

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 October 5, 2016.

FLAG SALUTE

Mayor Myhre asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

John Hindman
Cathy Leach
Michele Liebttag
Caroline Scutt

Absent from Meeting:

Jack Opdyke
William Sullivan

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

PUBLIC HEARING

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

The Council approved to open the public hearing on Ordinance #775. Having no comments, Council approved to close the public hearing on Ordinance #775.

Ordinance #782 – An Ordinance regulating the sale of animals by pet shops (Introduction)

The Council approved to open the public hearing on Ordinance #782. Having no comments, Council approved to close the public hearing on Ordinance #782.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Liz Johnson asked for an explanation of the outside employment resolution. Mayor Myhre noted that it is a Best Practices policy. The Borough currently does not have a policy and it will give us additional points on the Best Practices Checklist for the State. This helps the Borough achieve a score to receive the State aid allotment. Attorney Cruz noted that Items 7 a, b, and c on the agenda are all directed toward best practices. Mayor Myhre noted that these resolutions are corrective actions and where applicable, there will be disclosure of outside employment.

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

CONSENT AGENDA

All matters listed on the Consent Agenda are considered to be routine by the Governing Body and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mayor Myhre requested to pull Resolution #2016-119 from the consent agenda. Council consented.

On motion by Michele Liebtag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 11/2/16 as attached, and Resolutions #2016-106 through #2016-108 and Resolutions #2016-117 2016-118 and Resolutions #2016-120 through #2016-121 as follows:

Resolution no. 2016 - 106

Tax sale redemption

Whereas, the Tax Collector has been paid by Brennen Title to redeem Tax Sale Certificate No. 10-011 the amount of \$45,690.62 on Block 59, Lot 2.

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 Mayor and Municipal Clerk are hereby authorized to endorse the original Tax Sale Certificate for cancellation.

BRAD MYHRE, Mayor

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution no. 2016 - 107

Tax sale redemption

Whereas, the Tax Collector has been paid by Brennen Title to redeem Tax Sale Certificate No. 11-006 the amount of \$753.76 on Block 53, Lot 3.

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 Mayor and Municipal Clerk are hereby authorized to endorse the original Tax Sale Certificate for cancellation.

BRAD MYHRE, Mayor

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution no. 2016 - 108

Tax sale redemption

Whereas, the Tax Collector has been paid by investors bank to redeem Tax Sale Certificate No. 15-011 the amount of \$63,454.08 on Block 55, Lot 14.

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 shall be authorized to issue a check in the amount of \$63,454.08 to MTAG Cust for Empire VII NJ Portfolio, PO Box 2096, Hicksville, NY, 11802 for the redemption of TSC 15-011.

BRAD MYHRE, Mayor

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTION NO. 2016 -117

**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, Click-It-Or-Ticket Grant, in the budget of the year 2016 in the sum of \$3,750.00 which item is now available as revenue from the County of Somerset.

BE IT FURTHER RESOLVED that the like sum of \$3,750.00 is hereby appropriated under the caption "Click-It-Or-Ticket; and

BE IT FURTHER RESOLVED that the above is a result of a revenue from the County of Somerset in the amount of \$3,750.00.

Attest:

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

RESOLUTION NO. 2016 -118
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 in the budget of the year 2016 in the sum

of \$580.20, which item is now available as revenue from the State of New Jersey, as a grant to the Borough of Frenchtown in the amount of \$580.20.

BE IT FURTHER RESOLVED that the like sum of \$580.20 is hereby appropriated under the caption "Body Armor Grant"; and

BE IT FURTHER RESOLVED that the above is a result of a grant of \$580.20 from the State of New Jersey.

Attest:

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Brad Myhre, Mayor

RESOLUTION NO. 2016-120

2016 SEWER BUDGET APPROPRIATION TRANSFER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make the following transfers:

6-05-20-451-000-100	Sewer Utility - Salary & Wages		
11/2/16 Transfer From	11/2 resolution		5,000.00

6-05-20-451-000-299	Sewer Utility - Other Expense		
11/2/15 Transfer To	11/2 resolution		5,000.00

Brad Myhre, Mayor

Attest:

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution no. 2016 - 121

Tax sale redemption

Whereas, the Tax Collector has been paid by investors bank to redeem Tax Sale Certificate No. 11-003 the amount of \$96,990.97 on Block 21, Lot 3, and

WHEREAS, the lienholder paid a premium at the time of the sale in the amount of \$28,100.00.

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 shall be authorized to issue a check in the amount of \$125,090.97 to FNA Jersey BOI, Inc., PO Box 1030, Brick, New Jersey, 08723 for the redemption of TSC 11-003.

BRAD MYHRE, Mayor

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-119 – 2016 Budget Appropriation transfer

Mayor Myhre noted that we are amending this resolution to include a \$2,500.00 transfer from Planning Board O&E and putting \$1,875.00 in Buildings and Ground and \$675.00 into Public Works O&E. On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-119 as follows:

RESOLUTION NO. 2016-119

2016 BUDGET APPROPRIATION TRANSFER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that the following transfers be and the same are hereby authorized, and within the resolution is the authority of the Borough Chief Financial Officer to make the following transfers:

6-01-20-110-000-100	Governing Body Salary & Wage				
11/02/16	Transfer	Frm	11/2 - RESOLUTION	2,500.00	DIANE

Total Transfers Out: 1 2,500.00

6-01-20-110-000-299	Governing Body Other Expense				
11/02/16	Transfer	Frm	11/2 - RESOLUTION	750.00	DIANE

Total Transfers Out: 1 750.00

6-01-21-180-000-299	Planning/Zoning Other Expense				
11/02/16	Transfer	Frm	11/2 - RESOLUTION	5,000.00	DIANE
11/02/16	Transfer	Frm	11/2 RESOLUTION	2,500.00	DIANE

Total Transfers Out: 2 7,500.00

6-01-25-240-000-299	Police Other Expense				
11/02/16	Transfer	To	11/2 - RESOLUTION	750.00	DIANE

Total Transfers In: 1 750.00

6-01-25-265-200-299	Fire Hydrant Service				
11/02/16	Transfer	To	11/2 - RESOLUTION	650.00	DIANE

Total Transfers In: 1 650.00

6-01-26-290-000-299	Streets & Roads Other Expense				
11/02/16	Transfer	To	11/2 RESOLUTION	675.00	DIANE

Total Transfers In: 1 675.00

6-01-26-300-000-299	Shade Tree Other Expense				
11/02/16	Transfer	To	11/2 - RESOLUTION	2,500.00	DIANE

Total Transfers In: 1 2,500.00

6-01-26-310-000-299	Buildings and Grounds Other Expense				
11/02/16	Transfer	To	11/2 RESOLUTION	1,825.00	DIANE

Total Transfers In: 1 1,825.00

6-01-29-290-000-299	Library Other Expense				
11/02/16	Transfer	To	11/2 - RESOLUTION	270.00	DIANE

Total Transfers In: 1 270.00

6-01-31-435-000-299	Street Lighting								
11/02/16	Transfer	Frm	11/2 - RESOLUTION	1,500.00	DIANE	B	55	1B	

Total Transfers Out: 1 1,500.00

Total Transfers Out: 1 1,500.00

6-01-36-472-000-299	SOCIAL SECURITY SYSTEM (O.A.S.I.)				
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11/02/16TransferFrm		11/2-RESOLUTION	2,191.00	DIANE	B
TotalTransfersOut:	1	2,191.00			
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6-01-43-490-000-299	MunicipalCourtOtherExpense				
11/02/16TransferTo		11/2-RESOLUTION	7,771.00	DIANE	B
TotalTransfersIn:	1	7,771.00			

Fund Description	Fund	Transfer In	Transfer Out
CURRENT ACCOUNT	6-01	14,441.00	14,441.00
Total of All Funds:		<u>14,441.00</u>	14,441.00

Report Totals	Accounts	Transactions	Amount
Total Transfers In:	7	7	14,441.00
Total Transfers Out:	5	6	14,441.00

Brad Myhre, Mayor

Attest:

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

APPROVAL OF MINUTES

Regular Meeting – October 5, 2016

On motion by Cathy Leach, seconded by Michele Liebttag and carried by favorable roll call vote with John Hindman abstaining, the Mayor and Common Council approved the October 5, 2016 regular meeting minutes.

Executive Session minutes – September 7, 2016

On motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable roll call vote with Caroline Scutt abstaining, the Mayor and Common Council approved the September 7, 2016 Executive Session minutes.

RESOLUTIONS

Resolution #2016- 109 - Resolution of the Borough of Frenchtown, County of Hunterdon, State of New Jersey setting forth a policy for outside employment for municipal officials

On motion by Michele Liebtag, seconded by John Hindm,an and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-109 as follows:

RESOLUTION #2016-109

RESOLUTION OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY SETTING FORTH A POLICY FOR OUTSIDE EMPLOYMENT FOR MUNICIPAL OFFICIALS

WHEREAS, the Borough of Frenchtown, County of Hunterdon, State of New Jersey recognizes that some employees may wish to work for compensation outside of their employment; and

WHEREAS, the Borough also recognizes the potential for a conflict between such employment and the employee's position; and

WHEREAS, outside employment must not compete, conflict with or compromise, either in substance or appearance, the Borough's interests or adversely affect job performance and the ability to fulfill all responsibilities to the Borough; and

WHEREAS, employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued and if necessary, normal disciplinary procedures will be followed to deal with the specific problem; and

WHEREAS, prior to accepting outside employment, the employee must submit a proposal for outside employment in writing providing the name of the proposed employer, the job title, duties, location and the schedule to his/her Department Head for review and approval. The Borough Council shall have the ability to review and overrule any decisions of the Department Head. Any changes to the employment going forward will have to be reviewed and approved.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby approve this policy and said policy will be added to the Borough's Personnel Policy and Procedure Manual.

CERTIFICATION

I, Brenda S. Shepherd, Municipal Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at its Regular Meeting held on Wednesday, November 2, 2016.

Brenda S. Shepherd, RMC

Resolution #2016-110 - Resolution of the Borough of Frenchtown, County of Hunterdon, State of New Jersey setting forth a policy eliminating longevity awards for non-union employees

On motion by Cathy Leach, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-110 as follows:

RESOLUTION #2016-110

RESOLUTION OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY SETTING FORTH A POLICY ELIMINATING LONGEVITY AWARDS FOR NON-UNION EMPLOYEES.

WHEREAS, the State of New Jersey's Best Practices Worksheet encourages municipalities to adopt written policies eliminating longevity awards for non-union employees; and

WHEREAS, the Borough of Frenchtown does not currently pay longevity awards to non-union employees; and

WHEREAS, no current Borough of Frenchtown employees receive longevity, and

WHEREAS, new hires after November 2, 2016 will not receive longevity; and

WHEREAS, the Borough of Frenchtown wishes to memorialize its current practice in order to satisfy an element of the Best Practices Worksheet.

NOW, THEREFORE BE IT RESOLVED, that longevity awards shall not be paid to any non-union employee, current employee or new hires after November 2, 2016..

NOW, THEREFORE BE IT FURTHER RESOLVED the Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby approve this policy and said policy will be added to the Borough's Personnel Policy and Procedure Manual.

CERTIFICATION

I, Brenda S. Shepherd, Municipal Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at its Regular Meeting held on Wednesday, November 2, 2016.

Brenda S. Shepherd, RMC

Resolution #2016-111 - Resolution of the Borough of Frenchtown, County of Hunterdon, State of New Jersey setting forth a policy requiring the Tax Assessor to notify the Chief Financial Officer and Governing Body of all tax appeals filed by June 1st of each year
On motion by Michele Liebttag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-111 as follows:

RESOLUTION #2016-111

RESOLUTION OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY SETTING FORTH A POLICY REQUIRING THE TAX ASSESSOR TO NOTIFY THE CHIEF FINANCIAL OFFICER AND GOVERNING BODY OF ALL TAX APPEALS FILED BY JUNE 1ST OF EACH YEAR

WHEREAS, active monitoring management of a municipality's ratable base is fundamental in helping ensure fiscal stability; and

WHEREAS, it is important for the Governing Body and Chief Financial Officer to be kept apprised of all tax appeals filed against a municipality in a given year.

NOW, THEREFORE, BE IT RESOLVED that the Tax Assessor of the Borough of Frenchtown, County of Hunterdon, State of New Jersey shall inform the Chief Financial Officer and the Governing Body of all tax appeals filed for that year before June 1st of each year.

CERTIFICATION

I, Brenda S. Shepherd, Municipal Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at its Regular Meeting held on Wednesday, November 2, 2016.

Brenda S. Shepherd, RMC

Resolution #2016-112 – Resolution to adopt the Hazardous Mitigation Plan

On motion by Michele Liebttag, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-112 as follows:

RESOLUTION #2016-112

WHEREAS the Borough of Frenchtown, New Jersey, has experienced natural hazards that result in public safety hazards and damage to private and public property;

WHEREAS the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk;

WHEREAS the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan;

WHEREAS a *Hazard Mitigation Plan* (HMP) has been developed by the Mitigation Steering and Planning Committees;

WHEREAS the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

WHEREAS the draft plan was provided to each participating jurisdiction and was posted on the Hunterdon County website so as to introduce the planning concept and to solicit questions and comments; and to present the HMP and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Common Council of the Borough of Frenchtown:

1. The *Hunterdon County Multi-Jurisdictional Hazard Mitigation Plan*, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on **May 20, 2016** by the Hunterdon County Office of Emergency Management, is hereby adopted as an official plan of the Borough of Frenchtown; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Borough of Frenchtown departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Frenchtown, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Hunterdon County OEM Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Hunterdon County Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

CERTIFICATION

I, Brenda S. Shepherd, Municipal Clerk of the Borough of Frenchtown, County of Hunterdon, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Common Council at its Regular Meeting held on Wednesday, November 2, 2016.

Brenda S. Shepherd, RMC

Resolution #2016-113 - Appoint Jennifer Terepka as part time temporary Police Matron/Assistant for the Borough of Frenchtown

On motion by Michele Liebtag, seconded by Cathy Leach and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-113 as follows:

RESOLUTION No. 2016-113

Appoint Jennifer Terepka as part time temporary Police Matron/Assistant for the Borough of Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown and the Frenchtown Borough Police Department shall require the services of a part time temporary Police Matron/Assistant effective October 29, 2016 and

WHEREAS, the Frenchtown Borough Police Chief has previously reviewed Jennifer Terepka's application and qualifications and has found them all to be acceptable, and

WHEREAS, a criminal background check has been performed on Jennifer Terepka and found to be acceptable; and

WHEREAS, the hours for the part time temporary Police Matron/Assistant will not exceed 29.5 hours per week; and

WHEREAS, there will be no health benefits, no sick, vacation, holiday or compensatory time for this employee; and

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the Police Department Salary and Wage budget to pay for this employee.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, effective October 29, 2016, Jennifer Terepka be appointed as part time temporary Police Matron/Assistant at the hourly rate of \$14.50 per hour.

Brad Myhre, Mayor

ATTEST:

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-114 – Reduction of Performance Guarantee – River Mills

On motion by Cathy Leach, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-114 as follows:

RESOLUTION NO. 2016-114

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

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

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

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

WHEREAS, the Borough of Frenchtown Consulting Engineer, Robert J. Clerico, P.E., submitted a letter dated October 13, 2016, a copy of which is attached to this Resolution, recommending a further reduction of the Performance Guarantee; and

WHEREAS, Mr. Clerico recommends a reduction to \$343,703.94.

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

1. The Letter of Credit is reduced to \$343,703.94.
2. All other Performance Guarantees remain in effect.
3. This Resolution shall take effect immediately.

Brad Myhre, Mayor

Attest:

November 2, 2016

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-115 Professional Service Contract – ERI

On motion by Cathy Leach, seconded by John Hindman and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-115 as follows:

**RESOLUTION #2016-115
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ENVIRONMENTAL SPECIALIST TO PREPARE AN ENVIRONMENTAL RESOURCE
INVENTORY FOR THE BOROUGH OF FRENCHTOWN'S ENVIRONMENTAL
COMMISSION**

WHEREAS, the Borough of Frenchtown has a need to acquire an Environmental Specialist to prepare an Environmental Resource Inventory for the Borough of Frenchtown's Environmental Commission; and

WHEREAS, Environmental Specialist Deborah J. Kratzer has submitted a proposal dated August 7, 2016, in the amount of \$13,000.00 to prepare the Environmental Resource Inventory; and

WHEREAS, the Common Council of the Borough of Frenchtown desired to award a non-fair and open professional services contract to Deborah J. Kratzer of Kratzer Environmental Services; 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, Deborah J. Kratzer of Kratzer Environmental Service has completed and submitted a Business Entity Disclosure Certification which certifies that Deborah J. Kratzer and Kratzer Environmental Services 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 Deborah J. Kratzer and Kratzer Environmental Services from making any reportable contributions through the term of the contract, and

WHEREAS, the Common Council of the Borough of Frenchtown wishes to authorize the Borough to enter into a contract with Environmental Specialist Deborah J. Kratzer of Kratzer Environmental Services to prepare Environmental Resource Inventory for an amount not to exceed \$13,000.00; 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.

NOW THEREFORE BE IT RESOLVED that the Mayor & Common Council of the Borough of Frenchtown authorizes the Borough to enter into a contract with Environmental Specialist Deborah J. Kratzer of Kratzer Environmental Services to prepare Environmental Resource Inventory for an amount not to exceed \$13,000.00; and

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

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

Brad Myhre, Mayor

Dated: November 2, 2016

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2016-116 - Appoint Sara Heil as part time interim Library Assistant for the Borough of Frenchtown

On motion by Cathy Leach, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2016-116 as follows:

RESOLUTION No. 2016-116

Appoint Sara Heil as part time interim Library Assistant for the Borough of Frenchtown

WHEREAS, the Borough Council of the Borough of Frenchtown shall require the services of a part time interim Library Assistant from July 4, 2016 through October 1, 2016; and

WHEREAS, the Frenchtown Borough has previously employed Sara Heil as the Librarian; and

WHEREAS, the hours for the part time interim Library Assistant will not exceed 29.5 hours per week; and

WHEREAS, there will be no health benefits, no sick, vacation, holiday or compensatory time for this employee; and

WHEREAS, the Chief Financial Officer has determined that there are sufficient funds available in the Library Salary and Wage budget to pay for this employee.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, Sara Heil be appointed as part time interim Libraray Assistant for the Borough of Frenchtown from July 3, 2016 tthrough October 1, 2016, at the hourly rate of \$13.00 per hour.

I, Brenda S. Shepherd, Borough Clerk, do hereby certify that the foregoing is a true copy of a resolution adopted by the Common Council of the Borough of Frenchtown at a meeting held on November 2, 2016.

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 (Adoption)

On motion by Cathy Leach, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #775 as follows:

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.

WHEREAS, the Mayor and Common Council of the Borough of Frenchtown desire to expedite the issuance of Construction Permits and limit the necessity for a Zoning Permit prior to the issuance of a Construction Permit.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that Section 803, titled "Enforcement", Subsection 803.B, titled "Construction Permits", is amended to add a new Subsection 803.B.4 to provide the circumstances when a Zoning Permit is required:

Section 1. Subsection 803.B. is amended to add a new Subsection 803.B.4 as follows:

4. A Zoning Permit shall be required prior to the issuance of a Construction Permit: (a) where there is a change in use from residential to commercial, commercial to residential, single family residential to multi-family residential; (b) where there is a change from one commercial use to another and the new use is not specifically listed as a permitted use in that zone; (c) where there is a change in use which requires more parking than required by the previous use and, as noted in Section 504B.1, site plan approval is required; (d) where there is a change in the "footprint" or height of the structure or structures on the property or changing the impervious coverage of the lot; (e) where the size of the use is proposed to increase beyond the maximum permitted size of an individual use in the zone; (f) where there is a change to a conditional use on the property.

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 #782 – An Ordinance regulating the sale of animals by pet shops (Adoption)

Mayor Myhre noted that the Council will postpone action on this ordinance until the December 7, 2016 Council meeting.

NEW BUSINESS

Borough wide trash and recycling container replacement

Michele Liebtag noted that Mayor Myhre and she will be scheduling a time to meet at the League of Municipalities to talk to State approved contractors rather than going out to bid.

Best Practices Checklist review

Mayor Myhre noted that he reviewed the Best Practices Checklist with CFO, Diane Laudenbach, and remedied what we could. One of the big things is that the State is pushing for municipalities to post certain items on their websites. It will be an important investment for 2017 as we gain additional points. We have the capacity to do so. We will need to get a webmaster. It would be unreasonable to ask the Clerk to do all the postings. The Department of Community Affairs, Division of Local Government Services, required that the Best Practices Checklist be placed on the Governing Body agenda for discussion. The CFO certifies it. The Council reviewed and discussed the checklist.

Approval of ArtYard facility to host the Frenchtown PTO's Annual Silent Auction Fundraiser

Caroline Scutt noted that the location has changed. It will be at Artyies's. ArtYard is working inside the building and would have to stop for the event. The Council recommending approving the request as a backup plan. On motion by Cathy Leach, seconded by Caroline Scutt and carried by favorable voice vote, the Mayor and Common Council approved the ArtYard facility to host the Frenchtown PTO's silent auction Fundraiser if the PTO needs the use of the facility.

Ridge Road Landscape Plan

Mayor Myhre noted that Ridge Road is under construction. The owner on the corner of Ridge Road and Kingwood Avenue did extensive landscaping in the right of way. He asked that the Borough assist him in relocating the plants and cost of reconstruction. This could hold up the construction as the owner is disputing the survey. The cost estimates range from \$1,400.00 to \$4,500.00. Engineer Burr thought it would be appropriate to give him the lost cost which is allowed in the grant. If we do not assist the homeowner, the project will be delayed as the homeowner has raised an objection. All the homeowners have been given notices. Responding to Caroline Scutt that she was approached by a homeowner who did not receive notification, Mayor Myhre stated that each homeowner received notification. Attorney Cruz added that each property

owner should have received notification prior to the project to be made aware of the project and now, notification is provided that the work is being done. Before construction, the contractor is instructed to go door to door and leave a door hanger and if there is a need, the resident will have to be out at a certain time. It is not done by certified mail. Caroline Scutt expressed concern that a resident is being compensated. Mayor Myhre noted that this property will have sidewalks on both sides and a retaining wall. Engineer Burr thinks it is reasonable and is concerned that the project will be delayed. John Hindman expressed concern for setting a precedent for future projects. Attorney Cruz noted that it will be reviewed on a case by case basis. Mayor Myhre noted that most homeowners are getting new driveway aprons. The work will include new drainage underground and sidewalks. The property owner at the corner of Ridge Road and Kingwood Avenue has had issues with storm damage over the years and has waterproofed his garage and worked to make sure that the property stays dry. He is the only homeowner with concerns of the disruption to his property. Engineer Burr feels that the landscaping is a small price to insure that the construction is not stopped. The cost is covered by the grant. On motion by Cathy Leach, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the to assist the homeowner at the corner of Ridge Road and Kingwood Avenue in the replanting of his landscape in the amount of \$1,400.00 subject to certification by the CFO that the funds are available and subject to the homeowner signing a general release absolving the Borough of any claims for damages.

OLD BUSINESS

Mayor Myhre noted that Seventh and Eleventh Street work will be done shortly. There will be a new patch on Seventh Street and Eleventh Street will be completely repaved. The Water Company agreed to do that.

Mayor Myhre also noted that the reconstruction of Third Street will commence shortly. The contractor is ready to go and the cost will be paid by the developer.

COUNCIL COMMENTS

Michele Liebttag reported that Chief Kurylka reported that Halloween went smoothly and there was little damage done on mischief night. The Halloween Parade went off well. Stephen Scully passed away but was able to participate.

Caroline Scutt reported that the Tree Lighting Ceremony will be December 4th. She added that the Menorah Lighting will be December 28th.

Caroline Scutt noted that they are hoping to get a few more floats in the parade next year. She added that they are looking into the possibility of a house decorating context for next year as well. John Hindman noted that he was a judge at the Halloween Parade and it was more involved than in previous years.

Mayor Myhre noted that Mike Kish, former Police Chief in Frenchtown, passed away last night. Services will be Sunday or Monday.

Mayor Myhre also reported that the Borough is submitting a Street Scape grant application requesting 1 million dollars. Dorsey Reading was instrumental in reviewing the application. We

are hoping this grant application will be favorable this year. We will need a letter from the Frenchtown Business Association. The application must be submitted by November 11th.

Mayor Myhre noted that we are trying to get a representative from the Frenchtown Business and Professional Association for the sign committee. The goal is to review and amend the sign ordinance within three meetings. Caroline Scutt noted that she will send out a request.

Mayor Myhre noted that the League of Municipalities Conference is November 15th through the 17th. If you have not signed up and would like to go, let Brenda Shepherd know. John Hindman noted that he can go on Wednesday.

CORRESPONDENCE/ANNOUNCEMENTS

None discussed.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:15 pm on motion by Michele Liebttag, seconded by Cathy Leach and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk