ hours. After sending the email to Brenda Shepherd for use of Borough Hall, he spoke to River Union who is doing the sound for us. They work with the school so we may do it there. He has filled out the school's facility use form. We would like to have Borough Hall as a back up. It will be from 7 to 8:30 pm but we would like to get in around 4:00 to set up.

On motion by William Sullivan, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Zombie Crawl and Radio Theater for the Frenchtown Business and Professional Association for October 22<sup>nd</sup>.

**Lions Club – request for approval of Town Wide Yard Sale on October 14<sup>th</sup> and 15<sup>th</sup>**

Mayor Myhre noted that the Lions Club is requesting approval for a Town Wide Yard Sale on October 14<sup>th</sup> and 15<sup>th</sup>. They do this annually. On motion by Michele Liebttag, seconded by William Sullivan and carried by favorable voice vote, the Mayor and Common Council approved the Town Wide Yard Sale for the Lions Club on October 14<sup>th</sup> and 15<sup>th</sup>.

Jacqueline Espinoza from JCP&L noted that she is assisting John Anderson. She is from Newton. If there is an emergency situation, she asked that you call her. She also noted JCP&L is opening another power system institute so if anyone is interested in pursuing a career with JCP&L, it will be

held on November 10<sup>th</sup>. Mayor Myhre noted that a new pole was set on Harrison Street. Ms. Espinoza noted that JCP&L will transfer their wire to the new telephone pole.

Holly Low of 24<sup>th</sup> Eighth Street noted that the neighbors have been talking about the property along Eighth Street and that there is a way to get into the building. She expressed concern. William Sullivan recommended that she contact the Zoning Officer.

Liz Johnson asked about the dedication of sidewalks at River Mills. Mayor Myhre noted that we have established public access for the sidewalks. Initially, they envisioned a closed community. The Borough is not taking on any maintenance. If you want to walk through the development from Third Street to Bridge Street, you can.

**Public Works Manager – Mike Reino**

Mayor Myhre noted that he asked Public Works Manager Mike Reino to provide Council an update on his capital needs and what he has been working on and the challenges he faces.

Public Works Manager Mike Reino reported the following:

1. It has been a frustrating year financial. We had one big snow storm that took half of the budget and he spent the other half in the first half of the year. He has some materials to use going into the winter.
2. He was planning on doing a lot of work on the dirt roads but do not have the funds.
3. He thanked the Council for the Mason Dump funding. He has been working with the County and they will assist us with the acquisition of the Mason Dump. The County has also done other things for us in the past.
4. Replacing the backhoe is next. A new backhoe is about \$125,000.00. We had a number of problems with the backhoe and have replaced some parts. We use it every day and everything we do, we use it. We use it to load salt, etc. We need tires on the back which will cost approximately \$2,800.00.
5. He cannot count on the new Mason Dump before winter as the delivery schedule is 140 days from order. In the interest of having enough equipment, he will have to make repair on the other truck. The County may be able to help us with that.
6. He also needs to vacuum the catch basins and get the streets swept. The cost of street sweeping is \$500.00 to do the center of town and Milford Road.
7. He has gotten quotes for redecking the handicap ramp. He does not have resources to do that and does not know if he and Mike can do it. We do not have the carpentry skills. He has been asking for a third person. He will ask again at budget time. When he had a third guy, we replaced 10 catch basins at a cost of \$500.00 per basin. A private company wants \$2,200.0.
8. JCP&L is coming through town trimming trees. We are letting them station the vehicles at the DPW site. They will assist us with dangerous trees. There is a tree on private property which is critical. We sent a letter to the homeowners about the tree. Branches are falling on the sidewalk and children are walking under it. The JCP&L contractor will strip the branches if the homeowner gives permission.
9. The leaf machine is brand new now. We got a brand new motor and put it together. Koches helped us. We went up two tiers in pollution control with the new motor.

Mayor Myhre noted that he understands the budget is tight and something things are beyond our control. He is hoping that in November, money can be transferred into the Public Works line item.

William Sullivan noted that Mike Reino and Mike Roden are experts at making the equipment continue to work. Maintenance items need to be addressed so that things do not get further and further behind. Mike Reino noted that he had a schedule with the County jail to do work in Frenchtown but now the jail is closed. As to the weeds on Milford Road, the County did it for us last year and was unable to do it this year. He tried to rent a machine for one day but the companies do not have them. The County is trying to help us because they realize smaller municipalities do not have the resources. Mayor Myhre noted that the County is replacing their dump trucks and will be setting aside the better one for municipalities who may need one. Mike Reino responded that he knows what he has to fix on the dump truck and it has low mileage. Bob Silva from the County can help us with that. He does not know what he would have to do to a County dump truck if we got one.

Michele Liebttag thanked Mike Reino for helping get Shred Day together.

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

#### **CONSENT AGENDA**

All matters listed on the Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

On motion by Jack Opdyke, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 10/5/16 as attached, and Resolution #2016-98 as follows:

#### **Resolution no. 2016 - 98**

##### **Tax sale redemption**

**Whereas**, the Tax Collector has been paid by the mortgage holder to redeem Tax Sale Certificate No. 15-004 the amount of \$2,546.85 on Block 19, Lot 5.01, and

**WHEREAS**, at the time of the sale a premium was paid in the amount of \$1200.00.

**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 4 & CRDTRS, LLC, 50 S. 16<sup>th</sup> Street, Philadelphia, PA, 19102, in the amount of \$3,746.85.

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BRAD MYHRE, Mayor

October 5, 2016

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Brenda S. Shepherd, RMC  
Borough Clerk

### **APPROVAL OF MINUTES**

#### **Regular Meeting – August 3, 2016**

On motion by Cathy Leach, seconded by Jack Opdyke and carried by favorable roll call vote with William Sullivan abstaining, the Mayor and Common Council approved the August 3, 2016 regular meeting minutes.

#### **Regular Meeting – September 7, 2016**

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable roll call vote with Jack Opdyke and Caroline Scutt abstaining, the Mayor and Common Council approved the September 7, 2016 regular meeting minutes.

#### **Special Meeting – September 22, 2016**

On motion by Jack Opdyke, seconded by Michele Liebttag and carried by favorable roll call vote with William Sullivan abstaining, the Mayor and Common Council approved the minutes of the September 22, 2016 Special Meeting.

### **RESOLUTIONS**

#### **Resolution #2016- 99 - Appoint Kelly Pickering as part time Library Assistant for the Borough of Frenchtown**

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

#### **RESOLUTION No. 2016-99**

#### **Appoint Kelly Pickering as part time Library Assistant for the Borough of Frenchtown**

**WHEREAS**, the Borough Council of the Borough of Frenchtown shall require the services of a part time Library Assistant effective October 1, 2016; and

**WHEREAS**, the Frenchtown Borough Police Chief has reviewed Kelly Pickering's application and qualifications and has found them all to be acceptable, and

**WHEREAS**, a criminal background check has been performed on Kelly Pickering and found to be acceptable; and

**WHEREAS**, the hours for the part time Library Assistant will not exceed 29.5 hours per week; and

**WHEREAS**, there will be no health benefits, no sick, vacation, holiday or compensatory time for this employee; and

**WHEREAS**, the Chief Financial Officer has determined that there are sufficient funds available in the Library Salary and Wage budget to pay for this employee.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, effective October 1, 2016, Kelly Pickering be appointed as part time Library Assistant at the hourly rate of \$13.00 per hour.

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 October 5, 2016.

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2016-100 - Resolution naming an Alternate Prosecutor for the remainder of 2016 for the Borough of Frenchtown**

On motion by Michele Liebttag, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-100 as follows:

**RESOLUTION #2016-100**

**RESOLUTION NAMING AN ALTERNATE PROSECUTOR FOR THE REMAINDER OF 2016 FOR THE BOROUGH OF FRENCHTOWN**

**WHEREAS**, the Borough of Frenchtown is required to name an Alternate Municipal Court Prosecutor; and

**WHEREAS**, the Borough has not named an Alternate Municipal Court Prosecutor for 2016 and desires to name Erik Peterson, Esq., to fill that position for the remainder of 2016 or until a replacement is named effective October 5, 2016 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, Erik Peterson has completed and submitted a Business Entity Disclosure Certification which certifies that Erik Peterson, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and is prohibited from making any reportable contributions through the term of the appointment, and

**WHEREAS**, the rate of pay for the Alternate Prosecutor will be \$301.96 per court session and the total amount of pay will not exceed \$2,150.00; and

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

**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 Council hereby name Erik Peterson, Esq. as Alternate Municipal Court Prosecutor for the remainder of 2016 or until a replacement is named as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 effective October 5, 2016 at a rate of pay of \$301.96 per court session and not to exceed a total amount of \$2,150.00.

2. Notice of this appointment is to be published in the official newspaper of the Borough of Frenchtown.

3. This resolution shall take effect immediately.

Dated: October 5, 2016

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

Attest:

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

**Resolution # 2016-101 – Sale of Surplus Equipment**

Mayor Myhre noted that there is a list of surplus equipment that the Borough will auction with GovDeals. GovDeals does all the work and puts the equipment on line for us. On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-101 as follows:

**BOROUGH OF FRENCHTOWN**

**RESOLUTION NO. 2016 – 101**

**SALE OF SURPLUS EQUIPMENT**

**WHEREAS**, it has been determined that the Borough of Frenchtown possesses surplus personal property as described on the attached Schedule “A” that is no longer needed for public use; and

**WHEREAS**, the sale of the surplus personal property will be online at GovDeals.com and the terms and conditions of the agreement entered into with the vendor are available on GovDeals.com and in the office of the Borough Clerk; and

**WHEREAS**, the sale is being conducted pursuant to Local Finance Notice 2008-9; and

**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 attached schedule "A" of Borough property is hereby declared to be surplus, no longer needed for public purpose.

**BE IT FURTHER RESOLVED** that the Borough Clerk is authorized to publish a legal newspaper advertisement informing the public as to the nature of items being sold and how to obtain more information on the sale in the Hunterdon Democrat, pursuant to N.J.S.A. 40A:11-36.

Borough of Frenchtown

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Brad Myhre, Mayor

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

SCHEDULE "A"

1987 AEM Paver model DM 4000. With Isuzu 3 cyl. diesel engine, 726 hours.

1993 Ford F-350 Diesel 4x4 mason dump. Auto trans.

1970's Tonoco model 18k, 18 ton tag along trailer.

1960 Ford tractor.

Ford 22-124 3 point flail mower.

Sweepster 3 point street brush.

1993 Meyers C-9 9' plow and mount.

2006 Western 8'6" MVP V plow with Ultra Mount.

2005 Ford Crown Victoria

1997 Bus

**Resolution #2016-102 – Resolution authorizing the Borough of Frenchtown Transportation Alternatives Project and the application for Transportation**

Mayor Myhre noted that the Transportation Alternatives funding would make infrastructure improvements that will enhance the safety and aesthetic qualities of the Frenchtown Downtown Business District. The Borough applied 2 years ago and scored high but did not get the grant. Engineer Burr believes we have a strong case for this year's funding. We are looking at putting in sidewalks and lights on South Harrison Street. There will be a \$2,000.00 cost for engineering. Flemington Borough received the grant last time. This year's application is due by the end of October. The Council believes it is a good idea to submit an application. On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-102 as follows:

**RESOLUTION #2016-102**

**RESOLUTION AUTHORIZING THE BOROUGH OF FRENCHTOWN TRANSPORTATION ALTERNATIVES PROJECT AND THE APPLICATION FOR TRANSPORTATION ALTERNATIVES FUNDING TO MAKE INFRASTRUCTURE IMPROVEMENTS THAT WILL ENHANCE THE SAFETY AND AESTHETIC QUALITIES OF THE FRENCHTOWN DOWNTOWN BUSINESS DISTRICT**

**WHEREAS**, the New Jersey Department of Transportation (NJDOT) is accepting applications through November 10, 2016 for the 2016 Transportation Alternatives Program, which is being funded with federal funds;

**WHEREAS**, funds under the Transportation Alternatives Program are to be used for "non-traditional" projects designed to strengthen the cultural, aesthetic and environmental aspects of the nation's intermodal system;

**WHEREAS**, projects must fall into one or more of the seven (7) eligible Transportation Alternatives Program categories that are described in a brochure developed by the NJDOT on the program;

**WHEREAS**, two (2) of the categories eligible for funding under the Transportation Alternatives Program are entitled "Facilities for pedestrians and bicycles" and "Community improvement activities";

**WHEREAS**, on February 15, 2012, the Borough Mayor and Council created a Downtown Revitalization & Planning Committee whose main goal was to develop a report on downtown revitalization and economic development in Frenchtown;

**WHEREAS**, in March 2013, as a result of the report completed by the Downtown Revitalization & Planning Committee, the Borough hired the Borough Engineer to complete conceptual streetscape improvement plans;

**WHEREAS**, all work completed to date revealed a number of problems/issues with the sidewalks and streetscape in the business district including inconsistent and lacking streetscape furniture/features, lack of lighting for pedestrians, lack of adequate facilities for pedestrian and bicycle users, heaved sidewalks, non-compliant curb ramps, etc.;

**WHEREAS**, the Borough of Frenchtown would like to improve the aesthetics, safety, and comfort for pedestrians and business/property owners within the business district reflected above by constructing further improvements to the streetscape and sidewalks in accordance with the 2016 Transportation Alternatives Program;

**WHEREAS**, the Borough of Frenchtown is applying for funding to construct streetscape improvements along Bridge Street, Race Street, Kingwood Avenue (State Highway 12), Second Street, Harrison Street, Front Street, Lott Street, and Trenton Avenue (State Highway 29); and

**WHEREAS**, the Borough of Frenchtown proposes to install streetscape features, which may include sidewalk, ADA curb ramps, decorative street lights, signage, street furniture, and other appropriate streetscape improvements within the proposed project area; and

**WHEREAS**, the grant application is identified as \_\_\_\_\_; and

**WHEREAS**, maintenance of the improvements, once constructed, will be assumed by the Borough of Frenchtown with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those improvements on State or County Highways;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Frenchtown that it hereby supports the submission of a grant application for the Transportation Alternatives Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Administrator and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement.

Certified as a true copy of the Resolution adopted by the Mayor and Council of the Borough of Frenchtown at a duly convened meeting held on

On this 5th day of October, 2016

\_\_\_\_\_  
Municipal 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)

\_\_\_\_\_  
(Presiding Officer)

**Resolution #2016-103 - Resolution for General Obligation Bond sale**

Mayor Myhre noted that we looked at the Borough's debt and he asked Phoenix Advisors to look at the outstanding notes. The Borough has been rolling over \$930,000.00 in notes and we got 1.75% interest rate on the roll over but we are paying administrative fees to roll over the debt each year. We would be adding the new mason dump to this year's debt. Phoenix Advisors believes a single bond would be more efficient because it is under 1 million dollars. TD Bank is interested in acquiring the Borough debt at 2% for ten years. The Borough would have a predicable debt service which would be good for our budget. This would save the Borough \$25,000.00 in fees. Council believes this would be in the best interest of the Borough. On motion by Jack Opdyke, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-103 as follows:

**RESOLUTION #2016-103  
RESOLUTION PROVIDING FOR THE COMBINATION OF  
CERTAIN ISSUES AND DETERMINING THE FORM AND**

**OTHER DETAILS OF THE NOT TO EXCEED \$985,142  
GENERAL OBLIGATION BONDS, SERIES 2016 OF THE  
BOROUGH OF FRENCHTOWN, IN THE COUNTY OF  
HUNTERDON, STATE OF NEW JERSEY AND PROVIDING  
FOR THE SALE AND DELIVERY OF SUCH BONDS**

**BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH  
OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY,  
AS FOLLOWS:**

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Obligation Bonds, Series 2016 in the aggregate principal amount of not to exceed \$985,142 (the "Bonds" or "General Obligation Bonds").

Section 2. (a) The principal amount of bonds authorized by each ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

<b><u>Ordinance Number</u></b>	<b><u>Description and Date of Final Adoption</u></b>	<b><u>Amount of Issue</u></b>	<b><u>Useful Life</u></b>
639	Installation of a Park and Ride and Related Improvements Along River Road and Providing for a Village Green along the Delaware River, finally adopted March 1, 2006	\$83,000	10 years

<b><u>Ordinance Number</u></b>	<b><u>Description and Date of Final Adoption</u></b>	<b><u>Amount of Issue</u></b>	<b><u>Useful Life</u></b>
683	Construction Costs for Railroad Avenue Improvement Project Section 1, 2 and 3, finally adopted March 3, 2010	\$179,000	20 years
720	Various Improvements or Purposes, finally adopted September 27, 2012	\$666,000	15 years
780	Mason Dump Truck, finally adopted on September 22, 2016	\$57,142	10 years
	<b>TOTAL</b>	<b>\$985,142</b>	

(b) The average period of usefulness, computed on the basis of the amount of the General Obligation Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 15.19 years.

(c) The General Obligation Bonds of the combined issue shall be designated "General Obligation Bonds, Series 2016" (or such other designation if such General Obligation Bonds are issued in multiple separate series to memorialize the applicable obligations of the Borough) and shall mature within the average period of usefulness hereinabove determined.

(d) The General Obligation Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

(e) None of the General Obligation Bonds described in this Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in this Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in this Section 2 hereof.

(f) The several purposes or improvements authorized by the respective bond ordinances described in this Section 2 hereof are purposes for which General Obligation Bonds may be issued lawfully pursuant to the Local Bond Law and some of such improvements or purposes, if applicable and permitted by law, a deduction may be taken in any annual or supplemental debt statement.

Section 3. The Bonds are hereby authorized to be sold to TD Bank, N.A. (referred to herein as the "Purchaser") as a private placement in accordance with its "Terms and Conditions of Loan dated September 7, 2016" from the Purchaser to the Borough (the "Term Sheet"). The Term Sheet is attached hereto as Exhibit A. The purchase price for the Bonds will equal the par amount of the Bonds. The Mayor and/or Chief Financial Officer are hereby authorized to accept the terms of the Term Sheet on behalf of the Borough for the sale of the Bonds to the Purchaser in accordance with the provisions of this resolution.

Section 4. The Bonds are being issued to currently refund a \$928,000 portion of prior Bond Anticipation Notes of the Borough maturing on October 28, 2016, and to temporarily finance various capital improvements for the Borough in the amount of \$57,142 and pay costs related to the issuance of the Bonds.

Section 5. The Bonds shall be issued in accordance with the terms and the conditions set forth in the Term Sheet within the parameters set forth herein:

(A) The Bonds shall be issued in the par amount not to exceed \$985,142 as determined by the Chief Financial Officer with the advice of the Financial Advisor;

(B) The Bonds shall be dated the date of delivery or as otherwise determined by the Chief Financial Officer with the advice of the Financial Advisor;

(C) The Bonds shall mature in the principal amounts on or about October 15 of each year, commencing on or about October 15, 2017 and thereafter through October 15, 2026, as determined by the Chief Financial Officer with the advice of the Financial Advisor, and shall bear interest at the interest rate per annum set forth in the Term Sheet on the unpaid principal balance on each April 15 and October 15 until maturity, commencing on or about April 15, 2017;

(D) The Bonds shall be issued in the form of one bond for each maturity or as otherwise recommended by Bond Counsel;

(E) The Bonds shall be numbered consecutively from T-1 upward and shall mature in such principal amounts as set forth herein; and

(F) The Bonds are not subject to optional redemption, except as described in the Term Sheet under "Prepayment Premium".

Section 6. The Bonds shall be substantially in the following form with such changes, additions, deletions and omissions as may be recommended by Bond Counsel:

SAMPLE BOND FORM FOR INFORMATION

**ONLY – DO NOT COMPLETE**

REGISTERED  
NUMBER T-\_\_\_\_

REGISTERED  
\$\_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY

BOROUGH OF FRENCHTOWN,  
IN THE COUNTY OF HUNTERDON

GENERAL OBLIGATION BOND

DATED DATE:	MATURITY DATE:	RATE OF INTEREST PER ANNUM:
___/___2016	10/15/20__	_____%

BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to TD Bank, N.A. or its registered assigns, the Principal Sum specified above payable in the amounts and on the dates specified and set forth on Schedule A attached hereto and by this reference made a part hereof. Interest is payable to the Purchaser at the corporate office of the Purchaser on each April 15 and October 15 until maturity, commencing April 15, 2017, in an amount equal to the interest accruing to each such October 15 and April 15. This Bond as to principal will be payable on the due date therefore at the corporate office of the Purchaser.

In the event that the TD Bank, N.A. is the Purchaser of the Bond and subsequently assigns the Bond to any entity other than the TD Bank, N.A., the Borough hereby acknowledges itself indebted and for value received promises to pay to the order of the assignee (the "Assignee"), the Principal Sum specified above (with any appropriate reduction for prior principal payments that were made prior to such assignment) payable in the amounts and on the dates specified and set forth on Schedule A attached to such assignment certificate and pursuant to the terms and conditions negotiated with the Assignee at the time of such assignment, and to pay interest on such sum from the date of assignment of this Bond until payment in full at the interest rates per annum and in the amounts and dates to be specified and set forth on Schedule A attached to such assignment certificate and pursuant to the terms and conditions negotiated with the Assignee at the time of such assignment.

Both principal of and interest on this Bond are payable in lawful money of the United States of America and in immediately available funds.

This Bond is one of an authorized issue of Bonds issued pursuant to the provisions of the Local Bond Law (N.J.S.A. 40A:2-1 et seq.), as amended and

supplemented, a resolution duly adopted by the Borough Council on October 5, 2016, entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES AND DETERMINING THE FORM AND OTHER DETAILS OF THE NOT TO EXCEED \$985,142 GENERAL OBLIGATION BONDS, SERIES 2016 OF THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE AND DELIVERY OF SUCH BONDS", and the various bond ordinances referred to therein, all such ordinances being published as required by law.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this Bond according to its terms. This Bond is not subject to redemption prior to the stated maturities; however, if the Bonds may be prepaid in whole or in part upon thirty (30) days prior written notice to the Purchaser. In the event of any prepayment of the Bonds, whether by voluntary prepayment, acceleration or otherwise, the Borough shall, at the option of the Purchaser, pay a "fixed rate prepayment charge" equal to the greater of (i) 1% of the principal balance being prepaid multiplied by the "Remaining Term," as hereinafter defined, in years, or (ii) a "Yield Maintenance Fee" in an amount computed as follows: the current cost of funds, specifically the bond equivalent yield for United States Treasury securities (bills on a discounted basis shall be converted to a bond equivalent yield) with a maturity date closest to the "Remaining Term", shall be subtracted from the "Stated Interest Rate". If the result is zero or a negative number, there shall be no Yield Maintenance Fee due and payable. If the result is a positive number, then the resulting percentage shall be multiplied by the amount being prepaid times the number of days in the "Remaining Term" and divided by 360. The resulting amount is the "fixed prepayment charge" due to the Purchaser upon prepayment of the principal of these Bonds plus any accrued interest due as of the prepayment date and is expressed in the following calculation:

Yield Maintenance Fee = [Amount Being Prepaid x (Stated Interest Rate – Current Cost of Funds) x Days in the Remaining Term/360 days] + any accrued interest due.

"Remaining Term" as used herein shall mean the shorter of (i) the remaining term of this Note, or (ii) the remaining term of the then current fixed interest rate period.

"Stated Interest Rate" as used herein means the rate at which interest is accruing on the outstanding principal balance of this Note at the time of the calculation.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes. The Borough agrees to pay all costs and expenses, including legal fees, in connection with the administration and enforcement of this Bond.

IN WITNESS WHEREOF, THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Clerk, and this bond to be dated the Dated Date as specified above.

BOROUGH OF FRENCHTOWN, IN THE  
COUNTY OF HUNTERDON, STATE OF  
NEW JERSEY

[SEAL]

ATTEST:

By: (Facsimile)  
Mayor

By: \_\_\_\_\_  
Clerk

By: (Facsimile)  
Chief Financial Officer

**[END OF SAMPLE BOND FORM]**

Section 7. The Bonds shall have printed thereon a copy of the written opinion with respect to the Bonds that is to be rendered by Archer & Greiner P.C. ("Bond Counsel"), complete except for omission of its date. The Borough Clerk is hereby authorized and directed to file a signed duplicate of such written opinion in the Borough Clerk's office. Alternatively, each Bond may be accompanied by the signed legal opinion or copy thereof.

Section 8. Bond Counsel is authorized to arrange for the printing of the Bonds. The proper officials of the Borough are hereby authorized and directed to execute the Bonds and to deliver them to the Purchaser in exchange for payment, including accrued interest from their date to the date of delivery, if any.

Section 9. The Chief Financial Officer is also authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the bonds based upon the recommendation of the Borough's financial advisor, Phoenix Advisors, LLC, or Bond Counsel to pay such costs.

Section 10. The Mayor, Chief Financial Officer and other appropriate representatives of the Borough are hereby authorized to take all steps necessary to provide for the issuance of the Bonds, including preparing and executing such agreements and documents on behalf of the Borough and taking all steps necessary or desirable to implement the requirements of this resolution, such agreements and documents as may be necessary and appropriate and the transactions contemplated thereby. The Mayor and/or Chief Financial Officer are authorized to execute the agreements and documents necessary to complete this transaction and the Borough Clerk is authorized to attest as required.

Section 11. The Borough hereby covenants that it will comply with any conditions subsequently imposed by the Internal Revenue Code of 1986, as amended (the "Code"), to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 12. This resolution shall take effect upon the effective date of Bond Ordinance Number 780.

The foregoing resolution was adopted by the following vote:

AYES:

NAYS:

**CERTIFICATE**

I, BRENDA SHEPHERD, Clerk of the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Borough Council duly called and held October 5,

2016 has been compared by me with the original minutes as officially recorded in my office in the minute book of the Borough Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
BRENDA SHEPHERD, Clerk

(SEAL)

**Resolution #2016-104 – Resolution awarding contract for the rehabilitation of the front porch at the Borough Police Headquarters Building**

On motion by Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-104 as follows:

**RESOLUTION #2016-104**

**RESOLUTION AWARDING CONTRACT FOR THE REHABILITATION  
OF THE FRONT PORCH 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 Engineer and Borough (Planning Board) Architect, Christopher Pickell, have worked jointly to prepare plans and specifications for the replacement of the porch; and

**WHEREAS**, the project has been bid twice and on one occasion no bids were received, and on the second occasion all bids were rejected because it has been determined that they were not reasonable as to price in accordance with the engineer's cost estimate; and

**WHEREAS**, because the project was publicly bid twice unsuccessfully, the Borough has authorized the Borough Engineer to solicit proposals for this work in accordance with N.J.S.A. 40A:11-5(3) of the Local Public Contracts Law; and

**WHEREAS**, five (5) proposals were solicited for the rehabilitation of the front porch at the Borough Police Headquarters building; and

**WHEREAS**, the following proposals were received:

Contractor	Proposal Amount
DeSapio Construction Inc. Frenchtown, NJ	\$34,300.00
Unlimited Builders Construction LLC Hamilton, NJ	\$51,500.00
Heritage Contracting & Painting LLC Sergeantsville, NJ	\$65,000.00

**WHEREAS**, the low proposal is from DeSapio Construction Inc. of Frenchtown, NJ in the amount of \$34,300.00; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of Frenchtown Borough, at its meeting of October 5, 2016, that a contract be awarded to DeSapio Construction Inc. in the amount of \$34,300.00.

Certified as a true copy of the Resolution adopted by the Mayor and Council  
On this 5<sup>th</sup> day of October 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 #2016-105 – Resolution awarding contract for the rehabilitation of the rear fire escape at the Borough Police Headquarters Building**

On motion by Michele Liebttag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-105 as follows:

**RESOLUTION #2016-105**

**RESOLUTION AWARDING CONTRACT FOR THE REHABILITATION  
OF THE REAR FIRE ESCAPE AT THE  
BOROUGH POLICE HEADQUARTERS BUILDING**

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

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

**WHEREAS**, as a result, four (4) proposals were solicited for the rehabilitation of the rear fire escape at the Borough Police Headquarters building, and

**WHEREAS**, the following proposals were received:

Contractor	Proposal Amount
Ford Building & Carpentry LLC Lambertville, NJ	\$3,500.00
Heritage Contracting & Painting LLC Sergeantsville, NJ	\$9,500.00

**WHEREAS**, the low proposal is from Ford Building & Carpentry LLC of Lambertville, NJ, in the amount of \$3,500.00; and

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of Frenchtown Borough, at its meeting of October 5, 2016, that a contract be awarded to Ford Building & Carpentry LLC in the amount of \$3,500.00.

Certified as a true copy of the Resolution adopted by the Mayor and Council  
On this 5<sup>th</sup> day of October 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

**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 currently every building permit needs a zoning permit. An applicant could be held up for a zoning permit and it is burdensome. The Zoning officer reviewed and determined what would require a review from the zoning officer such as increase in footprint. The Zoning officer approves this ordinance. On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #775 as follows:

**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.**

**WHEREAS**, the Mayor and Common Council of the Borough of Frenchtown desire to expedite the issuance of Construction Permits and limit the necessity for a Zoning Permit prior to the issuance of a Construction Permit.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that Section 803, titled "Enforcement", Subsection 803.B, titled "Construction Permits", is amended to add a new Subsection 803.B.4 to provide the circumstances when a Zoning Permit is required:

Section 1. Subsection 803.B. is amended to add a new Subsection 803.B.4 as follows:

4. A Zoning Permit shall be required prior to the issuance of a Construction Permit: (a) where there is a change in use from residential to commercial, commercial to residential, single family residential to multi-family residential; (b) where there is a change from one commercial use to another and the new use is not specifically listed as a permitted use in that zone; (c) where there is a change in use which requires more parking than required by the previous use and, as noted in Section 504B.1, site plan approval is required; (d) where there is a change in the "footprint" or height of the structure or structures on the property or changing the impervious coverage of the lot; (e) where the size of the use is proposed to increase beyond the maximum permitted size of an

individual use in the zone; (f) where there is a change to a conditional use on the property.

Section 2. Severability.

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Frenchtown, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Land Use Ordinance of the Borough of Frenchtown are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Frenchtown for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted Ordinance by the Clerk with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

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

ATTEST:

\_\_\_\_\_  
Brenda 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 (Adoption)**

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

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Brad Myhre, Mayor

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

**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. (Adoption)**

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

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Brad Myhre, Mayor

Dated: 9-7-16

Attest:

---

Brenda S. Shepherd, RMC  
Borough Clerk

See Schedule "B" attached to this set of minutes.

**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 (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 #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:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Ordinance #782 – An Ordinance regulating the sale of animals by pet shops (Introduction)**

Council President Michele Liebtag stated that this ordinance regulates the sale of animal by petshops. We are not restricting pet shops as a functional business but that a pet shop could not sell puppies from a puppy mill. We work with shelters, etc. promoting our community awareness on animal welfare and the cost to residents for these types of animals. Jack Opdyke asked how the Borough would enforce it? Michele Liebtag responded that this may deter a pet shop that sells puppies from a puppy mill from coming to town. She does not know how it would be enforced. Attorney Rizzo noted that when you buy a pet, they are to disclose where the animal came from. Mayor Myhre recommended that the Borough send this ordinance to the Planning Board for comments. The Council agreed to introduce the ordinance. On motion by Michele Liebtag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction Ordinance #782 as follows:

**ORDINANCE #782**

**AN ORDINANCE REGULATING THE SALE OF ANIMALS BY PETSHOPS**

WHEREAS, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills.

WHEREAS, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise.

WHEREAS, the inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers.

WHEREAS, current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops.

WHEREAS, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.

WHEREAS, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers.

WHEREAS, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions.

WHEREAS, the Governing Body of the Borough of Frenchtown believes it is in the best interests of this Borough to adopt reasonable regulations to reduce costs to the Borough and its residents, protect the citizens of the Borough who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Borough.

### **Section 1. Definitions**

*Animal care facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Offer for sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

## **Section 2. Restrictions on the Sale of Animals**

- (1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
  - (a) An animal care facility; or
  - (b) An animal rescue organization.
- (2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

## **Section 3. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

## **Section 4. Effective Date.**

This ordinance shall become effective 90 days after passage.

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Brad Myhre, Mayor

Attest:

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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.

## **Halloween Parade**

Mayor Myhre noted that the Borough usually has a presentation for the Halloween Parade. Chief Kurylka believes that it will be October 29<sup>th</sup>. The Borough can approve the Halloween Parade for October 29<sup>th</sup> pending confirmation. The Council consented.

**Trick or Treat - October 31<sup>st</sup> from 6-8 pm**

Mayor Myhre noted that Trick or Treat has always been October 31<sup>st</sup> from 6 to 8 pm. On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote, the Mayor and Common Council approved Trick or Treat for October 31<sup>st</sup> from 6 to 8 pm.

**OLD BUSINESS**

**A. Discussion on the Ridge Road project**

Mayor Myhre noted that the Transportation Trust funding is now in place. Our engineer reached out to the contractor and the contractor is ready to get to work. The pricing is still the same. The price was very well. The contractor wants to begin immediately. He spoke with Engineer Burr who said now is the time to go. Hopefully the weather is okay. The contractor preordered a lot for the job and is ready to go. Council agreed that the Borough should start the job now.

**B. Discussion on the Generator projects**

Mayor Myhre noted that the Borough received a \$50,000.00 grant. The lowest bid was \$72,000.00 which the Borough rejected. The State has put generators on the State contract. The cost of the generator would be \$20,000.00 and the Borough would just have to hire an electrician. The State contractor can do this right away. This is a different way to approach the project and keep the cost down. The Council consented to this approach.

**COUNCIL COMMENTS**

Michele Liebttag reported that October 22<sup>nd</sup> is the town wide clean up.

Michele Liebttag noted that Mr. Tabibnia came before Council about traffic calming on Route 12 and approaching the Freeholders. We met with Chief Kurylka and Patrolman Young to do fundraising efforts to purchase equipment for traffic calming, HART has limited equipment but would help us to start a study with a device that tracks how much you are over the speed limit. The box tracks speeding. We are looking for a more permanent solution. The cost of the box is approximately \$12,000.00. Mr. Tabibnia is willing to go door to door in the fundraising efforts. Mayor Myhre noted that the speed limit on Route 12 was reduced. The County engineering did a lot to reduce the speed limit. There would be push back for a request to further reduce it. There are certainly other traffic calming methods we can do. Cathy Leach responded that it may create another problem if it distracts neighbors. The Borough could try it on a temporary basis and see if we get feedback.

Jack Opdyke thanked Mayor Myhre for working on the bonding issue. It will secure our finances. Mayor Myhre did a great job taking control of the Borough's debt and finances.

Mayor Myhre noted that Patrolman Paul Murphy has resigned as a police officer in the Borough. He has been here a decade. He is moving onto Delaware Township and we wish him well. This puts more pressure on the Borough's existing force. Next month, we will have a Proclamation for Paul Murphy.

Mayor Myhre noted that the League of Municipalities is November 15<sup>th</sup> through November 17<sup>th</sup>.

Mayor Myhre thanked everyone for their work for the town.

Mayor Myhre noted that we have a request from the Delaware Valley Junior Cheering Squad to hold a coin toss. They will coordinate with the Police Chief.

As to the Eagle Scout project for the bathroom at the park, Mayor Myhre noted that we have open space trust fund money for certain upgrades in the park. Open space funds are appropriate for this upgrade. The Eagles Scout is working hard to raise as much money as he can for the project. The plumber, electrician, and architect are doing the work for free.

Caroline Scutt reported that she spoke with the teacher leading the student council and they would like to take part in a Council meeting. They will probably do it in the spring.

#### **CORRESPONDENCE/ANNOUNCEMENTS**

None discussed.

#### **ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:57 pm on motion by Jack Opdyke, seconded by William Sullivan and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk