

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 December 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
Jack Opdyke
Caroline Scutt

Absent from Meeting:

William Sullivan

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

PUBLIC HEARING

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

The Council approved to open the public hearing on Ordinance #782. Michele Liebttag noted that there were concerns about enforcement. It would be enforced by the Borough through the zoning officer or police. Usually, it is a health officer. The second concern was hobby breeders. This does not infringe on them to sell in Frenchtown. They typically do not sell in pet stores as they would have to be USDA approved. Having no comments, Council approved to close the public hearing on Ordinance #782.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Liz Johnson commended Council on the investment into the police department. It is the best asset in town.

Warren Cooper of Milford Road recognized the long service of Councilwoman Cathy Leach and Councilman Jack Opdyke. He has personal knowledge of how hard they worked and how they contributed to the Community. He added that Holly Low and Liz Johnson will have large sets of shoes to fill.

Hannah Opdyke seconded Warren Cooper’s comments. Jack Opdyke, her father, has been an inspiration for the town and makes her love this town. She thanked all the Council for what they do for the town.

Mayor Myhre stated that it was a pleasure to work with Cathy Leach and Jack Opdyke. People do not see what goes on behind the scene on a volunteer basis. Your services mean a lot to this town. As a token of our appreciation, he has State Legislature Resolutions for their services.

Mayor Myhre read and presented Cathy Leach with the State Legislature Resolution.

Mayor Myhre read and presented Jack Opdyke with the State Legislature Resolution.

Mayor Myhre thanked Cathy Leach and Jack Opdyke for their services and commented that we will miss your services. He hopes they will continue to be involved with the town as there are plenty of committees they can join. He added that the town has great council members coming onto Council next year. Michele Liebag echoed Brad Myhre's comments and noted that Cathy Leach and Jack Opdyke have been an inspiration to her. Jack Opdyke responded that it has been a pleasure. With a group like this, you take away more than you bring. Cathy Leach added that she got involved 5 years ago and is glad she got to know and work with everyone. She thanked Council.

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 Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 12/7/16 as attached, and Resolutions #2016-122 through #2016-126 and Resolutions #2016-131 through #2016-134 as follows:

Resolution no. 2016 - 122

Tax sale redemption

WHEREAS, the Tax Collector has been paid by the CTL Title to redeem Tax Sale Certificate No. 15-005 the amount of \$87,359.02 on Block 21, Lot 3, and

WHEREAS, at the time of the sale a premium was paid in the amount of \$55,000.00.

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. 16th Street, Philadelphia, PA, 19102, in the amount of \$142,359.02.

BRAD MYHRE, Mayor

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2016-123

2016 BUDGET APPROPRIATION TRANSFER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

Gasoline – Other Expense \$ 2,827.36

TO:

Fire Hydrant – Other Expense \$ 2,741.15
Shade Tree – Other Expense \$ 86.21

Brad Myhre, Mayor

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2016-124

2016 SEWER BUDGET APPROPRIATION TRANSFER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make said transfers:

FROM:

Sewer Utility – Salary and Wages \$ 5,000.00

TO:

Sewer Utility – Other Expense \$ 5,000.00

Brad Myhre, Mayor

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION #2016-125

**Governor’s Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014-June 2019**

FORM 1B

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Delaware Valley Municipal Alliance grant for fiscal year 2018 in the amount of:

DEDR: \$20,777.00

Cash Match: \$5,194.25

In-Kind: \$15,582.75

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

CERTIFICATION

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 7th day of December, 2016.

Brenda S. Shepherd, Municipal Clerk

BOROUGH OF FRENCHTOWN

RESOLUTION NO. 2016-126

HUNTERDON COUNTY MUNICIPAL GRANTS PROGRAM ALLOCATION

WHEREAS, the Borough of Frenchtown has been allocated the amount of \$49,930.39 in the Hunterdon County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Municipal Grants Program for the year 2015/2016; and

WHEREAS, the Borough of Frenchtown intends to use the reserve in the future for the acquisition of new open space and/or payment of indebtedness for recently purchased open space; and

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey to request the County to reserve the allotted funds of \$4,993.04 in the Municipal Grants Program for the next year.

Dated: December 7, 2016

Brad Myhre, Mayor

Brenda S. Shepherd
Borough Clerk

**RESOLUTION NO. 2016 -131
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 \$2,300.00, which item is now available as revenue from Somerset County Drive Sober, as a grant to the Borough of Frenchtown in the amount of \$2,300.00.

BE IT FURTHER RESOLVED that the like sum of \$2,300.00 is hereby appropriated under the caption "Drive Sober"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$2,300.00 from Somerset County.

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

RESOLUTION NO. 2016 -132
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 \$1,500.00, which item is now available as revenue from the County of Hunterdon, County Law Enforcement Trust, as a grant to the Borough of Frenchtown in the amount of \$1,500.00.

BE IT FURTHER RESOLVED that the like sum of \$1,500.00 is hereby appropriated under the caption "Body Worn Camera Reimbursement"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$1,500.00 from the County of Hunterdon, County Law Enforcement Trust.

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

RESOLUTION NO. 2016 -133
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 \$855.63, which item is now available as revenue from the Statewide Insurance Fund Safety Grant, as a grant to the Borough of Frenchtown in the amount of \$855.63.

BE IT FURTHER RESOLVED that the like sum of \$855.63 is hereby appropriated under the caption "Statewide Insurance Fund Safety Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$855.63 from the Statewide Insurance Fund Safety Grant.

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

RESOLUTION NO. 2016 -134
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 \$1,500.00, which item is now available as revenue from Somerset County, as a grant to the Borough of Frenchtown in the amount of \$1,500.00.

BE IT FURTHER RESOLVED that the like sum of \$1,500.00 is hereby appropriated under the caption "Drive Sober Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$1,500.00 from the County of Somerset.

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

APPROVAL OF MINUTES

Regular Meeting – November 2, 2016

On motion by Michele Liebttag, seconded by Caroline Scutt and carried by favorable roll call vote with Jack Opdyke abstaining, the Mayor and Common Council approved the November 2, 2016 regular meeting minutes.

RESOLUTIONS

Resolution #2016- 127 – Appoint Daniel Titen as full-time Police Officer 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 #2016-127 as follows:

RESOLUTION No. 2016-127

Appoint Daniel Titen as full-time Police Officer for the Borough of Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown and the Frenchtown Borough Police Department shall require the services of a Police Officer beginning December 8, 2016 and

WHEREAS, the Frenchtown Borough Police Chief has reviewed Officer Daniel Titen’s application, qualifications, background check, medical examination, psychological examination, Police Training Commission qualifications and pension eligibility requirements and has found them all to be acceptable, and

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the Police Salary and Wage line item of the municipal 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 December 8, 2016, Daniel Titen be appointed as Full-time Police Officer at a salary of \$42,000.00.

BE IT FURTHER RESOLVED, that Officer Daniel Titen will serve a minimum of one year in the position of Police Officer as a probationary period being subject to probationary status.

BE IT FINALLY RESOLVED, that upon satisfactorily completing his probationary period, with the approval of the Chief of Police and the Frenchtown Borough Council, Officer Daniel Titen will be permanently appointed as a Full-time Police Officer.

Brad Myhre, Mayor

ATTEST:
December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-128 - Appoint Grant Korten as part-time Police Officer 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 #2016-128 as follows:

RESOLUTION No. 2016-128
Appoint Grant Korten as Part-Time Patrolman for the Borough of Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown and the Frenchtown Borough Police Department shall require the services of a part-time patrolman beginning December 8, 2016; and

WHEREAS, the hours for the part time patrolman will not exceed 30 hours per week; and

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

WHEREAS, the Frenchtown Borough Police Chief has reviewed Grant Korten's application, qualifications, and motor vehicle and criminal background checks and has found them all to be acceptable, and

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the Police 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 December 8, 2016 be appointed as part-time patrolman at the hourly basis at \$18.73 per hour not to exceed 30 hours per week.

BE IT FURTHER RESOLVED, that Patrolman Grant Korten will serve a minimum of one year in the position of part-time patrolman as a probationary period being subject to probationary status.

Brad Myhrer, Mayor

ATTEST:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Myhre swore in Daniel Titen. Daniel Titen accepted his Oath of Office. Council congratulated Daniel Titem.

Mayor Myhre swore in Grant Kortan. Grant Kortan accepted his Oath of Office. Council congratulated Grant Koretn.

Mayor Myhre noted that Chief Kurylka will give us a report and then the Council will take a break to celebrate.

Police Chief Kurylka reported the following:

1. Thanked Cathy Leach and Jack Opdyke for their support to the Police Department. He has enjoyed working with them.
2. Welcomed Holly Low and Liz Johnson on board.
3. Paul Murphy was suppose to be here this evening. He has a plaque for him.
4. Welcomed the two new officers aboard. The two new officers will start work on Friday and will go to the range.
5. Officer Krutsick will be leaving in January as he is going to the Department of Corrections in PA. We will miss him and wish him the best.

Mayor Myhre noted that he would like to recognize Paul Murphy's service to the Borough. He spent 14 years with the Borough. He has a citation for him.

Mayor Myhre also noted that he would like to also recognize Patrolman Young as well. With Paul Murphy leaving, Patrolman Young has taken on additional duties and did a lot of work as well as Officer Krusick and Chief Kurylka. Michael Liebttag thanked Patrolman Young for stepping up.

Police Chief Kurylka provided an update on overall activities in the Borough:

1. Officer Young went on a road stop with an overweight truck in the school zone. When initiating the stop, he could see something happening in the vehicle. When he approached the vehicle, there was a strong odor of marijuana. He had a dialogue with the individuals and asked them to put their hands in plain sight. He called for backup. Officer Young asked if there was something else he needed to be aware of or concerned with. The driver had a handgun with hollow point bullets. It is illegal to have them in your possession. The individuals were arrested and charged. Officer Young did an excellent job. Chief Kurylka added that you do not know what is going through the

streets of town. They are out there. With 6,800 cars going through the town on a day to day basis, there are things to be concerned about.

2. Officer Krusick had a fugitive arrest. We will have to think about additional personnel with the volume of traffic bringing in these issues. We want our residents to rely on us when they dial 9 1 1.
3. Chief Kurylka noted that there is chat on Facebook about racial allegations that were made at the IGA. He asked that incidents be reported to the police. He does not know what happened but we should not accept these Facebook remarks when we do not know the situation. If you want to know something, come in and talk to us.
4. There is also some Facebook comments about the intersections and someone almost getting hit. We are addressing the intersections.
5. As to the road jobs on Seventh, Eleventh and Third Streets, the contractors did not tell us what they were doing. They failed to notify the residents. We notified the residents at 6:30 am. We have to be involved in all construction matters for detours and flow of traffic. He asked that something be put in place.

Mayor Myhre noted that Engineer Burr is aware of the situation and he will speak to the Engineer for projects going forward.

The Council took a 10 minute break.

RESOLUTIONS

Resolution #2016-129 - Resolution to reconvene the ad hoc Sewer Advisory Committee in the Borough of Frenchtown

On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-129 as follows:

Resolution #2016-129

Resolution to reconvene the ad hoc Sewer Advisory Committee in the Borough of Frenchtown

Whereas, the Common Council of the Borough of Frenchtown believes it is in the best interest of the municipality to maintain a Sewer Advisory Committee to have its citizens participate and review existing operations for the Wastewater Treatment Plant and to review the 2017 Sewer budget and a long term capital plan; and

Whereas, the Common Council of the Borough of Frenchtown believes that the best mechanism for that is to receive input from those citizens by having their direct involvement in developing policy regarding such matters.

Therefore, be it resolved that the Common Council of Frenchtown reestablish the ad hoc Sewer Advisory Committee to make recommendations to the Council regarding their review of the existing operations for the Wastewater Treatment Plant, the 2017 Sewer budget and a long term capital plan for the Wastewater Treatment Plant.

Be it further resolved that the committee be comprised of no more than nine members, including the chairman of the Sewer Committee or his/her designee, at least four borough residents, two members of the business community and two others as deemed appropriate by the Common Council. The members shall be appointed by the Mayor with input from Council.

Be it further resolved that the committee be charged with addressing the following concerns: review existing operations for the Wastewater Treatment Plant and to review the 2017 Sewer budget and a long term capital plan for the Wastewater Treatment Plant and any other related matters.

By _____
Brad Myhre Mayor

Dated: December 7, 2016

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-130 - Resolution to increase Officer Robert Young's salary

On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-130 as follows:

RESOLUTION #2016-130

RESOLUTION TO INCREASE OFFICER ROBERT YOUNG'S SALARY

WHEREAS, the Mayor and Common Council of the Borough of Frenchtown desire to increase the annual salary of Police Officer Robert Young to \$57,200.00 effective December 1, 2016 to more accurately reflect his duties and responsibilities within the Police Department.

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

1. The salary of Police Officer Robert Young is increased to \$57,200.00 effective December 1, 2016.
2. The Mayor and Clerk are hereby authorized to sign the Side Bar#2 Agreement.
3. This Resolution shall take effect immediately.

Brad Myhre, Mayor

Attest:

December 7, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-135 – Resolution to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for SHBP Dental Plan Coverage
Mayor Myhre noted that the Borough's Dental plan, a private plan, is expiring December 31st. Brenda Shepherd worked with brokers to get quotes. We assessed the rates. The Borough has always paid the dental coverage in full. We also got a quote from the State Dental Plan. Under the state plan there are five plans to choose from. The rates are more aggressive with the State Plan. For a family plan, we were paying \$200 and through the State Plan, a family plan is \$111.00. The Borough will pay the plan cost in full and will save money. On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-135 as follows:

R E S O L U T I O N 2016-135

A RESOLUTION to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for SHBP Dental Plan coverage.

BE IT RESOLVED:

- 1. The Borough of Frenchtown, a participating employer in the State Health Benefits Program, hereby elects to participate in the SHBP Employee Dental Plans provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.**
- 2. As a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.**
- 3. As the employer I understand that the employer is responsible for at least 50% of the dental premium but the employer agrees to pay 100%.**

4. We hereby appoint the Borough Clerk, Brenda S. Shepherd, to act as Certifying Officer in the administration of this plan.

5. This resolution shall take effect immediately and coverage shall be effective as of January 1, 2017, as soon thereafter as it may be effectuated pursuant to the statutes and regulations.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the

Borough of Frenchtown
9
Corporate Name of Employer

Number of Employees

on the _____ day of _____, 20_____

29 Second Street
Frenchtown, NJ 08825
908-996-4524

Signature

Official Title

Allied National, Inc.
Present Dental Plan Carrier

23-7096531
Employer's State Social Security Identification Number

ORDINANCES:

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

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #782 as follows:

ORDINANCE #782

AN ORDINANCE REGULATING THE SALE OF ANIMALS BY PESHOPS

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.

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Borough wide trash and recycling container replacement

Michele Liebtag reported that John Hindman and she went to the League of Municipalities and walked the floor to find state approved vendors. We are in the process of connecting with the folks that had the products and we will be scheduling a few meetings. There is one vendor who will fabricate what we want. She must confirm that they are a state approved vendor. John Hindman added that we are also looking at other options. There is not a huge selection from State approved vendors.

Memorializing approval of Tree Lighting Ceremony hosted by Frenchtown Business and Professional Association on December 4th.

On motion by Cathy Leach, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council memorialized the approval of the Tree Lighting Ceremony hosted by Frenchtown Business and Professional Association on December 4th.

Approval of Menorah Lighting on December 28th

On motion by Jack Opdyke, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Menorah Lighting on December 28th.

Approval to pay Planning Board Professional bills from Planning Board O&E for the Cretella Application.

Mayor Myhre noted that the Planning Board applicant has not replenished their escrow account and the professional bills have not been paid. Attorney Cruz will be addressing the matter since the Planning Board attorney had a conflict of interest. There are funds in the Planning Board O&E to pay these outstanding bills until the matter is resolved. On motion by Jack Opdyke, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to pay the Planning Board professional bills from Planning Board O&E budget for the Cretella application.

OLD BUSINESS

As to the Ridge Road project that is underway, Mayor Myhre noted that we are at the point where the temperature is turning quickly and the asphalt mills will be closing within the next two weeks. Engineer Burr is recommending that the contractor finish the drainage work and complete the paving and sidewalk in the spring. Council consented.

Mayor Myhre noted that the residents were concerned that the project did not extend past Chestnut Avenue. He asked Engineer William Burr to go to the contractor to see if they could fix that. The contractor will do the additional work for \$24,000.00, burying the drainage on the western side. He also asked Engineer bBrr to check with NJDOT to see if this could be covered under the grant. The NJDOT did give Engineer Burr a verbal okay to expand the grant. If the Council approves to expand the project, he will give Engineer Burr the authorization. The Council consented.

COUNCIL COMMENTS

Mayor Myhre noted that the Tree Lighting Ceremony went well. The tree was donated and the town people decorated it. There was a great turnout.

Mayor Myhre noted that the year end meeting is scheduled for December 28th. Subsequent to a brief Council discussion, the Council agreed to hold the special year end meeting at 7:00 am on December 28th.

CORRESPONDENCE/ANNOUNCEMENTS

None discussed.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:46 pm on motion by Michele Liebttag, seconded by Jack Opdyke and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk