

CALL TO ORDER

Mayor Myhre called the special meeting to order at 8:30 a.m. and stated that in compliance with the "Open Public Meetings Act" this Meeting was duly noticed to the Hunterdon County Democrat and the Express Times on September 7, 2017; the Agenda has been posted at Borough Hall and distributed to the newspapers.

FLAG SALUTE

Mayor Myhre asked everyone to stand for the flag salute.

ROLL CALL

Present for the Meeting:

Liz Johnson
Michele Liebtag
Holly Low
Caroline Scutt
William Sullivan

Absent from Meeting:

Attorney Cruz, Planner McKenzie and Borough Clerk, Brenda S. Shepherd, were also present for the Meeting.

FILLING A VACANCY ON COUNCIL

Receipt of nominations by Council

Michele Liebtag noted that John Hindman resigned from Council and as Democratic County Committee Chairman, three names were submitted for that party, Tami Peterson, Adam Liebtag and Jeffrey Trimmer.

Appointment to fill vacancy

Subsequent to a brief Council discussion, a motion was made by Michele Liebtag and seconded by William Sullivan to appoint Tami Peterson to fill the vacancy on Council. The Council approved the nomination by unanimous favorable roll call vote.

Oath of Office of newly appointed Council member

Tami Peterson was sworn in by Mayor Myhre and she accepted her Oath of Office.

ROLL CALL

Liz Johnson
Michele Liebtag
Holly Low
Tami Peterson
Caroline Scutt
William Sullivan

PRESENTATION AND PUBLIC HEARING

- A. Ordinance #797 – An ordinance amending the Land Use Ordinance of the Borough
- B. Ordinance #798 – Amendments to Zoning Map

Attorney Cruz noted that today there is a difference in the proceedings from the last meeting. There is a full governing body sitting and the governing body is present and there are no absences. Under certain circumstances, you can proceed forward when members of the governing body are conflicted and it would destroy the quorum. The rule of necessity will allow conflicted members to vote but there must be a full governing body sitting. At the last meeting all the seats were not filled. The full body is present this evening and there are no absences. There are a number of conflicted members that will constitute a loss of quorum. It is appropriate to invoke the rule of necessity this evening. Conflicted governing body members are called upon by order of seniority until there is a quorum to conduct business. Once a quorum is raised, no other conflicted governing body members may participate or vote. Mr. Sullivan is the most senior member. The other members must step down. Mayor Myhre, Holly Low, and Teri Peterson stepped down on these agenda items.

Council President Michele Liebtog took over chair of the meeting. She turned the meeting over to Planner McKenzie for the public hearing presentation. Planner McKenzie noted that the public hearing was continued to today. The first ordinance, Ordinance #797 is the rezoning of properties. It includes the zoning regulations for inclusionary development except Shale Cliff and River Mills were developed under the Village Center Plan and the DeSapio apartments were developed under a use variance all which are already inclusionary. The Ceramic Plan, lots south of the Ceramics Plant, the Baptist Church, Upper Eighth and Milford Road, the Multi-family R3 zone and Block 47 Lot 8 on Kingwood Avenue are the new sites. Any additional development that occurs there will have inclusionary development. The ordinance shows each site and the new zoning designation.

The second ordinance, Ordinance #798, is the zoning map changes consistent with the new zoning. The new zoning map is dated September 2017.

Planner McKenzie stated that she also has a chart showing a summary of the affordable housing units. It identifies density, proposed new dwellings, number of affordable housing units and rental bonuses and is broken down with very low, low and moderate income units. There are 44 affordable housing units proposed and additional rental bonuses.

Planner McKenzie stated that the Ceramics Plant site (R-8A) has a density of 16.25 dwelling units per acre not to exceed 111 new dwelling units. There will be 17 affordable housing units from this development and we are assuming they will be rental units. The lots south of the Ceramics Plant (R-8B) has a density of 14 units per acre for a total of 24 units with 4 affordable housing rental units. The Baptist Church site (R-8D) has a density of 16 units to the acre and will yield 10 units with 2 affordable housing units. Site 7, located at Upper Eighth Street and Milford Road (R-8C), has a density of 10 units per gross acre for a total of 6 units with 1 affordable housing unit. There is a proposal before the Planning Board for 2 additional units. They would need a variance for that. Site 8 is the expansion of the garden apartments (R-3) and has a density of 16 units per acre for a total of 52 dwelling units with 8 affordable housing rental units. Site 9, located on Kingwood Avenue, known as Block 48 Lot 7 (R-8L), has a density of 8 units per acre. This would be a townhouse development with 18 units of which 3 or 4 would be affordable housing units for sale or rental. There are six zone amendments, five new zones and an expansion of the multi-family zone.

Planner McKenzie noted that the adoption of the zoning amendment ordinance does not approve a development. It gives someone permission to come in to the Planning Board for site plan approval.

Development cannot occur without a site plan approval. The Planning Board has reviewed the ordinances and has determined that they are not inconsistent with the Master Plan which documents were newly adopted. In addition, these ordinances are consistent with the Affordable Housing Settlement Agreement. These changes are being done to implement the Settlement Agreement. The Ordinances will be presented to the Superior Court and the Borough will get a final judgement and repose. These zoning changes will provide good development infill and will help put feet on the street and new users to the sewer system. It will protect the Borough from a builder's remedy. The borough will be protected until July 1, 2025.

Having no questions from the Council, Council President Michele Liebttag opened the floor for the public hearing on Ordinance #797. Having no comments on Ordinance #797, Michele Liebttag closed the public hearing on Ordinance #797.

Council President Michele Liebttag opened the floor for the public hearing on Ordinance #798. Having no comments on Ordinance #798, Michele Liebttag closed the public hearing on Ordinance #798.

Council President Michele Liebttag stated that the Council can now adopt these ordinances.

Ordinance #797 - An ordinance amending the Land Use Ordinance of the Borough (Adoption)

On motion by William Sullivan, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #797 as attached to this set of minutes.

Ordinance #798 - Amendments to Zoning Map (Adoption)

On motion by Caroline Scutt, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #798 as attached to this set of minutes.

Planner McKenzie stated that you have embraced the responsibility to provide affordable housing and turned it into something good for Frenchtown. Michele Liebttag thanked Planner McKenzie for her insight and expertise. It has been an honor and pleasure to work with her.

Mayor Myhre, Holly Low and Teri Peterson returned to the meeting.

Mayor Myhre thanked Planner McKenzie on behalf of Frenchtown. She has done an outstanding job with the settlement. Planner McKenzie will be stepping down and we will greatly miss her. Planner McKenzie noted that she will be giving the Borough recommendations for a planner. She will help with the transition and she will be available for another year if the Borough needs anything. She added that she will miss this town. Council wished Planner McKenzie the best and stated that our prayers are with her and her family.

PUBLIC COMMENTS

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

RESOLUTIONS

Resolution #2017-102 – Resolution awarding a contract to DeSantis for emergency catch basin repairs

On motion by William Sullivan, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2017-102 as follows:

RESOLUTION #2017-102

Resolution to award a contract to DeSantis Construction, Inc. in the amount not to exceed \$8,854.40 for the emergency repair of 4 catch basins in the Borough of Frenchtown

WHEREAS, the Borough Engineer William Burr has determined that an emergency exists with 4 catch basins in the Borough of Frenchtown; and

WHEREAS, the Borough Engineer William Burr requested proposals for the emergency repair of the 4 catch basins; and

WHEREAS, one proposal was received as follows:

<u>Contractor</u>	<u>Total Quote:</u>
DeSantis Construction, Inc. 491 Elizabeth Avenue Somerset, NJ 08873	\$8,854.00

WHEREAS, the Borough Engineer William Burr reviewed the quote and determined it to be responsive and recommended that the Borough award a contract to DeSantis Construction, Inc. for the emergency repair of 4 catch basins in the Borough of Frenchtown in an amount not to exceed \$8,854.40; and

WHEREAS, the Chief Financial Officer has certified that the funds are available from the Capital Improvement Ordinance No. 796.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown that based on an emergency that exists with 4 catch basins in the Borough of Frenchtown and that a contract be awarded to DeSantis Construction, Inc., 491 Elizabeth Avenue, Somerset, NJ 08873, in an amount not to exceed \$8,854.40.

Brad Myhre, Mayor

Dated: September 12, 2017

ATTEST:

Brenda Shepherd, Clerk

Resolution #2017-103 - Resolution to award contract for the purchase of emergency generator for Municipal Building & Police Headquarters

Mayor Myhre noted that this has been an ongoing project. The Borough received a \$50,000.00 grant from FEMA after Sandy. The initial plan was for Borough Hall and the Police Department. We got approval to add the Fire Company but it was too expensive for underground conduit. The generator for the State grant will be just for the Borough Hall and Police Department. The grant will cover the cost. The generator has a low decibel rate. This resolution is for the installation of the generator and the next resolution is for the purchase of the generator. On motion by Michele Liebtag, seconded by William Sullivan and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2017-103 as follows:

RESOLUTION NO. 2017-103

**RESOLUTION TO AWARD CONTRACT
FOR THE PURCHASE
OF EMERGENCY GENERATOR FOR
MUNICIPAL BUILDING & POLICE HEADQUARTERS**

BOROUGH OF FRENCHTOWN, HUNTERDON COUNTY, NJ

WHEREAS, the Borough of Frenchtown ("Borough") was awarded a grant from the Federal Emergency Management Agency (FEMA) through the Hazard Mitigation Program to install an emergency generator at the Municipal Building & Police Headquarters

WHEREAS, the Borough has bid the project once and rejected bids due to the bids being over the engineer's estimate and in excess of the aforementioned grant; and

WHEREAS, quotes were solicited from Warshauer Generator LLC who holds the NJ State Contract for emergency generator equipment (State Contract #12732); and

WHEREAS, the following proposals were received from Warshauer Generator LLC for the purchase, delivery and start-up testing of a generator (40 kW) and automatic transfer switches (2 each):

Model	Proposal Amount
Generac	\$17,500.00
Cummins	\$20,300.00
Blue Star	\$26,500.00
ASKA	\$28,900.00

WHEREAS, quotes will need to be solicited separately for the installation of the above referenced equipment; and

WHEREAS, the Cummins and Blue Star generators have the best noise attenuation ratings; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Frenchtown Borough, at its meeting of September 12, 2017, that a contract be awarded to Warshauer Generator LLC in the amount of \$20,300.00 for the purchase of a Cummins generator and related equipment, subject to receipt of Certification of Funds from the Borough Chief Financial Officer.

Certified as a true copy of the Resolution adopted by the Mayor and Council

On this 12TH day of September 2017.

Brenda Shepherd, RMC, Borough Clerk

Resolution #2017-104 - Resolution to award contract for the installation of emergency generator for Municipal Building & Police Headquarters

On motion by Michele Liebtog, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2017-104 as follows:

RESOLUTION NO. 2017-104

**RESOLUTION TO AWARD CONTRACT
FOR THE INSTALLATION
OF EMERGENCY GENERATOR FOR
MUNICIPAL BUILDING & POLICE HEADQUARTERS**

BOROUGH OF FRENCHTOWN, HUNTERDON COUNTY, NJ

WHEREAS, the Borough of Frenchtown ("Borough") was awarded a grant from the Federal Emergency Management Agency (FEMA) through the Hazard Mitigation Program to install an emergency generator at the Municipal Building & Police Headquarters; and

WHEREAS, the Borough has bid the project once and rejected bids due to the bids being over the engineer's estimate and in excess of the aforementioned grant; and

WHEREAS, the Borough is in the process of purchasing the generator and automatic transfer switches from Warshauer Generator, LLC through State Contract #12732; and

WHEREAS, the Borough Engineer was previously authorized to solicit contractor quotes for the installation of the emergency generator equipment; and

WHEREAS, four (4) proposals were solicited for the installation of said emergency generator equipment; and

WHEREAS, the following proposals were received:

<u>Contractor</u>	<u>Proposal Amount</u>

Oliver Communications Group, Inc. Bordentown, NJ	\$38,832.00
Powers Electric Company Columbus, NJ	\$48,475.00

WHEREAS, the low proposal is from Oliver Communications Group, Inc. of Bordentown, NJ in the amount of \$38,832.00; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Frenchtown Borough, at its meeting of September 12, 2017, that a contract be awarded to Oliver Communications Group, Inc. in the amount of \$38,832.00 for the installation of the generator and related equipment, subject to receipt of Certification of Funds from the Borough Chief Financial Officer.

Certified as a true copy of the Resolution adopted by the Mayor and Council

On this 12TH day of September 2017.

Brenda Shephard, RMC, Borough Clerk

COUNCIL COMMENTS

Mayor Myhre reported that the Borough has received \$1,000.00 from Investors Savings Bank for the Park Improvement Project.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 8:58 am on motion by William Sullivan, seconded by Michele Liebtag and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk

ORDINANCE #802

AN ORDINANCE
TO AMEND THE SALARY & WAGES
OF THE CERTAIN BOROUGH OFFICIALS AND EMPLOYEES EFFECTIVE September 11,
2017

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

1. The following hourly rates are hereby amended for
the following designated officials and employees of the Borough of
Frenchtown effective September 11 2017:

Public Works Senior, heavy equipment operator \$ 23.57

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

RESOLUTION NO. 2017 - 105

TAX SALE REDEMPTION

WHEREAS, THE TAX COLLECTOR HAS BEEN PAID BY THE DOVENMUEHLE MORTGAGE INC. TO REDEEM TAX SALE CERTIFICATE NO. 16-006 THE AMOUNT OF \$2,160.25 ON BLOCK 52, LOT 9.01, 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 US BANK CUSTODIAN FOR PC6, STERLING NATIONAL, 50 S. 16TH STREET, PHILADELPHIA, PA, 19102, IN THE AMOUNT OF \$2,160.25.

BRAD MYHRE, MAYOR

OCTOBER 4, 2017

BRENDA S. SHEPHERD, RMC
BOROUGH CLERK