

**CALL TO ORDER**

Mayor Brad Myhre called the special meeting to order at 7:00 a.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly noticed to the Hunterdon County Democrat and the Express Times on December 20, 2016, 2016; the Agenda has been posted at Borough Hall and distributed to the newspapers on December 20, 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  
William Sullivan

Absent from Meeting:

Borough Clerk, Brenda S. Shepherd, were also present for the Meeting. No members of the public were present.

**PUBLIC COMMENT**

The Council approved to open the public comment session. Having no public comments, the Council approved to close 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 Cathy Leach, 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 12/28/16 as attached, and Resolutions #2016-136 and Resolutions #2016-138 through #2016-143 as follows:

**RESOLUTION NO. 2016-136**

**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:**

Governing Body O/E	\$700.00
Parks and Playgrounds O/E	\$400.00

**TO:**

General Liability Insurance	\$700.00
Buildings and Grounds O/E	\$400.00

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Brad Myhre, Mayor

Attest:

December 28, 2016

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION #2016-138**

BE IT RESOLVED by the Mayor and the Common Council that the salaries and wages for certain officials and employees shall be as follows for 2016:

<u>Position</u>	<u>Salary &amp; Wage</u>
	<u>Resolution</u>
Full-time Officer Titen	\$ 42,000.00
	\$ 30.29/hour OT rate

BE IT FURTHER RESOLVED that this Resolution shall be retro-active to December 8, 2016.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at its regular meeting held December 28, 2016.

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2016-139**

**WHEREAS**, Frenchtown Bridge St., LLC, known as River Mills at Frenchtown, requested a reduction of its Performance Guarantee for Blocks 34, 35 and 36, Lot 1, Block 38, Lot 2 and Block 14, Lot 52; and

**WHEREAS**, Frenchtown Bridge St., LLC, originally posted a Letter of Credit as Performance Guarantee in the sum of \$894,238.80; and

**WHEREAS**, the Borough of Frenchtown approved a reduction of the Performance Guarantee to \$553,894.80 on March 18, 2014 as recommended by the Consulting Engineer, Robert J. Clerico, P.E., in his letter dated February 25, 2014 and revised March 6, 2014; and

**WHEREAS**, the Borough of Frenchtown approved a second reduction of the Performance Guarantee to \$409,786.74 on December 2, 2015 as recommended by the Consulting Engineer, Robert J. Clerico, P.E., in his letter dated October 28, 2015; and

**WHEREAS**, the Borough of Frenchtown approved a third reduction of the Performance Guarantee to \$343,703.94 on November 2, 2016 as recommended by the Consulting Engineer, Robert J. Clerico, P.E., in his letter dated October 13, 2016; and

**WHEREAS**, the Borough of Frenchtown Consulting Engineer, Robert J. Clerico, P.E., submitted a letter dated December 19, 2016, a copy of which is attached to this Resolution, recommending a further reduction of the Performance Guarantee; and

**WHEREAS**, Mr. Clerico recommends a reduction to \$322,463.94.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that the reduction of the Performance Guarantee will be as follows:

1. The Letter of Credit is reduced to \$322,463.94.
2. All other Performance Guarantees remain in effect.
3. This Resolution shall take effect immediately.

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Brad Myhre, Mayor

Attest:

December 28, 2016

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Brenda S. Shepherd, RMC

Borough Clerk

**RESOLUTION #2016-140**  
**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN ATTORNEY TO**  
**SERVE AS BOROUGH COUNSEL**

**WHEREAS**, the Borough of Frenchtown has a need to acquire an Attorney to serve as Borough Counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the Mayor and Common Council has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is up to 1 year; and

**WHEREAS**, Albert E. Cruz from the law firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has submitted a proposal dated 12/11/15 indicating they will provide that attorney services at an hourly rate of \$150.00 per hour, inclusive of litigation with Council meetings at the hourly rate of \$150.00 not to exceed \$300.00 for each Council meeting; and

**WHEREAS**, has completed and submitted a Business Entity Disclosure Certification which certifies that Albert E. Cruz from the law firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Albert E. Cruz from the law firm of DiFrancesco, Kunzman, Davis, Lehrer & Flaum, P.C from making any reportable contributions through the term of the contract, and

**WHEREAS**, the value of the contract for 2016 will not exceed \$40,000.00; and

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

**NOW THEREFORE BE IT RESOLVED** that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Albert E. Cruz from the law firm of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that notice of this action will be published in the Hunterdon County Democrat.

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Brad Myhre, Mayor

Dated: December 28, 2016  
Attest:

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Brenda S. Shepherd, RMC

**RESOLUTION #2016-141**  
**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR CONTINUED**  
**ENGINEERING SERVICES COMMENCED PRIOR TO 2013 FOR THE BOROUGH OF**  
**FRENCHTOWN**

**WHEREAS**, the Borough of Frenchtown has a need to continue Engineering services commenced prior to 2013 for the Borough of Frenchtown and desires to appoint as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the projects commenced prior to 2013 and to be continued are identified on the attached list; and,

**WHEREAS**, the anticipated term of this contract is up to 1 year; and

**WHEREAS**, Van Cleef Engineering has submitted a proposal dated 12/28/15 indicating they will provide engineering services for the amount of \$135.00 per hour; and

**WHEREAS**, Van Cleef Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that Van Cleef Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Van Cleef Engineering from making any reportable contributions through the term of the contract, and

**WHEREAS**, the value of the contract for 2016 will not exceed \$5,000.00 or as authorized by specific Resolution of the Council; and

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

**NOW THEREFORE BE IT RESOLVED** that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Van Cleef Engineering as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that notice of this action will be published in the Hunterdon County Democrat.

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Brad Myhre, Mayor

Dated: December 28, 2016

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION #2016-142**  
**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN ENGINEER TO**

**SERVE AS BOROUGH ENGINEER**

**WHEREAS**, the Borough of Frenchtown has a need to acquire an Engineer to serve as Borough Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

**WHEREAS**, the anticipated term of this contract is up to 1 year; and

**WHEREAS**, William H. Burr IV of Maser Consulting PA has submitted a proposal dated 12/17/15 indicating they will provide engineering services for the amount of \$135.00 per hour; and

**WHEREAS**, William H. Burr IV of Maser Consulting P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that Maser Consulting P.A. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council in the previous year, and that the contract will prohibit Maser Consulting P.A. from making any reportable contributions through the term of the contract, and

**WHEREAS**, the value of the contract for 2016 will not exceed \$125,000.00 or as authorized by specific Resolution of the Council; and

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

**NOW THEREFORE BE IT RESOLVED** that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with William H. Burr IV of Maser Consulting P.A. as described herein; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that notice of this action will be published in the Hunterdon County Democrat.

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Brad Myhre, Mayor

Dated: December 28, 2016

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**RESOLUTION NO. 2016-143**

**RESOLUTION AUTHORIZING THE TRANSFER OF \$4,250.00 FROM THE 2016 BUDGET APPROPRIATION TO THE SNOW REMOVAL RESERVE TRUST FUND**

**WHEREAS**, the Division of Local Government Services approved the Borough's request for a dedication by rider for a Storm Recovery Trust Fund; and

**WHEREAS**, the Borough established a dedicated trust fund for the purpose of providing a stable source of funds for the costs of snow removal in years of unusually high snow occurrences; and

**WHEREAS**, P.L. 2001, c 138 permits municipalities to lapse unexpended balances budgeted annually for snow removal; and

**WHEREAS**, in accordance with P.L. 2001, c. 138 and N.J.S.A. 40A:4-58, it is necessary to the Borough Council to authorize the transfer of unexpended balances of budget appropriations to the snow removal.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey authorizes the Chief Financial Officer to transfer \$1,000 from the Snow Removal Salary and Wage line item and \$3,250.00 from the Streets and Roads Salary and Wage line item to the Snow Removal Trust Fund.

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Brad Myhre, Mayor

Dated: December 28, 2016

Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

#### **NEW BUSINESS**

##### **Rabies Clinic scheduled for January 14<sup>th</sup> from 1-3 pm at the firehouse**

On motion by Michele Liebttag, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council approved the Rabies Clinic for January 14<sup>th</sup> from 1-3 pm at the firehouse.

##### **Approval of employees' request to carry vacation and comp time**

On motion by Michele Liebttag, seconded by John Hindman and carried by favorable voice vote, the Mayor and Common Council tabled the approval for employees to carry vacation and comp time until the January 4<sup>th</sup> meeting.

#### **OLD BUSINESS**

None discussed.

#### **COUNCIL COMMENT**

Mayor Myhre wished everyone a Happy New Year. The Mayor and Council thanked Cathy Leach and Jack Opdyke for their services to the town.

#### **ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 7:10 am on motion by Cathy Leach, seconded by Jack Opdyke and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk