

CALL TO ORDER

Mayor Myhre called the regular 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 March 30, 2020; 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:

Kandy Ferree

Liz Johnson

Michele Liebttag

Tami Peterson

Caroline Scutt

William Sullivan

Absent from Meeting:

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 5 members of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Barbra Bristow noted that there is an NJ.com article about the Delaware River being hailed as a national success story and is 2020 River of the Year. This is a great piece of news. American Rivers deems it a national success story. She will send out the article to Frenchtown.

Ms. Bristow also expressed concern with contact and losing the towpath for use. The towpath in PA is open. Can we try to persuade the state to open it during the week? Mayor Myhre noted that on conference calls with the Governor, it is a common theme. The Governor is not interested in opening the parks at this point. As soon as we reach a peak in NJ, he will consider opening some areas. The D&R Canal would be considered.

Michele Liebttag noted that the Borough is keeping the Borough Park open. There is space to spread out there. We cannot control the jurisdiction of the State and County parks. Kandy Ferree added that the Borough parks have been open and people have been using them and have been respectful with social distancing. Ms. Ferree added that the playground equipment has been taped off. The intention is to have signs to keep the park open and we need cooperation with social distancing. We will continue to keep it open. Michele Liebttag stated that the Mayor will do a video update and include the information on the parks.

Having no other comments, Mayor Myhre closed the public comment session.

RESOLUTIONS:

Resolution #2020-57 – Tax Sale Redemption – Block 52 lot 28

On motion by Michele Liebtag, seconded Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-57 as follows:

Resolution no. 2020 –57

Tax sale redemption

Whereas, the Tax Collector has been paid by Lereta for Tax Sale Certificate No. 18-002 on Block 52 Lot 28 in the amount of \$4,675.66.

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 treasurer be authorized to issue a check payable to C&E Tax Lien Fund I, PO BOX 5021, PHILADELPHIA, PA 19111-5021 in the amount of \$4,675.66,

Brad Myhre, Mayor

Attest:

April 15, 2020

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-58 – Resolution calling on US Senators Menendez and Booker along with Congressman Malinowski to support legislation to provide Federal relief to rural Counties and Municipalities combating COVID-19

Mayor Myhre noted that Representative Malinowski has drafted a bill to introduce for 250 billion dollars for relief to midsize local communities to support infrastructure, etc. This resolutions requests support for rural counties and municipalities such as Warren, Hunterdon and Sussex County.

On motion by Kandy Ferree, seconded Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-58 as follows:

RESOLUTION #2020-58

Resolution calling on US Senator Menendez and Booker along with Congressman Malinowski to support legislation to provide Federal Relief to rural Counties and Municipalities combatting COVID-19

WHEREAS, Congressman Tom Malinowski (NJ-07), along with Assistant Speaker Ben Ray Lujan (NM-03), Congressman Andy Levin (MI-09) and Congressman Joe Neguse (CO-02) have introduced H.R. 6467, the *Coronavirus Community Relief Act*; and

WHEREAS, this new legislation will provide \$250 billion in stabilization funds for mid-sized local communities, cities and towns across the United States that are struggling amidst the COVID-19 pandemic; and

WHEREAS, the Borough of Frenchtown like many municipalities throughout Hunterdon County has been negatively impacted by COVID-19; and

WHEREAS, the *Coronavirus Aid, Relief and Economic Security Act*, signed into law on March 27th, provided stabilization funds for states and larger communities, but capped localities able to receive direct support at those with populations of over 500,000; and

WHEREAS, H.R. 6467 will provide needed financial resources to smaller municipalities and counties on the front lines of the COVID-19 pandemic; and

WHEREAS, H.R. 6467 will provide critical funds that are needed immediately by smaller municipalities and counties to continue providing critical care and screening of COVID-19 victims; and

WHEREAS, in addition to H.R. 6467, there are additional financial needs of smaller communities whom have expended substantial sums of money responding to the ongoing COVID-19 pandemic; and

WHEREAS, we call upon our federal officials to consider further relief measures for state and local governments including new investments in infrastructure, upgrades to our rural health care systems, and access to high speed broadband;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the Borough of Frenchtown that we wish to extend our support for H.R. 6467 and call for further relief measures for state and local governments including investments in infrastructure, rural healthcare systems, and high speed broadband; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Congressman Tom Malinowski, and U.S. Senators Robert Menendez and Cory Booker.

Brad Myhre, Mayor

Dated: 4-14-20

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-59 – Resolution supporting the future creation of a strategic reserve of PPE equipment for Frenchtown First Responders

Mayor Myhre noted that this resolution provides for money to purchase PPE equipment for Frenchtown Fire Responders. We want to make sure we are well prepared and will store the supplies at Borough Hall and at the Police Department.

On motion by Tami Peterson, seconded Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-59 as follows:

RESOLUTION NO. 2020-59

**RESOLUTION SUPPORTING THE FUTURE CREATION OF A STRATEGIC
RESERVE OF PERSONAL PROTECTION EQUIPMENT FOR FRENCHTOWN FIRE
RESPONDERS**

WHEREAS, the COVID-19 pandemic has demonstrated placed a significant strain on health care facilities and resources including Personal Protective Equipment (PPE); and

WHEREAS, PPE has been used in significant volume to keep first responders and health care providers safe as the combat the COVID-19 virus; and

WHEREAS, the significant strain on PPE resources across the country has left many first responders and health care providers vulnerable; and

WHEREAS, the governing body of the Borough of Frenchtown is committed to the safety and welfare of its first responders and ensuring the that Borough of Frenchtown is better prepared for future health emergencies; and

NOW THEREFORE BE IT RESOLVED, that the Common Council of the Borough of Frenchtown authorizes the Frenchtown Borough Purchasing Agent to work in conjunction with the Frenchtown Emergency Management Coordinator to acquire PPE for a local municipal stockpile for future public health emergencies; and

BE IT FURTHER RESOLVED, that \$1,000 for this purpose shall be dedicated from the FY 2020 budget.

Brad Myhre, Mayor

Dated: 4-15-20

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution -#2020-60- 2020 Budget introduction

Mayor Myhre thanked the budget committee and noted that the goal was to keep the tax rate flat. CFO Andrew Bernath noted that there were a few challenges in keeping the tax rate flat. Auditor Korecky noted that there has to be 28 days between introduction and adoption of the budget. You can amend the budget if need be. The Borough will have a public hearing on the budget at its special meeting on May 20th at 7:00 pm. Responding to Kandy Ferree as to the park expenditures and the Fargo grant money, CFO Bernath noted that the Fargo grant money is in the

trust account and not in the actual budget. That money can be used at any time in the future and is available until it is spent. Mayor Myhre added that there are 3 buckets of money for the parks, the trust account donations and grant money, the open space trust fund and the money in the 2020 municipal budget. Caroline Scutt recommended contacting Holly Low for the report on the Fargo grant to make sure we are not missing a step. Auditor Korecky noted that the Borough generated surplus last year. The concern is this year with everything that is happening. Having no other questions or comments on the budget, Mayor Myhre asked for a motion to introduce the 2020 Municipal Budget.

On motion by Michele Liebtag, seconded Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-60 as follows:

*RESOLUTION 2020-60
MUNICIPAL BUDGET NOTICE
MUNICIPAL BUDGET OF THE
BOROUGH OF FRENCHTOWN,
COUNTY OF HUNTERDON
FOR THE FISCAL YEAR 2020*

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020;

BE IT FURTHER RESOLVED, that said Budget be published in the Hunterdon County Democrat in the issue of April 23, 2020;

The Governing Body of the Borough of Frenchtown does hereby approve the following as the Budget for the year 2020.

RECORDED VOTE:

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AYES:	(NAYS	(
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ABSTAIN	(ABSENT	(
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Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, on the 15th of April 2020

A hearing of the Budget and Tax Resolution will be held at The Borough Hall on the _____ of May, 2019 at 7:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2019 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT
SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

Year 2020
General

Sewer		
1. Budget Appropriations – Adopted Budget		2,262,466.38
\$975,526.00		
2. Appropriations added by NJSA 40A:4-87		1,800.00
3. Emergency appropriations		

FRENCHTOWN BOROUGH COUNCIL
April 15, 2020

Minutes of Meeting

4. Total Appropriations	2,264,266.38
\$975,526.00	
5. Expenditures:	
(a) Paid or charged (including reserve for uncollected taxes	1,956,414.13
\$899,601.03	
(b) Reserved	307,846.09
\$74,595.83	
5. Unexpended balances canceled	6.16
\$1,329.14	
Total expenditures and unexpended balances cancelled	2,264,266.38
\$975,526.00	

BUDGET MESSAGE ATTACHED

It is hereby certified that this is a true copy of the budget resolution introduced by the governing body on April 15, 2020.

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd,
Borough Clerk

Resolution #2020-61 – LEAP Challenge Grant

Michele Liebttag reported that the Borough is working with the City of Lambertville to apply for a challenge grant in the amount of \$150,000.00. We are already doing shared services with Lambertville and want to extend the partnership of shared services. A resolution has to be approved to go with the LEAP Challenge Grant application.

On motion by Michele Liebttag, seconded Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-61 as follows:

**RESOLUTION #2020-61
BOROUGH OF FRENCHTOWN
LEAP CHALLENGE GRANT**

WHEREAS, the State of New Jersey has allocated \$150,000 within each county for a statewide total of \$3.15 million in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey, and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnership and collaborations to produce efficiencies through shared services; and

WHEREAS, the City of Lambertville and the Borough of Frenchtown, have determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in the amount of \$150,000; and

WHEREAS, the City of Lambertville has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made LEAP grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units' residents through the creation of an Interim River Towns Community and Economic Development Coordinator.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Frenchtown, that the Borough of Frenchtown does hereby join with the City of Lambertville in applying for a LEAP challenge grant to support undertaking this endeavor.

CERTIFICATION

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown in the County of Hunterdon, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Borough of Frenchtown at its meeting of Aril 15, 2020.

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-62 – Resolution for conducting Annual Budget Examination

Mayor Myhre noted that every three years the Borough can do a self examination of the budget. The CFO makes sure it is in compliance. A copy of the budget stills get sent to the Division of Local Government Services. The Council has to pass a resolution on conducting the annual budget examination.

On motion by Liz Johnson, seconded Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-62 as follows:

RESOLUTION #2020-62 RESOLUTION FOR CONDUCTING ANNUAL BUDGET EXAMINATION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to

April 15, 2020

the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Frenchtown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2020 budget year, so now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Frenchtown that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and NJAC 5:30-7.

It is further certified that the municipality has met the eligibility requirements of NJAC 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with NJAC 5:30-7.6.

Date: April 15, 2020

By _____
Chief Financial Officer

Resolution #2020-63 -Resolution to defer Regional High School taxes

Mayor Myhre noted that the Borough defers these taxes each year. Auditor Korecky noted that the Borough always carries the school taxes as a liability. The school gets paid before the town pays itself. Adopting this resolution creates surplus. There is no implication for the school's tax schedule. You will meet the payment schedule. The State requires this resolution.

On motion by William Sullivan, seconded Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-63 as follows:

SOLUTION # 2020-63 - TO DEFER REGIONAL HIGH SCHOOL TAXES

WHEREAS, the Regional High School Tax for the year July 1, 2019 to June 30, 2020 was raised in the 2019 Tax Levy in the sum of \$965,161.00, and

WHEREAS, the statutes permit the deferral of such School Tax up to 50% of the School Tax Levy or \$ 482,580.50,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Frenchtown, County of Hunterdon, that the Deferred School Tax for Local District School purpose be the sum of \$ 87,477.46 or 9.00% of the School Tax Levy as of December 31, 2019.

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A
TRUE COPY OF A RESOLUTION ADOPTED BY THE
BOROUGH COUNCIL OF THE Borough OF Frenchtown
AT A MEETING HELD ON April 15, 2020

BOROUGH CLERK

Resolution #2020-64 - Resolution Establishing the Rate of Interest for Delinquent Taxes
Mayor Myhre noted that there has been Ongoing conversations about the second quarter taxes. A lot of residents are waiting for unemployment and will have difficulty paying the taxes on May 1st. Currently, the interest rate is 8% under \$1,500.00 and 18% above \$1,500.00 on delinquent taxes. The State allows us to adjust the interest rate. The resolution is proposing for the May quarter, a 4% interest under \$1,500.00 and 8% interest above \$1,500.00 to help people during this time. The Council does not have the authority to delay the payment date. This is what we can do at this time.

On motion by Kandy Ferree, seconded Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-64 as follows:

**RESOLUTION #2020-64
BOROUGH OF FRENCHTWN**

**Resolution Establishing the Rate of
Interest for Delinquent Taxes**

WHEREAS , N.J.S.A. 54:4-67a permits the governing body by resolution to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent; and

WHEREAS , the statute fixes the rate of interest cannot exceed 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00, to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made; and

WHEREAS , the Borough of Frenchtown adopted Resolution 2020-04 setting the Rate of Interest for Delinquent Taxes at 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 on January 2, 2020; and

WHEREAS , due to the COVID-19 pandemic and the State and Federal declarations of a major disaster throughout New Jersey, the governing body of the Borough of Frenchtown wishes to change the rate of interest for future delinquent tax payments.

NOW THEREFORE, BE IT RESOLVED , by the governing body of the Borough of Frenchtown in the county of Hunterdon and State of New Jersey that the rate of interest for taxes unpaid after May 10, 2020 is fixed at 4% on the first \$1,500.00 of delinquency and 8% per annum on any amount of taxes in excess of \$1,500.00 effective May 1, 2020 through June 30, 2020; and

BE IT FURTHER RESOLVED , that the rate of interest for taxes unpaid shall be calculated from date of the quarterly payment until the date of actual payment; and

BE IT FURTHER RESOLVED , this Resolution shall be published in its entirety once in the official newspaper of the Borough of Frenchtown and a copy of this adopted Resolution forwarded to the Division of Local Government Services in the Department of Community Affairs; and

BE IT FURTHER RESOLVED , effective May 1, 2020, the rate of interest for taxes unpaid after May 10, 2020 is fixed at 4% on the first \$1,500.00 of delinquency and 8% per annum on any amount of taxes in excess of \$1,500.00 effective May 1, 2020 through June 30, 2020; and

BE IT FURTHER RESOLVED, that effective June 30, 2020, that the rate of interest for unpaid taxes reverts back to the amounts in Resolution 2020-04.

CERTIFICATION

I, Brenda S. Shepherd, Borough Clerk of the Borough of Frenchtown in the County of Hunterdon, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Borough of Frenchtown at its meeting of April 15, 2020.

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES

Ordinance #846 - An ordinance amending Article III of the revised general ordinances of the Borough of Frenchtown, titled "Departments Established", section 2-21 titled "Police Department" to include the position of Public Safety Director (Introduction)

Michele Liebttag noted that the Borough has been trying to hire a chief for some time. We have not had success and the Committee decided to move toward a Public Safety Director. We sent a conditional offer letter and it was accepted. We will need to create the Public Safety Director position by ordinance and want to introduce that ordinance tonight and adopt on May 6th. We

want to hire a Public Safety Director on May 6th. She thanked Mayor Myhre and Kandy Ferree as well as Attorney Cruz for all their hard work. Mayor Myhre thanked Michele Liebtag and noted that we have found a remarkable candidate who will build leadership of our Police Department and will be a great role model. He asked Council for a motion to introduce the ordinance to create the Public Safety Director position.

On motion by Michele Liebtag, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of #846 as follows:

ORDINANCE NO. 846

**AN ORDINANCE AMENDING ARTICLE III
OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF FRENCHTOWN,
TITLED “DEPARTMENTS ESTABLISHED”,
SECTION 2-21 TITLED “POLICE
DEPARTMENT” TO INCLUDE THE
POSITION OF PUBLIC SAFETY DIRECTOR**

WHEREAS, the governing body of a municipality may make, amend, repeal, and enforce ordinances to adopt policies and procedures for the protection of public health, safety and welfare; and

WHEREAS, the Borough of Frenchtown desires to amend Article III of the Revised General Ordinances of the Borough Section 2-21 to include the position of Public Safety Director and to reallocate responsibilities accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that Article III of the Revised General Ordinances of the Borough titled “Departments Established”, Section 2-21 titled “Police Department” to include the position of Public Safety Director is hereby amended as follows (any subsection not enumerated herein remains unchanged):

2-21. POLICE DEPARTMENT

SECTION 1.

Section 2-21.1 Establishment.

There is hereby established in the Borough a Police Department,

which shall be known as the "Police Department of the Borough of Frenchtown", which shall consist of such employees and officers as shall be deemed necessary by the Mayor and Borough Council and may include a Public Safety Director and/or a Police Chief in accordance with N.J.S.A. 40A:14-118. The Mayor and Borough Council shall, from time to time, determine the number of employees and officers of the Police Department, together with their compensation.

Section 2-21.2 Police Committee and Police Commissioner.

The Mayor shall, at the first meeting of the Borough Council in January of each year, appoint from among the members of the Borough Council a Police Committee and a Police Commissioner, the latter of who shall serve as the Chairman of the Committee and who shall serve in such capacity without compensation. The Police Commissioner shall preside over the Committee and shall have supervisory authority over the Public Safety Director to ensure the efficient and effective operation thereof and shall be obligated to enforce the laws of the State and ordinances of the Borough. The Police Commissioner shall have further power to suspend from duty any member of the Police Department for the violation of any section of this chapter or of any rule or regulation governing the Police Department, until the complaint and charge against such member shall be disposed of by a majority vote of the Borough Council as herein provided. The Public Safety Director of the Borough of Frenchtown, shall be designated as the "appropriate authority" as provided in the New Jersey Statutes. The Public Safety Director shall be responsible for the overall performance of the Police Department. The Public Safety Director shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members.

Section 2-21.3 Responsibilities of Police Department, Public Safety Director, and Chief of Police.

- A. **The Police Department:** The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Frenchtown; direct and control traffic; provide attendance and protection during emergencies; provide appearances in Court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.
- B. **Public Safety Director:**
 - 1. The Public Safety Director shall serve as the administrative and executive head of the Police Department and shall establish policies for the daily operation of the Department and the discipline of its members. The Public Safety Director's duties include, but are not limited to:
 - a. Establishing by policy, rule and regulation,

the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Public Safety Director approve all expenditures with regard to the equipment and supplies.

b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.

c. Keeping and maintaining accurate records and submitting an annual report to the Mayor and Borough Council, on or before January 1, which shall assess the operations of the Police Department, and its personnel, equipment and property.

d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.

e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.

f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.

g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.

h. Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.

i. Undertaking special studies pertaining to public safety functions and promoting close coordination of planning efforts.

j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.

k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.

2. The Chief of Police or designated officer-in-charge shall report directly to the Public Safety Director, and the Public Safety Director shall receive daily or other periodic reports, as designated by the Public Safety Director, from the Chief of Police or designated officer-

in-charge.

3. The Public Safety Director shall coordinate with the Borough of Frenchtown Fire Department, and shall coordinate efforts with the Volunteer Fire Department and its Fire Chief.
4. The Public Safety Director shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour Requirements.
5. The Public Safety Director shall be appointed by the Mayor and Borough Council and shall serve during the term of office, and until the appointment and qualification of the successor. The Public Safety Director shall serve at the pleasure of the Mayor and Borough Council and may be removed by the Mayor and Borough Council at their discretion.

C. **Chief of Police:**

If a Police Chief is appointed, the Police Chief shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Public Safety Director.

If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to - N.J.S.A. 40A:118, which cannot be performed by the Public Safety Director, shall be delegated to a Chief Law Enforcement Officer as designated by the Public Safety Director.

Section 2-21.4 Members.

The Police Department shall consist of the following members:

- a. If appointed, one (1) Chief and such of the following superior officers as the Borough Council may from time to time deem necessary and proper.
 1. A Lieutenant.
 2. A Sergeant.
- b. Two (2) Police Officers, Special Law Enforcement Officers, and such other employees as the Borough Council may deem necessary and proper.
- c. Designation of the foregoing members shall not make appointment thereto at any time mandatory, and vacancies therein may occur from time to time.

2-21.5 Appointment of Members; Promotions; Probationary Period.

- a. The members of the Police Department shall be appointed by the Mayor and confirmed by a majority vote of the Borough Council at any regular or special meeting.
- b. Promotions shall be made by a majority vote of the Borough Council upon recommendation of the Police Committee, with due regard to seniority, experience, merit and other qualifications. In determining seniority or length of service, time as a probationary member of the Department shall not be computed. No member of the Police Department shall be promoted to or hold any superior rank until he has served at least three (3) years in the Police Department, exclusive of probationary time. Examinations shall be conducted to determine the qualifications for promotion. Such examination shall be selected by the Police Committee and shall be approved by a majority vote of the Borough Council and shall be conducted by professional Police Officers who shall not be in the employ of the Borough of Frenchtown or as may otherwise be prescribed by the laws of New Jersey.
- c. Persons appointed to the Frenchtown Police Department shall serve a probationary period or term not less than six (6) months nor more than one (1) year and until such time as the Borough Council resolves that the appointment is permanent, at which effective date, and not prior thereto, the appointee shall become a regular member of the Police Department. The Public Safety Director and the Police Committee shall be responsible for observing and reporting the progress and qualifications of any probationary appointee, and the Borough Council shall consider the recommendations of the Commissioner and Committee in determining whether or not to resolve that any appointment be made permanent. The Borough Council shall have the right to terminate the services of any probationary appointee without conducting a hearing thereon and may do so by majority vote solely within its judgment and discretion in the best interests of the Borough.

2-21.6 Qualifications of Members.

- a. No person shall be appointed as a member of the Police Department unless that person submits satisfactory evidence to the appointing authority that the person is:
 1. A citizen of the United States.
 2. Of good mental and bodily health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey, and is eligible for membership in the Retirement System.
 3. Able to read, write and speak the English language well and intelligently.
 4. Of good moral character and free from conviction of any crime constituting an indictable offense or any crime or offense involving moral turpitude.
 5. Not less than twenty-one (21) years of age nor more than thirty-five (35) years of age or is within the provisions of N.J.S.A.

38:23A-2 pertaining to persons having served in the Armed Forces of the United States.

6. Able to pass such written, oral and physical examination selected by the Police Committee as shall be approved by a majority vote of the Borough Council.
 7. Willing to take an oath or affirmation, before entering upon the duties of office and within ten (10) days after appointment, to support the Constitution of the United States and the Constitution of the State of New Jersey and faithfully, impartially and justly to perform all the duties of a member of the Police Department of the Borough of Frenchtown according to the best of their ability and understanding.
 8. Willing to serve a probationary period of not less than six (6) months nor more than one (1) year.
- b. No permanent appointment shall be made until the probationary appointee has completed the training required by the New Jersey Police Training Commission pursuant to N.J.S.A. 52:17B-66 et seq.

2-21.7 Special Law Enforcement Officers.

The Borough Council may employ Special Law Enforcement Officers for a term as authorized by law. The Public Safety Director shall have responsibility of reporting the eligibility of candidates for appointment as Special Law Enforcement Officers.

2-21.8 Special Law Enforcement Officers; School Traffic Guards; Police Matrons.

- a. *Appointment; Term.* The Mayor shall have the power to appoint, with the approval of the Council, Special Law Enforcement Officers, Police Matrons and School Traffic Guards for a term not to exceed one (1) year, upon the recommendation of the Public Safety Director and the Police Committee.
- b. *Qualifications of Special Law Enforcement Officers.* No person shall be appointed a Special Law Enforcement Officer unless such person is a citizen of the United States, able to read, write and speak the English language, is physically qualified and of good moral character and shall not have been convicted of any crime and shall not be less than twenty-one (21) years nor more than forty-five (45) years of age at the time of appointment. The Public Safety Director shall investigate and report as to such qualifications before appointment is made.
- c. *Duties of Special Law Enforcement Officers.*
 1. When required, Special Law Enforcement Officers shall perform general police duty on an hourly, daily or other basis, while regular members of the Police Department are on vacation or are absent from duty by reason of illness or some other cause or whenever, in the judgment of the Public Safety Director or, if appointed, Chief of Police, with the concurrence of the Police Committee, the services of such persons shall be required.
 2. Every Special Law Enforcement Officer shall perform his duties

only in the Borough, except when in fresh pursuit of any person pursuant to the provisions of N.J.S.A. 2A:156-1 et seq.

3. Every Special Law Enforcement Officer shall comply with the regular rules and regulations promulgated by the Mayor and Council for the conduct and decorum of the regular members of the Police Department.
- d. *Police Matron.* The Mayor shall have the power to appoint, with the advice and consent of the Borough Council, a Police Matron or Matrons who shall perform such duties as may be assigned to her or them by, if appointed, the Chief of Police or, in his absence or incapacity, by the officer in charge of the Department.
- e. *School Guards.* The Mayor shall have the power to appoint, with the advice and consent of the Council, from time to time, appoint as School Guards such persons as it shall deem to be qualified for such position. The powers and duties of School Guards shall be limited to the protection of children while on public thoroughfares in the Borough in connection with their attendance at the several schools in the Borough and to the direction and regulation of pedestrian and vehicular traffic at the various street intersections and crossings where they may be stationed. While on active duty, school guards shall be under the jurisdiction of and subject to the orders, if appointed, of the Chief of Police or, in the Chief's absence or incapacity, the officer in charge of the Department.
- f. *Status; Termination of Office.* The Special Law Enforcement Officers and matrons and school traffic guards appointed under this section shall not be members of the Police Department, and their powers, rights and duties shall immediately cease and terminate at the expiration of the term for which they are appointed or upon revocation of their appointment.

2-21.9 Powers and Duties.

- a. *Powers and Duties Prescribed by Law.* The rights, privileges, powers and duties of members of the Police Department and Special Law Enforcement Officers shall be those prescribed by the laws of the State of New Jersey and the ordinances and resolutions of the Borough of Frenchtown.
 - b. *Rules and Regulations.*¹ Rules and regulations consistent with applicable law and this chapter may from time to time be adopted by resolution of the Mayor and Council to describe:
 1. Duties of the Police Department.
 2. General rules of the Police Department.
 3. Rules of discipline.
 4. Duties of superior officers and police officers.
 5. Procedure of arrests.
 6. Uniform and equipment.
 7. Leave of absence.
 8. Sickness or sick leave.
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9. Vacations.
10. Special duties.
11. Procedure for the proper enforcement of this chapter.

2-21.10 Tenure of Office; Removal; Charges Against Member; Reinstatement.

- a. No person, except during probationary membership or status, shall be removed from office or employment in any such Police Department for political reasons or for any other cause than incapacity, misconduct, nonresidence or disobedience of rules and regulations established for the government of the Police Department in the Borough of Frenchtown.
- b. No police officer shall be suspended, removed, fined or reduced from office or employment therein, except for just cause, as hereinbefore provided, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against such police officer, signed by the person or persons making such charge or charges and filed with the Public Safety Director, officer or officers having charge of the Department in which the complaint arises, and a copy thereof served upon such person within fifteen (15) days after the filing thereof and after the charge or charges shall have been publicly examined by the appropriate board or authority, upon reasonable notice to the person charged, which examination shall be commenced not less than fifteen (15) days nor more than thirty (30) days after the copy of such charge or charges shall have been so served.
- c. It is the intent of this section to give every person against whom a charge or charges for any cause may be preferred under this section a fair hearing upon the charge or charges and every reasonable opportunity to make his defense if any he has or chooses to make, and that in event of failure of compliance with any provision of this section, such charge or charges shall be dismissed.
- d. The Council shall have the power of subpoena, under the Seal of the Borough and attested by the Municipal Clerk, to compel the attendance of witnesses and give testimony or produce evidence, and every person who neglects to obey such subpoena or to give testimony or to answer questions as required shall be subject to the penalties provided by law.
- e. When charges are preferred against any member of the Police Department, upon which charges a hearing is ordered by the Mayor and Council, the member may, in the discretion of the Mayor and Council, be suspended until the termination of the trial; provided, however, that in the event of a suspension such hearing shall be commenced within thirty (30) days after service of a copy thereof upon him; otherwise the charges shall be dismissed and the officer or employee returned to duty. Any member of the Police Department when suspended will turn over to the Public Safety Director all equipment belonging to the Borough.
- f. Any person desiring to make a complaint against any member or members of the Police Department shall make the complaint in writing to the Public Safety Director. It shall be the duty of the Public Safety Director forthwith to deliver the original charges to the Police Commissioner who is, in turn, to refer to the Mayor and Council for its attention. Upon receipt of any charge or charges against the member of the Department from the Mayor, the Mayor and Council shall take whatever action is

deemed necessary.

- g. In the event a person wishes to make a charge against the Chief of Police, if appointed, then charges shall be filed with the Police Commissioner, who shall in turn transmit same forthwith to the Mayor and Council for its attention in accordance with the provisions of this section.
- h. Members of the Department serving in a probationary status, that is until such time as the Borough Council resolves the appointment to be permanent, may be removed from office or membership without charges or hearing and solely within the judgment and discretion of the Mayor and Council.
- i. When the Borough Council shall, for reasons of economy, decrease the number of regularly appointed members or Police Officer in the Borough, any Police Officer so removed shall be carried on a special list, and if any new appointments are made to such Department, the Police Officer so removed shall be appointed thereto before any other person as required by N.J.S.A. 40:47-11.1.
- j. The Borough Council may reappoint a former member of its Police Department who has resigned in good standing, provided that the employee's request for reinstatement shall have been made within two (2) years after the date of his resignation and the appointing authority has recommended that, because of the employee's record of past performance, reinstatement shall be in the best interests of the service pursuant to N.J.S.A. 40:47-11.1.

2-21.11 Salaries. The Public Safety Director, the Chief of Police, if appointed, members of the Police Department, Special Law Enforcement Officers and employees shall receive such compensation as shall be set forth in the Salary Ordinance of the Borough of Frenchtown.

SECTION 2.

If any chapter, article, section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 3:

All ordinances, rules, or regulations of the Borough of Frenchtown, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This Ordinance shall take effect upon passage and publication according to law.

ATTEST: BOROUGH OF FRENCHTOWN

Brenda Shepherd, RMC, Brad Myhre, Mayor
Borough Clerk

Ordinance #847 – Calendar year 2020 ordinance to exceed the municipal budget appropriation limits and to establish a cap bank (N.J.S.A. 40A: 4-45.14)

(Introduction)

Auditor Korecky noted that the Cap Bank ordinance is an annual part of the budget process. Anything you do not use, the Borough can bank. You are not authorizing more spending. This ordinance will be introduced and a public hearing will be held at the May 20, 2020 meeting at 7:00 pm. Mayor Myhre asked Council for a motion to introduce the Cap Bank Ordinance.

On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #847 as follows:

**ORDINANCE #847
CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Frenchtown, in the County of Hunterdon, finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$15,749.51 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Frenchtown, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Frenchtown shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$55,123.29 and that the CY 2020 municipal budget for the 3.5% be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Brad Myhre, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

COUNCIL COMMENTS

Caroline Scutt reported the following.

1. She has been in touch with Marc Saluk from the County Economic Development department talking about a plan to move forward once we open up. We are going to apply for a grant. We are doing something in supporting the locals, Hunterdon supporting Hunterdon, by shopping in Hunterdon, playing in Hunterdon, etc. We are hoping this will help everyone in Hunterdon.
2. She will be participating on the mayor's calls at Noon about economic development and loan programs.
3. She thanked Kandy Ferree, Mayor Myhre and Michele Liebttag for having the foresight to keep the parks open.
4. The Kick-off meeting for the TAP grant is April 23rd.

Michele Liebttag reported the following:

1. Last night, OEM, Police and Fire coordinated efforts to keep communication open making sure they have what they need. They are currently fine with PPE supplies. She gave a huge shout out to Erik Eccles and Kevin Coletta for working with the State Park Police putting up signage and taping off the towpath. These officers have also volunteered to work overtime, being visible in the Borough with most of us on edge.
2. She will be meeting with Officer in Charge Mark Wilson on the next step to transition with the Public Safety Director.
3. She received a request from OEM asking that everyone return the Firsts Responders Program registration form for the COVID response.

William Sullivan reported the following:

1. He congratulated everyone with putting in a lot of hard work getting the COVID-19 response together.
2. He is grateful that the parks are being kept open.

Tami Peterson reported the following:

1. She appreciates the Borough taking leadership and calling on the Governor. The small businesses are hurting and she thanked everyone who is helping people that are hurting. These are unprecedented times. She appreciates Kandy Ferree efforts with the park and the police departments efforts. Kandy Ferree noted that she appreciates the support around the parks. It was an excruciating decision to fence off the play equipment. She is grateful for the support. If we see problems, we will do what is in the best public interest. She hopes people will be in compliance.
2. Responding to Tami Peterson, Kandy Ferree noted that the park clean-up has been put on hold. We will look to do something in a safe way.

Kandy Ferree reported the following:

1. She is humbled and stunned by the community coming together. The Presbyterian Church had been serving 9 families, and now it is 50. She thanked Erick Feritto, the Vikings, and the IGA for the donations and putting the boxes together. Mayor Myhre noted that there is also \$500.00 with Edible Underground and \$500.00 at the airport restaurant for food for those impacted.
2. We need to be sensitive to the public during these times and the business of the Council. We want to keep the business of the Council moving but we have to get the materials in a timely manner. Brenda Shepherd is getting information at the last minutes and getting it to us and it is a lot of responsibility to review the documents in a short period of time. We cannot make more demands on our staff as well.. She would like to have a conversation about that, perhaps deadlines..

Mayor Myhre reported the following:

1. He thanked Caroline Scutt and her daughter Julie for helping get meals out to those in need. Ms. Scutt also had gift certificates. The community has stepped up and provided their own resources. He thinks Frenchtown is a cut above. He thanked Erick Feritto for getting resources and volunteers. Caroline Scutt thanked the Mayor for his leadership. Community meals were distributed and the Mayor made sure no one was left out. Everyone knows everyone is looking out for each other. Mayor Myhre noted that we are working with the United Way. The pantry is doing well. There is a concern for supplies. We will continue to provide to those in need. It will be a long journey. He will also focus on access to funding. There are mini grants that start at \$500.00 across 6 Counties and we are one of them getting a grant. It is based on immediate need. Council thanked him for his leadership.
2. As to the number of COVID cases in Frenchtown, it was revised to 4 as one case was not in Frenchtown but it was a Frenchtown mailing address.
3. On the Governor's call tonight, it is clear that the State will be continuing this into the summer. Social gatherings will be limited. NJ is the second hardest hit state. NJ is not out of the woods. The State is taking a regional approach keeping limitations in place and setting expectations. We anticipate some announcement on schools tomorrow. Caroline Scutt added that she does not see festivals being a responsible way to go this summer. Mayor Myhre commented that until there is a vaccination, it will not be business as usual.

CORRESPONDENCE

None discussed.

PUBLIC COMMENTS

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

EXECUTIVE SESSION

Mayor Myhre noted that there is a need for the Council to go into executive session to discuss the following:

1. Contract Negotiations – Country Classics at Frenchtown LLC

On motion by Kandy Ferree seconded by Michele Liebttag and carried by favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:24 pm and the following resolution:

**RESOLUTION #2020-65
EXECUTIVE SESSION RESOLUTION**

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 1. Contract Negotiations – Country Classics at Frenchtown LLC
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
 4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on April 15, 2020.

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Myhre noted that no action will be taken.

The Council came out of executive session at 9:25 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:25 pm on motion by Liz Johnson, seconded by Caroline Scutt and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk