

CALL TO ORDER

Mayor Myhre called the special meeting to order at 7:00 p.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly noticed to the Hunterdon County Democrat and the Express Times on August 18, 2017; the Agenda has been posted at Borough Hall and distributed to the newspapers.

FLAG SALUTE

Mayor Myhre asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

John Hindman
Liz Johnson
Michele Liebtog
Holly Low
Caroline Scutt
William Sullivan

Absent from Meeting:

Borough Clerk, Brenda S. Shephard, was also present for the Meeting.

PUBLIC COMMENTS

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

RESOLUTIONS

Resolution #2017-92 - Resolution rejecting all bids submitted for the Borough Park Improvement Project

Mayor Myhre noted that the Council received a memo from Engineer Burr. Bids were opened. The funding for the project was \$255,000.00. The lowest bid was \$258,144.00 excluding the soft costs. The Borough does not have enough in the funding ordinance. Mayor Myhre reviewed the cost of certain items in the bid and stated that the Borough can scale back the project. Engineer Burr will modify the bid specs and solicit new bids. We will amend the Bond Ordinance to \$300,000.00 which will include contingencies. Responding to Liz Johnson, Mayor Myhre stated that the bid specs will contain alternatives such as the paver patio and stones. The basic bid will include the walking trail and playground equipment. The other items we can be flexible with and the Borough can do some of these items down the road. Mayor Myhre stated that there is a resolution to reject all bids submitted. On motion by William Sullivan, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2017-92 as follows:

RESOLUTION #2017-92

RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE BOROUGH PARK IMPROVEMENT PROJECT

FRENCHTOWN BOROUGH, HUNTERDON COUNTY, NJ

WHEREAS, the existing Borough Park contains playground equipment that is old and outdated, and in need of repair and/or replacement; and

WHEREAS, the Borough recognizes the need to improve the park and has engaged the Borough Engineer to prepare a design to accomplish this work; and

WHEREAS, the Borough Engineer has prepared plans and specifications for improvements to the park, and published the appropriate advertisement to enable the Borough to seek bids for the project; and

WHEREAS, four (4) bids were received and opened on Tuesday, August 22, 2017, in accordance with the advertised date for acceptance of bids from the following contractors:

Contractor	Base Bid	Alt. A	Alt. B	Base + Alt. A	Base + Alt. B	Total Bid
Land-Tech Enterprises, Inc. Warrington, PA	\$184,895.00	\$13,249.00	\$60,000.00	\$198,144.00	\$244,895.00	\$258,144.00
Sussman Enterprises Inc. Brigantine, NJ	\$199,950.00	\$12,908.00	\$35,750.00	\$212,858.00	\$235,700.00	\$248,608.00
DeSapio Constriction Inc. Frenchtown, NJ	\$216,342.00	\$15,029.00	\$37,073.00	\$231,371.00	\$253,415.00	\$268,444.00
Your Way Construction Inc. Irvington, NJ	\$352,713.50	\$40,271.30	\$202,500.00	\$392,984.80	\$555,213.50	\$595,484.80

WHEREAS, the bids received, along with the cost to purchase and install the playground equipment, exceed the amount of money budgeted by the Borough;

WHEREAS, it is the recommendation of the Borough Engineer that the bids be rejected;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF THE Borough of Frenchtown that for the reasons set forth above, all bids received in response to the Notice to Bidders be and the same are hereby rejected; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council that it authorizes the Borough Engineer to revise the bid documents (i.e. plans and specifications) and re-advertise for the receipt of bids as soon as possible.

Certified as a true copy of the Resolution adopted by the Mayor and Council
On this 23rd day of August, 2017.

Brenda Shephard, 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 Shephard
RMC, Borough Clerk

(Presiding Officer)
Brad Myhre, Mayor

Resolution #2017-93– Resolution of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, authorizing the acceptance of credit card donations for the Frenchtown Borough Park Improvement project in accordance with the provisions of N.J.A.C. 5:30-9.1

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2017-93 as follows:

RESOLUTION NO. 2017-93

RESOLUTION OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF CREDIT CARD DONATIONS FOR THE FRENCHTOWN BOROUGH PARK IMPROVEMENT PROJECT IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C.5:30-9.1

WHEREAS, the Department of Community Affairs, Division of Local Government Services has promulgated regulations, N.J.A.C. 5:30-9.1 et seq., authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative Code, and

WHEREAS, in order for a municipality to accept credit card donations, a resolution must be adopted by the governing body authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

WHEREAS, it is the desire of the Mayor and Council to authorize the receipt of credit card donations for the Frenchtown Borough Park Improvement Project ; and

WHEREAS, it is the intention of the Mayor and Council to authorize the Finance Department to accept donations by credit cards for those donations as set forth above; and

WHEREAS, the donations will be deposited in the General Trust Account, sub account Park Donations; and

WHEREAS, the service fee for the use of the credit card will be the responsibility of the donor; and

WHEREAS, the utilization of credit cards for those donations must be in accordance with the provisions of N.J.A.C. 5:30-9.1 et seq.

NOW THEREFORE BE IT FURTHER RESOLVED by the Governing Body of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, as follows:

1. That the Mayor and Council do hereby authorize the Finance Department to accept credit card donations for the Frenchtown Borough Park Improvement Project.

Brad Myhre, Mayor

Attest:
August 23, 2017

Brenda Shepherd, RMC
Borough Clerk

Holly Low noted that she can set up the fundraising page in a week or two. She needs the bank account information. We will need to talk about the time limit to do the fundraising.

ORDINANCES

Ordinance #801 - Bond Ordinance amending and supplementing Bond Ordinance #785 (which provides for various general capital improvements to Frenchtown Borough Park) heretofore finally adopted by the Borough Common Council of the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey, on May 3, 2017, to increase the appropriation by \$45,000 and to increase the authorization of bonds or notes by \$43,464 (Introduction)

Mayor Myhre noted that this Bond Ordinance increases the Park Improvement Project funding.

On motion by Liz Johnson, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #801 as follows:

BOROUGH OF FRENCHTOWN ORDINANCE #801

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 785 (WHICH PROVIDES FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS TO FRENCHTOWN BOROUGH PARK) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF FRENCHTOWN, IN THE

**COUNTY OF HUNTERDON, STATE OF NEW JERSEY, ON MAY 3,
2017, TO INCREASE THE APPROPRIATION BY \$45,000 AND TO
INCREASE THE AUTHORIZATION OF BONDS OR NOTES BY \$43,464**

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

SECTION 1. The bond ordinance of the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Common Council thereof on May 3, 2017, numbered 785 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL CAPITAL IMPROVEMENTS TO FRENCHTOWN BOROUGH PARK, BY AND IN THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$255,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$242,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

SECTION 2. For the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$45,000, said sum being inclusive of \$1,536 as the amount of an additional down payment required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), now available therefore by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or capital improvement purposes. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to \$300,000, including the sum of \$14,286 as the total down payment available therefor (the "Down Payment").

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the Down Payment, additional negotiable bonds or notes of the Borough in the amount of \$43,464 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$285,714.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 the Original Ordinance, as amended and supplemented hereby, is equal to \$285,714.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$300,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Down Payment available therefor in the amount of \$14,286.

SECTION 4. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 5. The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$43,464 and the said obligations authorized herein will be within all debt limitations prescribed by law.

SECTION 6. For the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$9,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$60,000, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

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

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

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 11. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

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

Brad Myhre, Mayor

Attest:

Brenda Shepherd, RMC
Borough Clerk

NEW BUSINESS

Approval of Corrective Action Plan

Mayor Myhre noted that this is the corrective action plan for the recommendations in the 2016 Audit. He added that he is looking into time clocks for next year. On motion by Michele Liebtag, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the corrective action plan as follows:

CORRECTIVE ACTION PLAN

Borough of Frenchtown
County of Hunterdon
Audit Report Year: 2016

Recommendation #1:

We recommend controls over employees' time sheets relative to the approval of hours worked be improved.

Correction Action:

The Borough will adopt a policy requiring that the signatures of department heads will be on hourly employees time sheets.

Implementation Date: 12/01/2017

Approval of request for filming project – Jamie Bueuy

Mayor Myhre noted that he spoke with Chief Kurylka and there will not be any road closures. On motion by William Sullivan, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the request for a filming project by Jamie Bueuy.

COUNCIL COMMENTS

Mayor Myhre noted that this will be John Hindman's last meeting. He is sorry to see him go and thanked him for his services on Council. John Hindman stated that he is moving away. He is disappointed to report that the trash and recycling cans for the downtown will not be here in time for Riverfest. The Mayor and Council wished John Hindman well.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 7:23 pm on motion by Michele Liebtag, seconded by William Sullivan and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk