

CALL TO ORDER

Mayor Myhre called the meeting to order at 7:30 p.m. and stated that in compliance with the “Open Public Meetings Act” this Meeting was duly noticed to the Hunterdon County Democrat on January 14, 2016 and the Express Times on January 14, 2016; the Agenda has been posted at Borough Hall and distributed to the Courier News, the Express Times, the Hunterdon County Democrat, and the Star Ledger on August 3, 2016.

FLAG SALUTE

Mayor Myhre asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Cathy Leach
Michele Liebttag
Jack Opdyke
Caroline Scutt

Absent from Meeting:

John Hindman
William Sullivan

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

Mayor Myhre requested to move the Public Comment session up on the agenda as Ian Bydalek is here this evening to present a concept plan for Sunbeam Park. The Council consented.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Concept plan for the Sunbeam Park - Ian Bydalek

Ian Bydalek noted that he worked with the Borough Engineer to design a concept plan for the property behind the security shed which is open space that the Borough acquired. As part of his internship, he was to design a concept plan. He is a third year architect student from Virginia Tech and has lived and grown up in the area. When he went through Frenchtown, he noticed that there was a space next to the river and he wanted to design that space for the people of Frenchtown. The plan would provide space for vendors, etc. for town festivals. It would also have a separate space for the community and an intimate space. The first thing you will see when you enter the park is a sign with the history of Frenchtown. Adding a retaining wall that mimics the guard shack wall adds symmetry. It offers a place to plant plants for a welcome. He has added benches along the retaining wall for enjoying the site. There is a large community space for festivals, family picnics, etc. He has added a pavilion in the back of the space for family gatherings, music, etc. There is also a 150 foot bench, five feet wide, in the space for outdoor activities. Trees were added on the community site to provide shade and create a threshold between the intimate space and the community space. The smaller intimate space is four feet lower than the community space. On the river side of the space, he added tables and a chess board area to promote community interaction. The slope of the property is not more than 5%. He is looking forward to continue to work on this to make it a reality. Everything is grass and planting boxes. This will require maintenance and mowing.

He added trees to block the building but lets you view the retaining wall. Mayor Myhre noted that he likes the concept and noted that Ian Bydalek did a great job on the design. The Council agreed and thanked Ian Bydalek. Responding to Council, Ian Bydalek noted that he did not do a cost analysis.

Ian Bydalek's mother commented that this is what we like about this community, living an experience of an inviting community. This was a critical point in his career where in his Junior year he was to present a public project and understand the process and dynamics. As a parent and a community member, we thank you. You are to be celebrated.

Report from Police Chief Al Kurylka

Chief Kurylka noted that National Night Out is August 13th at 3:00 pm with fireworks that evening. Everything is going well. We received great support for the fireworks. We are waiting on the fireworks permit. The Fire Department was invited and we have to have them there for the fireworks.

Chief Kurylka also noted that he only has two applicants for the Special Officer position. He would like to meet with the committee to consider another avenue. We have to consider hiring a full time officer. Frenchtown is a great community and is 1.2 square miles like a sea shore community in the summer. We cannot handle everything in one weekend. We have over one million cars and we have a major issue with that.

Chief Kurylka report that he had to send something to OEM and OEM Coordinator Karen Harmon indicated that she has work 75 hours on the latest project. He recommended that the Borough give her a stipend. She is such a dedicated woman and he would hate to lose her.

Chief Kurylka noted that Sunday, we lost one of our residents. Officer Krusick was the first one on the scene and brought her back to life. Unfortunately, she past a few hours later.

Referring to Live Scan, an automated fingerprinting system, Chief Kurylka noted that the State is going to force municipalities to use this system. The cost of the unit is \$40,000.00. The State will not pay so he will have to look for grants for it. He is looking at different vendors and the possibility of leasing it. All systems will talk to each other.

Chief Kurylka reported that Bastille Day went well. There were no problems with traffic. He worked with the Business Association preparing for the event and everyone did a great job. He was contacted by a member of the LGBT community and wanted to know if they would be protected during Bastille Day. This was coming from the incident at the Orlando Night Club and the attack on France. He contacted Chief Kuczimsli at the prosecutor's office with these concerns. One phone call led to another. He was on the phone with the FBI, Homeland Security, local police and State Police putting a contingency plan together. Frenchtown was the only town having a celebration on Saturday. Homeland Security's risk assessment was at a higher level. He was asked to find a place for two guardian angel snipers so they were located on the top of the launderette. We put the command bus on George Michael's property. There were two rescue squads at each end of town. There were 700 to 850 people in attendance. There was a total of 199 man hours invested in the event. The Borough did not pay a dime for all the help. He

added that we are a soft target. We are not out of the woods. Police officers are getting death threats. We are monitoring everything and hoping for the best. Council thanked Chief Kurylka and all the officers.

Liz Johnson noted that she thinks the police department is the greatest asset. Anything the Borough can do to get them what they need should be considered such as paid parking along the river which could pay for that.

Having no other public comments, the Mayor and Common Council closed the public comment session.

PUBLIC HEARING

Ordinance #771 – An Ordinance of the Borough of Frenchtown Amending Section 404, titled “ Regulations for R4-A Central Commercial Zone, Subsection 404.B, titled “Permitted uses:, more specifically Subsection 404.B.2 to include an Additional Use; Namely, “N. Tattuo Studios” of the Land Use Ordinance

The Council approved to open the public hearing on Ordinance #771. Having no comments, Council approved to close the public hearing on Ordinance #771.

Ordinance #772 – John’s Law

The Council approved to open the public hearing on Ordinance #772. Having no comments, Council approved to close the public hearing on Ordinance #772.

Ordinance #773 – Amendment to the 2016 Court Salary and Wage Ordinance

The Council approved to open the public hearing on Ordinance #773. Having no comments, Council approved to close the public hearing on Ordinance #773.

Ordinance #774 – Amendment to the 2016 Salary and Wage Ordinance for certain Borough officials and employees for the year 2016

The Council approved to open the public hearing on Ordinance #774. Having no comments, Council approved to close the public hearing on Ordinance #774.

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 Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 8/3/16 as attached, and Resolution #2016-85 as follows:

Resolution no. 2016 - 85

Tax sale redemption

WHEREAS, the lienholder paid a premium at the time of sale in the amount of \$1200.00 on Tax Sale Certificate No. 15-001.

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 LEED Capital, 946 Main Street, Hackensack, New Jersey, 07601 in the amount of \$1200.00.

BRAD Myhre, Mayor

Attest

August 3, 2016

Brenda S. Shepherd, RMC
Borough Clerk

APPROVAL OF MINUTES

Special Meeting – June 29, 2016

On motion by Jack Opdyke, seconded by Cathy Leach and carried by favorable roll call vote with Michele Liebttag abstaining, the Mayor and Common Council approved the minutes of June 29, 2016 Special Meeting.

Executive Session – June 29, 2016

On motion by Cathy Leach, seconded by Caroline Scutt and carried by favorable roll call vote with Michele Liebttag abstaining, the Mayor and Common Council approved the minutes of June 29, 2016 Executive Session.

Regular Meeting – July 6, 2016

On motion by Jack Opdyke, seconded by Michele Liebttag and carried by favorable roll call vote with Cathy Leach abstaining, the Mayor and Common Council approved the minutes of July 6, 2016 Special Meeting.

RESOLUTIONS

Resolution #2016-86 - Resolution authorizing the award of a contract to Phoenix Advisors, LLC for a Financial Advisory Services for the Borough of Frenchtown

Mayor Myhre noted that this is an independent entity that would review debt service and PILOT program requests for financial impact on the Borough. He believes it is in the best interest of the Borough. Responding to Council, Mayor Myhre noted that the retainer is \$1,000.00 per quarter.

The fee can be broken down to an hourly fee and the cost could be passed on to a developer. Attorney Cruz also noted that the company will also provide the Borough with a bond rating. The Council agreed that the services are needed. On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-86 as follows:

RESOLUTION #2016-86

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PHOENIX ADVISORS, LLC. FOR FINANCIAL ADVISORY SERVICES FOR THE BOROUGH OF FRENCHTOWN

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

WHEREAS, Anthony P. Inverso of Phoenix Advisors, LLC. would prepare analysis and consulting on economic and redevelopment projects in an amount not to exceed \$15,000.00; and

WHEREAS, Anthony P. Inverso of Phoenix Advisors, LLC. has submitted a proposal dated May 24, 2016 indicating they will provide the following financial advisory services for the following fees:

- a) Bond Issuances, \$1.00 per \$1,000.00 issued (minimum of \$12,500.00 with no additional charges for Out-of-Pocket Expenses
- b) Note Issuance, \$0.25 per \$1,000.00 issued (minimum of \$1,500.00) with no additional charges for out of pocket expense. If an Official Statement is issued for a separate issuance of notes, the minimum fee is \$2,500.00
- c) Redevelopment Projects, quarterly fee of \$1,000.00 payable in arrears, for the analysis of and consulting on economic and redevelopment projects; and

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

WHEREAS, the Council of the Borough of Frenchtown desires to award a non-fair and open professional services contract to Anthony P. Inverso of Phoenix Advisors LLC; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, Anthony P. Inverso of Phoenix Advisors, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that Phoenix Advisors, LLC. 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 Phoenix Advisors, LLC. from making any reportable contributions through the term of the contract, and

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the following persons and/or firms for the general financial advisory services:

Anthony P. Inverso of Phoenix Advisors, LLC

2. A non-fair and open contract be awarded to Anthony P. Inverso of Phoenix Advisors, LLC. to provide financial advisory services in an amount not to exceed \$15,000.00.
3. Notice of award of this contract is to be published in the official newspaper of the Borough of Frenchtown.
4. This resolution shall take effect immediately.

Dated: August 3, 2016

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES:

Ordinance #771 – An Ordinance of the Borough of Frenchtown Amending Section 404, titled “ Regulations for R4-A Central Commercial Zone, Subsection 404.B, titled “Permitted uses:, more specifically Subsection 404.B.2 to include an Additional Use; Namely, “N. Tattoo Studios” of the Land Use Ordinance (Adoption)

Mayor Myhre noted that the Planning Board reviewed the ordinance and came back with some comments. Attorney Cruz noted that the Planning Board determined that the ordinance was consistent with the Master Plan and therefore, the Council can act tonight. The comments you do not have to agree with. The Council agreed to adopt the ordinance as is. On motion by Jack Opydyke, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #771 as follows:

ORDINANCE #771

**AN ORDINANCE OF THE BOROUGH OF FRENCHTOWN
AMENDING SECTION 404, TITLED “REGULATIONS FOR R-4A
CENTRAL COMMERCIAL ZONE”, SUBSECTION 404.B., TITLED**

“PERMITTED USES”, MORE SPECIFICALLY SUBSECTION 404.B.2 TO INCLUDE AN ADDITIONAL USE; NAMELY, “N. TATTOO STUDIOS”, OF THE LAND USE ORDINANCE.

WHEREAS, tattoos have come to be recognized as an art form; and

WHEREAS, approximately one (1) in five (5) Americans has a tattoo, with higher rates within younger Americans; and

WHEREAS, on May 8, 2013, the New York Times featured an article titled “Tattooing Makes Transition from Cult to Fine Art”; and

WHEREAS, on December 3, 2015, The Atlantic featured an article titled “Highbrow Ink”; and

WHEREAS, these two (2) articles are only a sampling of the literature recognizing tattoos as art; and

WHEREAS, Section 404.B. of the Borough of Frenchtown Land Use Ordinance allows “Art/craft galleries and stores” but does not include tattoo studios; and

WHEREAS, the Mayor and Council of the Borough of Frenchtown hereby recognize tattoos as an art form and desire to amend the Land Use Ordinance to allow tattoo studios as a permitted use in the R-4A Central Commercial Zone.

NOW, THEREFORE, BE IT ORDAINED by the Mayor Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that Section 404, titled “Regulations for R-4A Central Commercial Zone”, Subsection 404.B, titled “Permitted Uses”, more specifically Subsection 404.B.2, is amended to include an additional use; namely Subsection n. Tattoo studios:

Section 1. Section 404.B.2 is amended as follows:

2. The following services uses, provided no single establishment shall have a gross floor area exceeding 2,500 square feet or the area of the first floor of any building existing as of January 1, 2000, whichever is less:

n. Tattoo studios shall be permitted only in the R-4A Central Commercial Zone and no other zones.

Section 2. Severability.

If any article, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Frenchtown, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Land Use Ordinance of the Borough of Frenchtown are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Frenchtown for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

Brad Myhre, Mayor

ATTEST:

Brenda Shepherd, RMC, Borough Clerk

Ordinance #772 – John’s Law (Adoption)

On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #772 as follows:

ORDINANCE #772

ORDINANCE REGARDING PERSONS ARRESTED FOR
DRIVING UNDER THE INFLUENCE OF ALCOHOL OR
DRUGS

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

WHEREAS, pursuant to N.J.S.A. 39:4-50.22, commonly known as
"John's Law," a law enforcement agency arresting a person for a violation of

N.J.S.A. 39:4.50, driving under the influence of alcohol or drugs, may release said person to an individual summoned by the arrestee to transport or accompany the arrestee from the premises of a law enforcement agency; and

WHEREAS, in situations where the arrestee is unable to summon an individual to transport or accompany the arrestee from the premises of a law enforcement agency pursuant to N.J.S.A. 39:4-50.22, that the arrestee may present a danger to self or others if provisions are not made for the arrestee's protective custody; and

WHEREAS, pursuant to N.J.S.A. 40:48-1.3, a municipality may enact an ordinance providing that person arrested for a violation of the provisions of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs, shall be held in protective custody at an appropriate police or other facility where the arrestee's condition may be monitored until the arrestee is no longer a danger to himself or others, and that municipalities have additional authority under N.J.S.A. 40:48-1(34) to provide protective custody for persons arrested for operating a motor vehicle in violation of N.J.S.A. 39:4-50, driving under the influence of alcohol or drugs; and

WHEREAS, it is recognized that it is an inefficient use of police resources to require that protective custody be held at the police station, and that the Hunterdon County Jail, among other places, could be a more appropriate facility within which to monitor the arrestee's condition until the arrestee is no longer a danger to himself or others;

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

Section I. Detention of Person Arrested For Driving Under the Influence.

a. A person who is arrested for a violation of the provisions of N.J.S.A. 39:4-50 shall be held in protective custody at an appropriate police or other facility where the arrestee's condition may be monitored until the arrestee is no longer a danger to himself or others, which is defined as when the arrestee's blood alcohol is less than 0.05% and the arrestee is no longer under the influence of any intoxicating liquor or narcotic or hallucinogenic or habit-forming drug to the extent that the arrestee's faculties are impaired. The officer or other person holding the arrestee shall release the arrestee from protective custody when the arrestee no longer is a danger to himself or others. In no event shall the arrestee be held in protective custody for a period of longer than eight (8) hours without providing the arrestee an appropriate hearing.

b. Notwithstanding the provisions of section 1a of this ordinance, provided that it is not a detriment to the public safety, the officer or other person holding the arrestee may, because of the age, health or safety of the arrestee, release the arrestee pursuant to the provisions of section 1d of this ordinance, or provide an appropriate alternative to protective custody. The Borough of Frenchtown shall not be subject to liability if a person is released from custody pursuant to the provisions of this section.

c. For the purposes of this ordinance, an appropriate facility shall include a police station, the Hunterdon County Jail or, if the arresting officer deems appropriate, a

r hospital that has supervisory measures in place to ensure that the arrestee will not be released until such time as the arrestee is no longer a danger to himself or others as defined in section 1a of this ordinance.

d. Whenever a person is summoned by or on behalf of a person who has been arrested For a violation of N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.4a in order to transport or accompany the arrestee from the premises of the officer or other person holding an arrestee, the officer or other person shall provide that person with a written statement advising him of his potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains intoxicated. The person to whom the statement is issued shall acknowledge, in writing, receipt of the statement, or the officer or other person holding the arrestee shall record the fact that the written statement was provided, but the person refused to sign an acknowledgment.

e. Nothing in this ordinance shall impose any obligation on a physician or other health care provider involved in the treatment or evaluation of the arrestee.

Section 2. Impounding Vehicles.

a. Whenever a person has been arrested for a violation of N.J.S.A. 39:4-50 or N.J.S.A. 39:4-50.4a, the Borough of Frenchtown Police Department shall impound the vehicle that the person was operating at the time of arrest.

b. A vehicle impounded pursuant to this ordinance shall be impounded for a period of twelve (12) hours after the time of arrest or until such later time as the arrestee claiming the vehicle meets the conditions for release in section 2d of this ordinance.

c. A vehicle impounded pursuant to this ordinance may be released to a person other than the arrestee prior to the end of the impoundment period only if:

(1) The vehicle is not owned or leased by the person under arrest and the person who owns or leases the vehicle claims the vehicle and meets the conditions for release in section 2d of this ordinance; or

(2) The vehicle is owned or leased by the arrestee, the arrestee gives permission to another person, who has acknowledged in writing receipt of the statement required in N.J.S.A. 39:4-50.22(1) to operate the vehicle and the conditions for release in section 2d of this ordinance are met.

d. A vehicle impounded pursuant to this ordinance shall not be released unless the person claiming the vehicle:

(1) Presents a valid operator's license, proof of ownership or lawful authority to operate the motor vehicle, and proof of valid motor vehicle insurance for that vehicle;

(2) Is able to operate the vehicle in a safe manner and would

not be in violation of Title 39 of the Revised Statutes; and

(3) Meets any other conditions for release established by the Borough of Frenchtown Police Department.

All ordinances or parts of ordinances deemed to be inconsistent with this ordinance are hereby repealed

This Ordinance shall take effect immediately upon final passage and publication according to law.

Brad Myhre, Mayor

ATTEST:

Brenda S. Shepherd, RMC, Borough Clerk

**Ordinance #773 – Amendment to the 2016 Court Salary and Wage Ordinance
(Adoption)**

On motion by Michele Liebttag, seconded by Jack Opdyke and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #773 as follows:

ORDINANCE # 773

**AN ORDINANCE
TO AMEND THE SALARY & WAGES
OF CERTAIN OFFICIALS AND EMPLOYEES
OF THE JOINT MUNICIPAL COURT OF THE DELAWARE VALLEY
FOR THE YEAR 2016**

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

1. The following salary rates for the year 2016 are hereby amended for the following designated officials and employees the Joint Municipal Court of the Delaware Valley:

Court Administrator ----- \$32,240.00

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

Brad Myhre, Mayor

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #774 – Amendment to the 2016 Salary and Wage Ordinance for certain Borough officials and employees for the year 2016 (Adoption)

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to adopt Ordinance #774 as follows:

ORDINANCE #774

**AN ORDINANCE
TO AMEND THE SALARY & WAGES
OF THE CERTAIN BOROUGH OFFICIALS AND EMPLOYEES FOR THE YEAR 2016**

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

1. The following hourly rates for the year 2016 are hereby amended for the following designated officials and employees of the Borough of Frenchtown:

Library Assistant ----- \$11.00 - \$13.00

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

Brad Myhre, Mayor

ATTEST:

Brenda S. Shepherd, RMC
Borough Clerk

Ordinance #775 - An Ordinance of the Borough of Frenchtown amending section 803, titled “Enforcement”, Subsection 803.b., titled “Construction Permits”, to add a new Subsection 803.b.4 specifying the circumstances when a Zoning Permit is required, of the Land Use Ordinance (Introduction)

Mayor Myhre noted that the Council received feedback from the Planning Board and the board made some valid points. He recommended postponing the introduction of the ordinance to incorporate the Planning Board comments and then have the zoning officer review it. We want to reduce the circumstances when you have to get a zoning permit. Attorney Cruz noted that he will review and incorporate the comments and then send it to the zoning officer for review. Attorney Cruz will prepare the amendments to the ordinance for the next meeting. The ordinance will then go back to the planning board for a review of consistency with the Master Plan. The Council agreed to table the introduction of the ordinance. On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council tabled Ordinance #775 until the amendments are made and reviewed.

Ordinance #776 - An Ordinance providing for the numbering for every house or building fronting on any street in the Borough of Frenchtown (Introduction)

Mayor Myhre noted that there has been a request from the Police Department and Fire Department that every home and building should be numbered so both Police, Fire and EMS know where they are going. It also helps outside agencies identify an address. Subsequent to a review of the ordinance, the Council agreed to removed the requirements for a business name from the requirements in Section C-4, rear door on page 5. On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to introduce Ordinance #776 as follows:

ORDINANCE #776

**AN ORDINANCE PROVIDING FOR THE NUMBERING FOR
EVERY HOUSE OR BUILDING FRONTING ON ANY STREET
IN THE BOROUGH OF
FRENCHTOWN.**

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

**Chapter
NUMBERING OF BUILDINGS**

§ _____. Purpose and Intent.

The purpose of this Chapter is to require the clear display of authorized and assigned house or building numbers for every building fronting on any street in the Borough of Frenchtown. This is in order to assist the general public and emergency services, public and private, in identifying any property in case of emergency or otherwise in accordance with N.J.S.A. 40:67-1 et seq.

§ _____. Property Number Map.

There is hereby established a uniform system for numbering and renumbering, where appropriate, properties along all streets, avenues, public and private ways in the Borough of Frenchtown.

- A. The Tax Assessor shall prepare a property number map by superimposing upon the assessment map of the Borough of Frenchtown numbers for every property in the Borough of Frenchtown pursuant to the following standards:
- (1) Existing numbers. Notwithstanding any other provisions of this Chapter, the Tax Assessor shall attempt to the extent possible, consistent with the maintenance of the orderly progression of property numbers, to assign to lots on which there are existing structures the numbers which are currently in use.
 - (2) New numbers. All property numbers for new subdivisions and lots created by redivisions shall be consistent and uniform with existing numbers in the immediate area as determined by the Tax Assessor.
 - (3) Even and odd numbers. Even numbers shall appear on one side of each street, while odd numbers shall appear on the opposite side of the street.
 - (4) All parcels of property shall be numbered in a uniform fashion, at fixed intervals as designated by the Tax Assessor, on such property map in order to facilitate continued numbering without need for change when properties are subdivided.
- B. The Tax Assessor shall prepare a street guide listing alphabetically every street in the Borough of Frenchtown with its location and the property numbers currently assigned.

§ _____. Maintenance of Map and Guide.

- A. After the property number map and street guide have been prepared by the Tax Assessor, they shall be maintained in the office of the Clerk.
- B. Upon any subdivision or resubdivision of land in the Borough of Frenchtown resulting in the lot or lots other than those delineated on said map, the Tax Assessor shall assign a property number to each lot resulting from said subdivision or resubdivision which shall be in proper numerical sequence in relation to the number assigned to other lots fronting on the same street, and the Tax Assessor or Clerk shall record

the same on the property number map and street guide.

- C. Copies of the initial map and guide and any changes thereto shall be filed, within thirty (30) days of any change, with the Construction Official, Police Chief, Fire Chief, Fire Official, Tax Assessor and Tax Collector of the Borough of Frenchtown, as well as with each post office serving any portion of the Borough.

§ _____. Responsibility of Property Owners.

- A. Whenever any improvements shall be erected or located in the Borough of Frenchtown after the passage of this Chapter and, in order to preserve the continuity and uniformity of numbers of the property, it shall be the duty of the owner to ascertain the correct number or numbers as designated by the property number map from the Tax Assessor for said property and to immediately fasten on the improvement and/or, by some other appropriate method, the property marker clearly setting forth the correct number or numbers so assigned upon said property in the manner provided by this Chapter.
- B. No permit shall be issued for any house, building or structure until the owner has ascertained the official number of the proposed or existing improvement from the Tax Assessor.
- C. Final approval of any structure erected, repaired, altered or modified after the effective date of this Chapter shall be withheld by the Construction Official until permanent and proper numbers have been affixed to said structure. All subdivisions shall have numbers assigned prior to final approval. All such house numbers shall be shown on the site plan submitted for final approval.
- D. Any structure erected, altered, repaired or modified after the effective date of this Chapter shall have the certificate of occupancy withheld by the Construction Official until permanent and proper numbers have been affixed.
- E. Any person having a number different from that officially assigned shall be deemed to be in violation of this Chapter.

§ _____. Notification of Owners.

After the property number map is complete, the Borough shall notify, by regular mail or personal delivery, all owners of improvements which do not display a number or which display

an incorrect number that they must bring their building into conformity with this Chapter within three (3) months of the date of the notice.

§ _____. Applicability.

All residential, commercial, industrial or other structures erected or to be erected within the Borough of Frenchtown shall display identification numbers as provided herein and in accordance with specifications provided herein.

§ _____. Numbering specifications.

- A. The owner, occupant or lessee of each and every structure which now fronts or which may hereafter front upon any public or private street shall, in accordance with this ordinance, cause the authorized and assigned number of such structure to be permanently and conspicuously placed in accordance with the specifications set forth herein. Any building presently numbered shall display the existing number.
- B. Specifications. House or building numbers shall be:
- (1) In Arabic numerals.
 - (2) A minimum height of four (4") inches.
 - (3) Mounted in secure fashion to the front wall or porch of the building or other fixed appurtenance on the front of the building so as to be clearly visible from the street or road giving access to such building (except as permitted below).
 - (4) Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street or road.
 - (5) At least thirty (30") inches above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street or road upon which the building fronts.
 - (6) If possible, the numbers shall be placed alongside any existing outside lighting so as to be illuminated.

C. Placement of Numbers on Post, Rod or Mailbox.

- (1) If a building is set back one hundred (100') feet or more from the public or private street or road giving access to it or it a number would not be visible from such street or road due to shrubbery or other vegetation, then the owner shall provide a post, rod or other type of fixture of a substantial nature (which may be a mailbox for the property if located along its frontage on the same side of said public street or road), with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from said public or private street or road. Said number, if placed on such post or mailbox, shall also meet the requirements of B.(2), (4) and (5) above.
- (2) If the numbers affixed to the front of the building would not be visible from the street as required or as an alternative thereto, requirements of this Chapter are satisfied if the owner, occupant or lessee shall provide the Arabic numbers, as required hereinabove, upon a post rod or other type of fixture of substantial nature adjacent to a driveway leading to said building so that the number may be conspicuous and visible from either direction when traveling on the road. The location shall not be greater than ten (10') feet from the edge of the roadway. A mailbox, post or rod on the opposite side of the street that the building fronts on will not satisfy the requirements of this Chapter.
- (3) In the case of apartment, condominium and/or townhouse complexes, the number posted shall be the official mailing address number. Numbers shall be placed on each building. The numbers shall be eight (8") inches in height and shall be adequately illuminated after dusk and be clearly visible from the roadways within any apartment, condominium and/or townhouse complex. Each entranceway door shall display numbers three (3") inches in height of the apartments within the entranceway. Each apartment door shall display numbers three (3") inches in height. A storm or screen door shall not obscure required numbers.
- (4) The rear door to any occupancy other than a residential occupancy must also be marked as specified hereinabove.

D. All numbers posted pursuant to this Chapter shall be of reflective material or of sufficient visual contrast to the

background material to be easily discernible with the aid of an emergency vehicle spotlight.

- E. All buildings with Fire Department hose connections will have a sign with twelve (12") inch reflective letters "FDC" directly above the unobstructed connection.

§ _____. Multiple Entrances.

- A. Where any improvement has more than one (1) entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant and shall be posted as otherwise provided in this Chapter.
- B. Where only one number can be assigned to any one improvement, the suffix (a), (b), (c), etc., may be required to designate each separate entrance serving the separate occupant.
- C. Where any building or complex of buildings is so structured that all separate entrances serving separate occupants and the numbers assigned to them are not clearly visible from the center line of the street, then the number for each separate entrance shall be placed near the walk or driveway from the street to such separate entrance and upon a gate, post, fence or other appropriate place so as to be visible from the center line of the street. The height limitations on such a display shall be the same as those provided hereinabove.
- D. For all multifamily improvements having apartment doors opening on interior halls, each door shall have a number no less than two (2") inches high affixed thereon, and all entranceways shall have on the exterior thereof a display indicating the sequence of apartments served by such entranceway.

§ _____. Responsibility for Posting Numbers.

The posting of the numbers as required hereinabove shall be the responsibility of the owner or, in the case of a residence or

business not occupied by the owner, the responsibility shall be that of the person in possession of the premises. In the case of an apartment complex, the responsibility shall be that of the owner. In the case of an existing condominium or townhouse complex, the responsibility shall be that of the condominium association.

§ _____. Responsibility for Maintenance of Numbers.

Each person responsible as outlined in this ordinance shall also be responsible for the maintenance and legibility of the required numbers.

§ _____. Appeals.

- A. The owner, occupant or agent of an owner or occupant may, within twenty (20) days of the assignment of a number as hereinabove provided in this Chapter or within twenty (20) days after being notified by the Borough of a violation and/or that it plans to affix the number because of the owner, occupant or agent's inability to do so in accordance with the Chapter requirements, object to the number assigned to his property or to the violation or to the affixing of the number by the Borough by filing a written notice of objection with the Clerk. Such notice shall specify the reasons for the objections.
- B. The Clerk shall convene, within twenty (20) days of the receipt of the written notice of objection pursuant to Subsection A above, a meeting with the Tax Assessor and notify the person who has filed the notice of objection at least five (5) days in advance of the time and place of the meeting with the Tax Assessor.
- C. The objector shall be permitted to be present at the meeting with the Tax Assessor to present his position, but such attendance is not mandatory. The Tax Assessor shall permit an appellant to use an existing number and size or location as long as the appellant shall continue to own or occupy the premises in question, and provided that the existing number shall not duplicate the number assigned to the building number map to another premises and actually used at that location.
- D. A record of the Tax Assessor's deliberations shall be maintained by the Clerk, and the decision on the objection shall be set forth in written form by the Borough, which decision shall set forth findings of fact made by the officials and the reasons for

the decision. A copy of said decision shall be mailed by certified mail, return receipt requested, to the person filing the notice of objection within ten (10) days of the decision.

- E. The filing of an appeal under this Chapter shall temporarily suspend enforcement or prosecution until said appeal is determined and correspondingly shall extend the time periods for compliance.
- F. A copy of the final decision issued herein shall be filed with the Clerk.

§ _____. Compliance Required.

- A. As to all buildings which already have designated numbers, compliance is expected by and enforcement shall commence on the 31st day following adoption of this Chapter.
- B. With respect to those buildings which presently have no designated numbers or whose number is in the process of being changed because of duplication, compliance is expected by and enforcement shall commence on the 31st day after Council acceptance of the property numbering map or specific section thereof.

§ _____. Approval of Council.

The Tax Assessor will submit for acceptance to the Borough within 180 days after adoption of this Chapter the plan for numbering properties as set forth herein.

§ _____. Violations and Penalties.

Any person who violates any provision of this Chapter shall, upon conviction, be subject to a penalty as stated in Chapter I, Section 1-5, General Penalty.

The violation of any section or subsection of this Chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection or of any order issued pursuant to this Chapter. Each week after receiving the notice of violation shall constitute a separate offense. The person authorized to act as enforcement officer is the Code Enforcement Official.

§ _____. **Severability.**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

§ _____. **Effective Date.**

This Ordinance shall take effect immediately upon final passage and publication according to law.

Attest:

Brad Myhre, MAYOR

Brenda Shepherd, RMC, Borough Clerk

NEW BUSINESS

Approval of the Corrective Action Plan for the 2015 Audit recommendations

On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the Correction Action Plan for the 2015 Audit Recommendations as follows:

CORRECTIVE ACTION PLAN

Borough of Frenchtown
County of Hunterdon
Audit Report Year: 2015

Recommendation #1:

That the practice of issuing confirming purchase orders be discontinued.

Correction Action:

Beginning with the start of 2016, departments will be provided with blanket orders for purchases so that the funds are encumbered prior to purchases.

Implementation Date: 01/01/2016

Borough wide trash and recycling container replacement

Michele Liebttag noted that she was hoping to present a proposal tonight but must table it.

Other New Business:

Mayor Myhre noted that the Council will need to hold a special meeting. There are ongoing issues at the Police Department with the fire escape, etc. The Borough will have to modify the capital ordinance to include the cost of the fire escape and the modification of the porch figures. Mayor Myhre stated that we will also be looking into replacing the two doors at Borough Hall and the installation of the generators. Subsequent to a brief description, the Council agreed to hold a special meeting on August 16th at 7:30 am to address the Police Department issues.

OLD BUSINESS

Mayor Myhre reported that last night, the County Freeholders acted and agreed with the Borough and eliminated the passing zone on Route 513 in Frenchtown.

Jack Opdyke noted that nothing more is being done at the sewer plant. He recommended that the committee meet to determine what we will do. Jack Opdyke also reported that both pumps for the disk filter are down. We need to also address these issues. Attorney Cruz agreed that the committee should meet and come up with recommendations. Engineer Bradley should be included.

Jack Opdyke also noted that he has the full sewer report on the TV inspection of the collection system. Almost all the streets were inspected and nothing was found. Victor Gilardi feels that the plant is down 8 million gallons since February. Mayor Myhre noted that nothing was found of any consequences. Commercial usage has dropped slightly and the residential use is about the same. He believes that if it was leaking, it would show up.

COUNCIL COMMENTS

Michele Liebttag reported that the County has announced its special recycling events. Collection event for paint, used motor oil, propane tanks and smoke detectors is September 10th, Computer & Electronics Collection Day is October 8th and Household Hazardous Waste Clean Up Day is November 12th.

Michele Liebttag also reported that the newly formed Sustainable Frenchtown Group is looking to host a Shred Day on Saturday, August 27th. A newsletter will be sent out with the information. The Shred Day aligns with the Sustainable Jersey Program to keep our Bronze Status. Caroline Scutt noted that she is willing to ask the Business Association to do the shop local promotion again which counts toward Sustainable Jersey points.

Caoline Scutt thanked Jack Opdyke for dealing with the sewer issues. Jack Opdyke thanked Victor Gilardi and Gerry Case for making him look good.

Mayor Myhre noted that the League of Municipalities Convention is scheduled for November 15th through November 17th. If you would like to attend, please let Clerk Shepherd know so she can register you.

CORRESPONDENCE/ANNOUNCEMENTS

None discussed.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:50 pm on motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk