

CALL TO ORDER

Mayor Warren Cooper 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 9, 2014 and the Express Times on January 9, 2014; 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 July 2, 2014.

FLAG SALUTE

Mayor Cooper asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Robb Arent
Seth A. Grossman
Cathy Leach
Michele Liebttag
Jack Opdyke (arrived at 7:40 pm)
William Sullivan

Absent from Meeting:

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 15 members of the public were also present.

PUBLIC HEARING

Ordinance #747 - Amendment to the 2014 Salary and Wage Ordinance

The Mayor and Common Council approved to open the public hearing on Ordinance #747 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #747 by favorable voice vote.

Ordinance #748 - An ordinance to provide for the purchase of a zero turn gas engine lawn mower with a 72" deck for the Borough of Frenchtown, in the County of Hunterdon, New Jersey and appropriating \$10,000.00 from the capital improvement fund

The Mayor and Common Council approved to open the public hearing on Ordinance #748 by favorable voice vote. Having no public comments, the Mayor and Common Council approved to close the public hearing on Ordinance #748 by favorable voice vote.

PUBLIC COMMENTS

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

MAYOR'S SPECIAL ANNOUNCEMENTS

Mayor Cooper noted that every year, we tried to list the graduates at the meeting after graduation.

Mayor Cooper read the list of 8th grade graduates, the high school graduates and River Valley School graduates from Frenchtown and congratulated all those graduates.

Mayor Cooper also called attention to another resident who is being honored outside the Borough

this month. Dominikija Prostack was named by Sustainable Jersey as the Environmental Hero for the month of July. There are 300 plus communities that participate in Sustainable Jersey. Due to the work of the Green Team, Frenchtown achieved Bronze Status this past year. We also received a \$2,000 grant from Sustainable Jersey in 2012 and a \$20,000 grant in 2013. Congratulations to Dominikija Prostack!

SPECIAL PRESENTATION

David Voll

Michele Liebtag asked Brad Myhre, former Police Commissioner and Council President, to make a presentation. Brad Myhre thanked everyone for coming tonight for this special occasion. We have an opportunity tonight to honor Patrolman David Voll. He has given a great deal of service to Frenchtown Borough and has developed a great reputation as someone who takes care of speeders in Frenchtown. It has been well received in the Borough. He has done a great job on Milford Road and Harrison Street as complaints have dropped percipitously since he has been on the road. We had the great fortune today of having a citation from Trenton signed by the Senate President and the Clerk of the General Assembly on behalf of Senator Michael Dougherty, Assemblyman Eric Peterson and John DeMaio. He read the citation and presented it to Patrolman David Voll. Everyone congratulated David Voll.

Robb Arent also presented a special gift to David Voll from the residents of the Borough of Frenchtown which read: a special gift to David Voll from the residents of Frenchtown for his unwaivering and enthusiastic enforcement of our traffic laws.

Chief Kurylka noted that he has known David Voll for many years. He got to know David Voll in PTC training when he was a sergeant. He got to know what David was all about and upon learning that David was retiring, he called David. David was known for his ticket writing and with the volume of traffic increasing in town, we hired him in November of 2010. David Voll would always step in when we need someone. Chief Kurylka did not have any concerns or worries when he was on the street because he knew things would be done properly and effectively and by the book. David Voll is well respected and he is a cop's cop. It is a shame to lose him. In closing, we all had our heroes as we were growing up. We have individuals in our department who are creative. He presented David Voll with a picture of David Voll dressed as Superman. We honor David Voll as our own special hero. We will miss him. Patrolman Krutsick commented that the department is a lot better off with him. Matt Kelly added that David Voll took him under his wing when he got here. Matt Kelly added that he has been on the job for five years and has learned more in last two years from David Voll. He thanked him. David Voll stated that he was ready to leave two days ago and now will be staying to the end of August. Chief Kurylka added that David Voll has considered to stay another month while he is having surgery. David Voll will step up to the plate and Chief Kurylka commented that he admires that in any individual. He wished David Voll could stay. He thanked David Voll. Sky Van Saun stated that her mother will miss David Voll. Amy Cochran met David Voll with the CERT team and there was never a night that we had to worry. He is there in a heartbeat. David Voll thanked everyone and stated that he appreciates the honor. He never had anything like this before and does appreciate it.

Gerald Hoffman

Michele Liebtag noted that we have another special presentation to honor Fire Chief Gerald Hoffman for his 21 years of service to the Borough. We also got Jerry Hoffman a resolution from Trenton signed by the Senate President and the Clerk of the General Assembly on behalf of Senator

Michael Dougherty, Assemblyman Eric Peterson and John DeMaio. She read the resolution and presented it to Jerry Hoffman. Michele Liebttag, Michael Atheras and Patty Atheras also presented Jerry Hoffman with a plaque on behalf of the residents of the Borough Frenchtown which reads: In recognition of your 21 years of service and dedication to the Frenchtown Fire Department from the residents of the Borough of Frenchtown. Everyone congratulated Jerry Hoffman. Chief Kurylka commented that he has known Jerry Hoffman for many years and dealing with Fire and Rescue, there was never any problems. He is an outstanding gentlemen and a professional accreditation of what he does. He is also leaving and we are losing two great people that will be hard to replace. He thanked Jerry Hoffman for all he has done. Brad Myhre thanked Jerry Hoffman for his service. Being a volunteer is often a thankless job. 21 years is a long time to dedicate to this Borough. He commended Jerry Hoffman and his family as well for making sure people were safe. Everyone thanked Jerry Hoffman for his years of service. Jerry Hoffman thanked everyone for the honor.

The Council took a ten minutes recess at 8:00 pm for cake and cookies. The meeting was called back to order at 8:10 pm.

DEPARTMENT HEADS REPORTS

Police Department

Chief Kurylka reported that he would like to have a meeting with the Police Committee either tomorrow, Saturday or next Tuesday before he goes in for surgery to discuss what is happening and where we are headed. Chief Kurylka noted that he gave the Council an in depth report this month with the increase of traffic on Harrison Street, Milford Road and Kingwood Avenue. On Harrison Street southbound at Fifth Street in a 24 day time frame, there was 41,000 vehicles. On Milford Road in a 22 day time frame, there was 23,000 north bound. Since the meeting with the tubing company, signs were placed on Kingwood Avenue that says congested area - please use caution. In a two and a half day time frame, there were 4,700 vehicles on westbound on Kingwood Avenue. Vehicular traffic in town is increasing tremendously.

Chief Kurylka noted that he was approached by parents asking if there are any curfews in effect for the summer. Is there something we could do to put in a curfew? He recommended that we put a curfew in for this month and for August until 10:00 or 10:30 pm. It is a tool that we can use to say get home. It will not affect the kids walking from one house to another. It is the kids hanging out on the streets that the parents drop off in town. He noted that he was approached by parents asking if there are any curfews in effect for the summer. His wife tells him she hears kids at 2 o'clock in morning. We did away with the curfew for Halloween because everyone was behaving properly. One of the reasons he is also requesting it is because of the increase in traffic and because the parents are dropping kids off in town for the weekend. Chief Kurylka noted that in the report he gave Council, he gave a comparison from half of this year with January through June of last year. You will see differences in the numbers. There are more patrol shifts and he credits what is being prevented out there to the patrolman out there at night who are also walking and doing businesses checks. Our presence is a deterrent. He was told that when the bad guys see him, they do not commit the crimes they were going to and instead went to Milford.

Mayor Coper stated that the Borough wishes Chief Kurylka well with surgery and recovery. Chief Kurylka noted that everything is in place with Lieutenant Winfield. The Officer in Charge is Paul Murphy. He added that in David Voll's tenure with us, David Voll issued over 2000 tickets. Chief Kurylka also noted that Sky Van Saun put in an application for the Eighth Street block party and he does not have a problem with approving it and making sure the barricades are out there.

Mayor Cooper asked Chief Kurylka to share with Council his thoughts on closing streets for Bastille Day and Riverfest. Chief Kurylka noted that they have done it for many years where the main street was closed. It is a more confined area. The shops are involved. It does not create a problem for us with traffic because everyone goes around the loop. We had an officer at Trenton Avenue and Bridge Street and one at Harrison Street and Bridge Street and the officers had better control and it worked very well. When we block off Harrison Street and Bridge Street and allowed the bank traffic to come in via Bridge Street and exit on the back side and continue north on Harrison Street, it created a logistical nightmare because you had people coming in the back side of the bank and coming onto Bridge Street. If there is any way to get away from that he would appreciate it. Chief Kurylka added that he has brought up River Road many times for events. It is a beautiful area that would cost three officers instead of two. They would have to have one at Route 29 and Washington Street, one at the bridge and one at Harrison Street. The other way will require two. For River Road, it would take away valuable parking spaces. We are not enforcing the two hour parking when there are events in town. Along River Road we enforce the law when people are parked on the wrong side. He does not think we should take away that parking.

Chief Kurylka noted that as to the grass and weed ordinance, some of the dwellings that had high grass were taken care of. Patrolman Kelly is on that. We made notifications to the areas that were unsightly. The one that we continue to issue notifications to was issued a summons. The property at 37 Twelfth Street, owned by the bank, is being cleaned up. Robb Arent asked if the enforcement of the boarding up of buildings fall to police department? Chief responded in the negative but noted that there is one property on Everittstown Road that had a partial structure collapse and they have been in contact with the property owner. That is a safety issue. The property owner says he will rebuild it. That is a hazard. The Zoning and Building Department said if it is not taken care of by a certain date, it will have to be demolished and they will be fined. Council thanked Chief Kurylka for the report.

Auditor

Mayor Cooper noted that the auditor's report is being postponed.

DEVELOPER'S PRESENTATION – Frenchtown 7, LLC

William Sullivan stepped down on this agenda item. Attorney Guy DeSapio noted that he is an attorney in town and is present this evening with Frenchtown 7 LLC. They are the contract purchaser of the property that fronts on Eighth Street and Harrison Street, the former industrial site across from the school and next to the recreation field. Mr. Meiskin is here to introduce Council to the concept of the proposed project and also to request Council to make an investigation to determine if that area is in need of redeveloper which would triggers things to assist the developer. It will require demolition, a clean up of the site and then develop of the site. Attorney DeSapio introduced Mr. Meiskin. Mr. Meiskin stated that he will provide a brief concept plan to the Council. He showed an aerial shot of the property. With a proposed new street opposite the school which would be Tenth Street in theory along the towns property. Mr. Meiskin noted that the property is 7 acres. There was an overlay zoning created in 2007. Along Harrison and Eighth Streets, there will be lower density of 22 duplex units or 11 buildings with garages behind and access from the rear. In terms of asking for this area to be put in a redevelopment zone, 85% is impervious. The buildings are 75% vacant. Bio Serve, the owner of the property, is still there. They are not planning to bring in other tenants. We are also asking for this piece of Eighth Street to

be vacated in order to put additional parking as required. We tried to cluster the buildings to leave as much open space as possible. There will be an access from Harrison Street to the towpath. There will be no alleys on that side. It is not a gated community. There will be full access for people to come through. He intends to blend this development with the town. He is willing to hear comments. There are specific criteria with these two zones. He is trying to keep within the vision of the master plan and redevelopment plan and has met with Chris Pickell. Responding to Council, Mr. Meiskin noted that there are two larger buildings on the site which are intended to be rentals with parking on the first floor and residential on the three floors above. We can only use 75% of the footprint on the third story living area per the ordinance. They will all mainly be two bedroom units. There are 99 apartment units proposed for a total of 120 units. We have more than we need for parking. There will be a community room in one of the elevated buildings. They are trying to take the existing architecture of the town and bring this development as close to that as possible. He presented an architectural rendering. There will be one parking space per unit. From the prior comments that the buildings were massive, they ended up sizing it so that you only see the upper level of the apartment complex from the front door of the school on Harrison Street. Part of the property drops back which helps. Part of the property is in the flood plain. He met with the NJDEP and they have to make sure the parking is out of the flood plain, etc.

Attorney Cruz noted that this is a narrow request and that is whether this property should be studied by the Planning Board and make a recommendation to the Council whether this is an area in need of redevelopment. Why should this property be redeveloped? How does it meet the redevelopment criteria and whether that criteria is met? Mr. Meiskin stated that there are reasons it would meet the criteria. There are buildings that are not going to be maintained. As part of the criteria to consider, is the property being utilized or developed to its fullest potential? Are the buildings obsolete and dilapidated? Are the buildings in poor condition? Attorney Cruz noted that they are asking the Governing Body to refer this to the Planning Board to see if the Planning Board can make those determinations. The Planning Board does a study and makes a determination as to whether the criteria has been met and if it is an area in need of redevelopment. The Planning Board will make a recommendation to Council. The developer is under contract and has control of the property. They are not asking for any condemnation so their request is a non-condemnation redevelopment. The Governing Body has condemnation powers. The Governing Body refers it to the Planning Board, the Planning Board will make a recommendation to the Council. Then the Governing Body determines if it is an area in need of redevelopment, non-condemnation redevelopment. If you agree that it is an area in need of redevelopment, a redevelopment agreement is developed. Then, the developer has to get normal Planning Board approval. Attorney DeSapio noted that there is a cost associated with the study. The committee will hire a planner. He has spoken to Mr. Cruz and the developer will sign an escrow agreement and make an escrow deposit so there will be no cost to the town for the study including Attorney Cruz's expenses. Attorney Cruz noted that the Governing Body will be asked to take 3 actions. One is to refer this to the Planning Board for their study and review. The Planning Board has to give notice of a public hearing on that study and there is a public hearing in front of the Planning Board and the public is free to come give comments regarding the designation. If the designation is recommended by the Planning Board, it comes back to Council and Council has an opportunity to review it. The second action is to authorize or retain a planner to do the study and the third action is the escrow agreement and deposit.

With respect to the planners, Attorney Cruz noted that he sent 6 planners request for proposals. He received back 3 ranging from \$5,000.00 plus an hourly rate of \$110.00, \$7,500.00 plus \$500.00 per meeting attendance and \$11,000.00 for the third. Two did not respond and Planner Elizabeth

McKenzie indicated that she would not respond since she is the town Planner and believes she would serve the town better if she had an independence from what is being suggested and is able to review the study and any plans that come down the road. She wanted to maintain her independence so she could give independent advice to the Borough. Attorney Cruz noted that he has worked with all three planners. Paul Ricci was the lowest Planner. He is currently working with Mr. Ricci in Middlesex Borough. The second lowest bidder is Heyer Gruel and Associates and the third is Maser Consulting. He has worked with all three and believes they would all do a good job for the Borough. Responding to Jack Opdyke, Mr. Meiskin noted that he is in discussion with the property owner of Block 3 lot 2. Attorney Cruz noted that Block 3 lot 2 is not in the study area. Block 3 lot 1 and Block 10 lot 1 are the lots in the study area. Attorney DeSapio requested to amend the study to include Block 3 Lot 2. They do not have an amended contract for that lot yet. Attorney Cruz commented that those Block and Lots are included in the resolution and the back portion of Eighth Street. Attorney Cruz stated that he has also asked Mr. DeSapio that the proposed developer fund the escrow. The developer will not have the escrow amount for deposit until next Wednesday. The Borough can proceed with the understanding that the planner would not be authorized to proceed until the escrow agreement and escrow funds are provided. Mayor Cooper stated that these resolutions are under item 13 of the agenda. He would like to move to those resolutions at this point. The Administrative Committee reviewed the proposals and the concern was the timing of the study. We would like to see Mr. Meiskin move along expeditiously. Planner Ricci's time line is July 30, 2014. He does not know if a delay of starting will impact that return date. Attorney Cruz noted that the Request for Proposal asked for the report by a certain time. He recommended letting the Planning Board set their time frame. They should take it under consideration. Mayor Cooper commented that it was the Administrative Committee's notion that we recommend the lowest price proposal. Attorney Cruz noted that the resolutions in draft form did not have the name of the planner, the escrow amount and the tax map. The Council will need to fill in "not to exceed \$5,000", fill in the amount of escrow as \$12,500.00 and the name of the planner as Paul Ricci.

RESOLUTIONS

Resolution #2014-75 – Resolution Authorizing the Borough of Frenchtown Planning Board to undertake a Preliminary Investigation to determine whether the proposed study area which includes Lots 1 & 2 in Block 3 and Lot 1 in Block 0 and a portion of the bed of Eighth Street qualifies as an area in need of non-condemnation redevelopment pursuant to NJSA 40A:12A-5.

Seth A. Grossman commented that the developer has stated reasonably that this is a deteriorated area, the use is not functioning as the best use and may be obsolete. It is a hazard. It is a safety hazard particularly with the proximity of the school. A redevelopment study is warranted. Robb Arent stated that as someone who has been in that building, it is a dangerous and uncomfortable place. On motion by Jack Opdyke, seconded by Robb Arent and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-75 as follows:

BOROUGH OF FRENCHTOWN

COUNTY OF HUNTERDON, NEW JERSEY

RESOLUTION #2014-75

RESOLUTION AUTHORIZING THE BOROUGH OF FRENCHTOWN PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOTS 1 AND 2 IN BLOCK 3, AND LOT 1 IN BLOCK 10, AND A PORTION OF THE BED OF EIGHTH STREET, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Redevelopment Law sets forth the procedures for a municipality to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the New Jersey Legislature adopted, and the Governor signed P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

WHEREAS, pursuant to P.L. 2013, Chapter 159, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a “Non-Condensation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condensation Redevelopment Area”),” and

WHEREAS, the Borough of Frenchtown Common Council finds it to be in the best interest of the Borough and its residents to authorize the Borough’s Planning Board to undertake such preliminary investigation of the study area, which includes Lots 1 and 2 in Block 3, and Lot 1 in Block 10, and a portion of the bed of Eighth Street, as shown on the Borough of Frenchtown Tax Map (“Study Area”) as a Non-Condensation Redevelopment Area; and

WHEREAS, the Borough Common Council wishes to direct the Planning Board to undertake a preliminary investigation utilizing Paul N. Ricci, ACIP, PP, to prepare the preliminary investigation to determine whether the proposed Study Area, which includes Lots 1 and 2 in Block 3, and Lot 1 in Block 10, and a portion of the bed of Eighth Street, qualifies as an area in need of Non-Condensation Redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the preliminary investigation is being undertaken at the request of Frenchtown 7, LLC, and the Borough of Frenchtown; and

WHEREAS, Frenchtown 7, LLC, and the Borough of Frenchtown will enter into an Escrow Agreement with Frenchtown 7, LLC, to be responsible to pay for all costs and expenses incurred by the Borough and the Planning Board in conjunction with the request.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Common Council of the Borough of Frenchtown, in the County of Hunterdon, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing Paul N. Ricci, ACIP, PP to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended, in order to recommend to the Borough Common Council whether the area comprising the Study Area is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT FURTHER RESOLVED that, pursuant to New Jersey P.L.2013, Chapter 159, the redevelopment area determination shall authorize the Borough to use all those powers provided by the Legislature for use in a Non-Condensation Redevelopment area other than the use of eminent domain.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Borough Common Council in the form of a Resolution with supporting documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution is to be forwarded to the Planning Board.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

ATTEST:

**BOROUGH OF FRENCHTOWN
COMMON COUNCIL**

Brenda Shepherd, RMC
Borough Clerk

Warren Cooper, Mayor

CERTIFICATION

I, Brenda Shepherd, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on July 2, 2014.

Brenda Shepherd, RMC
Borough Clerk

Resolution #2014-76 – Resolution Authorizing the Mayor and Clerk to sign an escrow agreement with Frenchtown 7 LLC to reimburse the Borough of Frenchtown for the costs and expenses associated with the preparation of a preliminary investigation

On motion by Robb Arent, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-76 as follows:

BOROUGH OF FRENCHTOWN

RESOLUTION #2014-76

AUTHORIZING THE MAYOR AND CLERK TO SIGN AN ESCROW AGREEMENT WITH FRENCHTOWN 7, LLC, TO REIMBURSE THE BOROUGH OF FRENCHTOWN FOR THE COSTS AND EXPENSES ASSOCIATED WITH THE PREPARATION OF A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOTS 1 AND 2 IN BLOCK 3, AND LOT 1 IN BLOCK 10, AND A PORTION OF THE BED OF EIGHTH STREET, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Common Council of the Borough of Frenchtown authorized the Borough Planning Board to conduct a preliminary investigation to determine whether the proposed study area, which includes Lots 1 and 2 in Block 3, and Lot 1 in Block 10, and a portion of the bed of Eighth Street, as shown on the Borough Tax Map (“Property”), qualifies as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the contract purchaser of the Property, Frenchtown 7, LLC, voluntarily agreed to reimburse the Borough for the costs and expenses in connection with the investigation, with no assurance of a particular result from the Borough; and

WHEREAS, Frenchtown 7, LLC, agreed to post an initial escrow deposit in the sum of \$12,500.00; and

WHEREAS, the Borough and Frenchtown 7, LLC, desire to memorialize the terms and conditions of that escrow deposit through an Escrow Agreement in the form attached.

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

1. That the Mayor and Clerk are hereby authorized to sign the Escrow Agreement in the form attached.
2. This Resolution shall take effect immediately.

ATTEST:

**COMMON COUNCIL OF THE
BOROUGH OF FRENCHTOWN**

Brenda Shepherd, RMC
Borough Clerk

Warren Cooper, Mayor

I, Brenda Shepherd, Borough Clerk of the Borough of Frenchtown, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on July 2, 2014.

Brenda Shepherd, RMC
Borough Clerk

Resolution #2014-77 – Authorizing the award of a non-fair and open professional service contract for a professional planner to perform a preliminary investigation

On motion by Jack Opdyke, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2014-77 as follows:

BOROUGH OF FRENCHTOWN

RESOLUTION #2014-77

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT FOR A PROFESSIONAL PLANNER TO PERFORM A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES LOTS 1 AND 2 IN BLOCK 3, AND LOT 1 IN BLOCK 10, AND A PORTION OF THE BED OF EIGHTH STREET, QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-5.

WHEREAS, the Borough of Frenchtown has a need for the services of a Professional Planner to perform a preliminary investigation to determine whether the proposed study area, which includes Lots 1 and 2 in Block 3, and Lot 1 in Block 10, and a portion of the bed of Eighth Street, qualifies as an area in need of non-condemnation redevelopment pursuant to N.J.S.A. 40A:12A-5 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Paul N. Ricci, ACIP, PP submitted a proposal, dated June 29, 2014, stating it will provide the required services for a fee of not to exceed \$5,000.00 for the preliminary investigation and \$110.00 per hour to attend Borough Council or Planning Board meetings; and

WHEREAS, Paul N. Ricci, ACIP, PP has been selected on the basis of the skill and merit; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available as evidenced by Certification #_____ attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Frenchtown authorizes the Mayor and Clerk to sign a Professional Services Contract with Paul N. Ricci, ACIP, PP, to provide the services as described herein.

ATTEST:

**COMMON COUNCIL OF THE
BOROUGH OF FRENCHTOWN**

Brenda Shepherd, RMC
Borough Clerk

Warren Cooper, Mayor

I, Brenda Shepherd, Borough Clerk of the Borough of Frenchtown, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on July 2, 2014.

Brenda Shepherd, RMC
Borough Clerk

Mr. Meiskin thanked the Council. William Sullivan returned to meeting.

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 Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving Resolutions #2014-73, & #2014-74 as follows and the bills list dated 7/2/14:

RESOLUTION NO. 2014 - 73

**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, Clean Communities Grant, in the budget of the year 2014 in the sum of \$4000.00 which item is now available as revenue from the State of New Jersey, Solid Waste Administration.

BE IT FURTHER RESOLVED that the like sum of \$4000.00 is hereby appropriated under the caption "Clean Communities Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a revenue from the State of New Jersey, Solid Waste Administration in the amount of \$4000.00.

Attest:

July 2, 2014

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Warren E. Cooper

Resolution no. 2014 - 74

Tax sale redemption

Whereas, the Tax Collector has been paid by the Hopewell Valley Community Bank to redeem Tax Sale Certificate No. 12-005 the amount of \$25,977.10 on Block 41, Lot 7.01, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the borough of Frenchtown, County of Hunterdon and State of New Jersey, that the Chief Financial Officer be authorized to issue a check payable to Dominikija Prostack, 12 Seventh Street, Frenchtown, New Jersey, 08825, in the amount of \$25,977.10.

Warren E. Cooper, Mayor

Attest

July 2, 2014

Brenda S. Shepherd, RMC
Borough Clerk

APPROVAL OF MINUTES - Regular meeting – June 4, 2014

On motion by Cathy Leach, seconded by Seth A. Grossman and carried by favorable roll call vote, the Mayor and Common Council approved the Regular Council meeting minutes of June 4, 2014 with Robb Arent abstaining.

APPROVAL OF MINUTES - Special meeting – June 18, 2014

On motion by William Sullivan, seconded by Robb Arent and carried by unanimous favorable roll call vote with Michele Liebttag abstaining, the Mayor and Common Council approved the Special Council meeting minutes of June 18, 2014.

APPROVAL OF MINUTES – Executive Session – May 5, 2014

On motion by Jack Opdyke, seconded by Seth A. Grossman and carried by favorable roll call vote with William Sullivan abstaining, the Mayor and Common Council approved the Executive Session meeting minutes of May 5, 2014 with Robb Arent abstaining.

ORDINANCES

Ordinance #747 - Amendment to the 2014 Salary and Wage Ordinance (Adoption)

On motion by Robb Arent, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #747 as follows:

ORDINANCE # 747

**AN ORDINANCE
TO AMEND THE SALARY & WAGES
OF THE CERTAIN BOROUGH OFFICIALS AND EMPLOYEES FOR THE YEAR 2014**

BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown as follows:

1. The following salary for the year 2014 is hereby established for the following designated officials and employees of the Borough of Frenchtown:

Medical Benefits Administrator ----- \$1,000.00

2. The following hourly rate for the year 2014 is hereby established for the following designated officials and employees of the Borough of Frenchtown:

Licensed Sewer Treatment Plant Assistant--- \$28.04

This Ordinance shall take effect immediately upon Final Passage and action as required by law.

Warren E. Cooper, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #748 - An ordinance to provide for the purchase of a zero turn gas engine lawn mower with a 72” deck for the Borough of Frenchtown, in the County of Hunterdon, New Jersey and appropriating \$10,000.00 from the capital improvement fund (Adoption)

On motion by William Sullivan, seconded by Seth A. Grossman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #748 as follows:

BOROUGH OF FRENCHTOWN

ORDINANCE #748

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF A ZERO TURN GAS ENGINE LAWN MOWER WITH A 72” DECK FOR THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, NEW JERSEY AND APPROPRIATING \$10,000.00 FROM THE CAPITAL IMPROVEMENT FUND.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRENCHTOWN IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement described in Section 2 of the ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Frenchtown, New Jersey. For the said improvement or purposes described in Section 2, there is hereby appropriated the sum of \$10,000.00, said sum being inclusive of all appropriations heretofore made therefore.

Section 2. The Borough of Frenchtown hereby authorizes the purchase of zero turn gas engine lawn mower with a 72” deck for the Borough of Frenchtown.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid work, acquisition or improvement is not a current expense of the Borough of Frenchtown, but rather a capital expense and the Borough of Frenchtown’s estimated cost of said work, acquisition or improvement is \$10,000.00.

Section 4. The sum of \$10,000.00 is hereby appropriated for said purpose. The funding is provided by appropriating \$10,000.00 from the Capital Improvement Fund of the Borough of Frenchtown for said purpose as required by law and now available therefore in one or more previously adopted budgets.

Section 5. No debt of any kind is authorized for this undertaking.

Section 6. This ordinance shall take effect immediately upon adoption according to law.

Warren E. Cooper, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

NEW BUSINESS

Approval of road closing for Bastille Day

Caroline Scutt, President of the Frenchtown Business and Professional Association, noted that Bastille Day will be July 12th from Noon to 6 pm. There will also be a movie in the park at 9:00 pm. She requested to close Harrison Street from Bridge Street to the bank driveway from 11:00 am to 7:00 pm. Mayor Cooper noted that Chief Kurylka preferred that Bridge Street be closed. We have to have traffic going in and out of the bank. Caroline Scutt noted that Chief Kurylka approved the application to close Harrison Street. Chief Kurylka commented that in order to minimize the traffic going into the bank lot the wrong way or using that lot to cut through, an additional officer would have to be hired. Mayor Cooper commented that he has heard that it does not matter if it is Bridge Street that is closed or Harrison Street. If the Council is more comfortable closing Bridge Street, we could do that. William Sullivan noted that we heard testimony from the public that they did not want Bridge Street closed. Chief stated that he does not have a problem with Harrison Street being closed. The easiest and most effective way is closing off Bridge Street and sending everyone around the block. Robb Arent commented that the request is to close Harrison Street and that is what we should approve. On motion by William Sullivan, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the closing of Harrison Street from Bridge Street to the bank driveway for Bastille Day from 11:00 am to 7:00 pm.

Approval of road closing for Riverfest

Mayor Cooper noted that the request is to close Bridge Street from the corner of Trenton Avenue to Harrison Street for Riverfest. A motion was made by Robb Arent to approve closing Bridge Street from Trenton Avenue to Harrison Street for Riverfest. The motion was seconded by Seth A. Grossman. Mayor Cooper opened the floor for Council discussion. Seth A. Grossman commented that we all just agreed that Harrison Street was a good spot to close the road for festivals even though there are concerns. William Sullivan commented that they are asking for permission to close Bridge Street. They are not asking us to make a decision on which road to close. Chief Kurylka noted that this festival has a larger amount of people coming and taking part in it. We will have Harrison Street congested and people will walk all over and it will not be controlled. With a larger group, you have to think about a larger area to have the people in. Responded to Michele Liebttag as to vendors, Caroline Scutt noted that there are limited vendors, mainly non-profit groups, that will be in the area that is closed. They will be doing demonstrations and the music will be on the stage. Robb Arent noted that as a former President and previously in charge of Riverfest and Bastille Day, you have to balance with the merchants being impacted. He visited the merchants in that area and 3 are against it and 1 would rather not have it on Bridge Street but is afraid to say

“no”. Having no other discussion, Mayor Cooper called a vote on the motion. The motion was defeated.

Vote on the Motion:

Ayes: Leach and Sullivan

Nays: Arent, Grossman, Liebttag and Opdyke

Abstain: None

Caroline Scutt requested to amend the road closure request for Riverfest to close Harrison Street from Bridge Street to the bank driveway instead, the same as Bastille Day, despite the fact that they would rather close Bridge Street. A motion was made by Robb Arent to approve the closing of Harrison Street from Bridge Street to the bank driveway, the same as Bastille Day, for Riverfest. The motion was seconded by Seth A. Grossman. Mayor Cooper opened the floor for Council discussion. Mayor Cooper commented that there will always be disagreements within an organization of that size. He added that we have to trust the organization to come to us with a recommendation that is best for them. We heard the Chief say closing that piece of Harrison Street is workable but he thinks for the safety of the visitors and town that closing a portion of Bridge Street is a better alternative. Having no other comments, Mayor Cooper called a vote on the motion. The motion carried by unanimous favorable roll call vote.

Request for approval to hang banner for Riverfest

On motion by Jack Opdyke, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the request to hang a banner across Race Street from Monkey Mill to Frenchtown Dry Goods for Riverfest.

Approval of appointments to the Environmental Commission

Mayor Cooper noted that there are a number of spots open on the Environmental Commission. He would like to recommend for one of the openings Holly Lowe who has been part of the community garden and an environmental activist. Council consented.

Approval of appointment to the Planning Board

Mayor Cooper noted that there is an opening on the Planning Board and he would like to recommend Jack Weeks. There is a spot opened because Jerry Hoffman resigned. He noted that John Dougherty would move up to Class IV for the unexpired term, Gordon Dragt would move up to Alternate I and Jack Weeks would be the Alternate II member. Council consented. Robb Arent asked if consideration was given to the new Fire Chief. He added that the Board had amended the procedure so that the fire department had input and time to comment on applications. William Sullivan stated that it is still routed through the Fire Chief and he still has input. Mayor Cooper stated that he will reach out to the fire department because he thinks it is still a good idea to have someone from the fire department sit on the Planning Board.

Approval of Eighth Street Block Party on July 26, 2014 with a rain date of July 27, 2014

On motion by Robb Arent, seconded by Jack Opdyke, and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Eighth Street Block Party on July 26, 2014 with a rain date of July 27, 2014.

COAH memo from Planner McKenzie

Attorney Cruz noted that this item was added to the agenda at his request. The Borough received a memo from Planner McKenzie regarding the potential impact of the proposed new third round

COAH regulations. The Council on Affordable Housing issued its 3rd set of 3rd round rules on April 30th and it was published in the NJ Register on June 2nd. Today, the Council on Affordable Housing is scheduled to have a public hearing on the proposed new 3rd round rules. Planner McKenzie analyzed those rules in terms of potential impacts to the Borough, the impact on your rehabilitation share, and for the period of 2014-2024 you have a 4 unit rehabilitation share. There is a projected need to the future of 6 units and there is a prior unmet obligation of 7 units. So you have a 3 unit rehabilitation share, a 6 unit prospect need and an unanswered obligation of 4 of which have to be addressed now and the others addressed by 2024. Frenchtown is in the position of being one of the few municipalities in New Jersey who has received substantive certification for your third round plan. However, the Supreme Court invalidated the rules that Frenchtown's plan was based on. You will have to reapply again by May 15, 2015 if these rules are adopted. Planner McKenzie's memo suggests that you have the ability to comment on the proposed rules. Attorney Cruz requested with the Council's approval that he work with Planner McKenzie to comment on the proposed rules by the deadline of August 1st. Attorney Cruz added that once you read the memo, if you have any thoughts, send them to him. We will look at the impact on Frenchtown and make comments. William Sullivan asked if they listen to the input? Attorney Cruz responded that the comment period is important because those comments will be listed in the NJ Register and you will get a formal response. It is adding a legislative history. Planner McKenzie has a few comments that are appropriate for Frenchtown and she has done the work already. If there are enough comments and issued raised, there may be a change in the final rules. Council consented to have Attorney Cruz work with Planner McKenzie on the comments.

OLD BUSINESS

Recycling – Food Waste recycling

Mayor Cooper noted that there is nothing to report. Michele Liebtag added that she was in Brooklyn and they have small versions of the larger recycling tubs designated for food. It looks very user friendly and she is hoping we get to that capability. We can start exploring options. Mayor Cooper stated that the Borough needs a partner because NJDEP will not let us pick it up. He offered Frenchtown as a test case. Michele Liebtag commented that she will revisit it with Gary Smalley.

Wastewater Treatment Plant Facility update

Jack Opdyke reported that Tomar Construction will not make the July 15th start up date. They are making progress, most of the drywall is done and equipment is being put in. We did agree to split the cost of the electric pole to the new location which would be beneficial to Victor Gilardi. Attorney Cruz recommended that the Borough try to argue that the new JCP&L pole is needed for the public benefit. Their pole needs to be moved to accommodate the facility. Robb Arent recommended that the Council let Attorney Cruz address it. Jack Opdyke noted that he will provide information to Attorney Cruz.

Frenchtown Bridge Street LLC

Attorney Cruz noted that the Borough will have a request to rename the interior streets in the River Mills development. They are requesting to name it River Mills Road. Streets have to be named by ordinance. It needs to be vetted by emergency services and the postal service to make sure there is no conflict or duplications. He will do an ordinance for that.

Hilltop Streets

William Sullivan reported that he is waiting for some contact information.

Streetscape Grant Application

Mayor Cooper noted that the grant application to the State for the streetscape project was submitted on time by Engineer William Burr which was due on June 30th. NJDOT received the application on time.

COMMITTEE REPORTS

Michele Liebtag noted that she spoke with Clerk Shepherd and an advertisement is going in for a part time police officer position.

Seth A. Grossman reported that there is a new enthusiasm from the committee to fix the porch on the police department, new curtains for the meeting room and long standing repairs on the buildings.

Cathy Leach reported that last Saturday they had a parks meeting at town hall to start the process of the Parks Master Plan. Twenty people attended. The top 2 priorities were the need for more public restrooms in town and safe playground equipment. Michele Liebtag commented that it was a great presentation and there was a lot of positive input. Responding to William Sullivan, Attorney Cruz recommended that Council exercise caution when attending such meetings because you may attempt to speak and make decisions. If you intend to go to meetings like this, have the Clerk notice it under the Sunshine Law so there is no question if you are tempted to speak. The notice must be provided 48 hours in advance. It is not required if it is not a Council meeting and if you are not making a decision or taking formal action.

Mayor Cooper thanked Brenda Shepherd and Cathy Leach for taking care of refreshments for this evening's celebration.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:55 pm on motion by Robb Arent, seconded by Michele Liebtag and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk