

CALL TO ORDER

Mayor Myhre called the regular 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 and the Express Times on January 9, 2020; 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:

Kandy Ferree
Liz Johnson
Michele Liebttag
Tami Peterson
Caroline Scutt

Absent from Meeting:

William Sullivan

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 35 members of the public were also present.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Hunterdon Healthcare - Patrick Gavin, CEO and Violet Kocsis

Patrick Gavin, new CEO of Hunterdon Healthcare noted that he met with some of the Council members 7 months ago and is amazed to see a political body that gets along and works well together.

Mr. Gavin wanted to talk about new family medicine at the Delaware Valley Medical Center where they teach resident interns. They are open Monday through Friday, 8 am to 8:30 pm with full services for health, counseling, lab services, minor surgeries, obstetrics and a newborn hospital. The facility underwent an expansion and update. There are senior club activities that are run in Frenchtown with speakers on heart health, etc. Any community can call for these speakers.

Hunterdon Family medicine at Philip Barber will undergo remodeling and expansion similar to the Delaware Valley Health Center. That will take a year. It is a family practice with specialists. We are also locating wellness centers in Lambertville and New Hope.

Briteside adult daycare is located on campus in Flemington with a homelike environment. It is for people 55 and older in need of supervision. That daycare will undergo expansion to include showers, etc. This will be done in about 6 months.

We are adding 8 additional bays for the emergency department at Hunterdon Medical Center and could be convertible for mental health safety. This construction will begin in late 2020 or early 2021.

Hunterdon Healthcare Partnership provides services in healthcare. The action items are talks at

the hospital. Seminars were held on 2 unlikely issues, childhood anxiety and social isolation mostly for the elderly. Every school nurse in the County attended the childhood anxiety seminar. They are working with them for solutions. As to social isolation, senior clubs are important and the hospital will support them. Programs on healthy weight, reducing substance abuse, mental health preventative care, disease management and healthy habits are provided. Hunterdon County is the second healthiest county in New Jersey and is in the top 20 in the country.

Hunterdon Healthcare Partnership is an amazing organization that connects with social service agencies to work on issues.

Violet Kocsis, Human Resource Officer for Hunterdon Healthcare, noted that she wanted to make everyone aware of job opportunities. Currently, there are 2700 employees. There are currently 160 full and part time positions open from environmental, accountants, maintenance, childcare centers, teachers and aides, fitness professions, massage therapists, technical positions, laboratory sciences, medical imaging, nursing assistants, home health aides for companions, respite, and visiting health and support services, support and clerical, nutrition services, with high school student shifts. There is also a volunteer program to sample certain jobs. We have certified medical assistant positions, security officer positions. You can go to hunterdonhealthcare.org to employment opportunity and apply for a job. There are qualifying questions to answer then you submit your application. We will reach out by phone for a phone screening and then an interview. If you are selected, there is a hiring process.

Ms. Kocsis also noted that one of the items that comes up is transportation. They are working with GoHunterdon. It is challenging with the greater workforce development. She appreciates the outreach from the town and is looking forward to a collaborative relationship. They are working with the Greater Raritan Workforce for a job fair. We will host them this Tuesday at the Library. The American Legion is hosting Veterans Day. We have job fairs at the main campus.

Council thanked Hunterdon Healthcare for providing the information for the community.

2020 US Census – Allison Jackson and Rebecca Kelleher

Rebecca Keller, representative for the 2020 census, noted that she is a Junior at Hunterdon Central. She enrolled in a leadership class and became a youth representative for the 2020 Census. She provided the attached handout to the Council and public. Ms. Keller noted that each household will receive a questionnaire with 10 questions. This helps each municipality with federal funding. Our founding Fathers understood the importance of a census. This federal funding helps the community, upgrading transportation, etc. It helps fund healthcare programs. 6,233 people do not have health care. It helps with food stamps, the elderly and disabled children. The political climate affects the census. The census is confidential. Someone can get fined if information is released. The goal is to raise awareness and increase the number of people that fill out the forms. She reviewed the handout, particularly the goals. She invited everyone to attend a leadership seminar on it. Responding to Liz Johnson, Ms. Keller noted that certain individuals are focused in certain demographics. Having no other questions, Ms. Keller thanked the Council. Council thanked Ms. Keller for her presentation.

Monsieur Tabibnia of 76 Kingwood Avenue, stated that he has talked about the property next to

his for six years. The Borough has gone through two zoning officers and finally, Frank D'Amore was able to visit the house next door. There is nothing the zoning officer can do. Mr. Tabibnia spoke to him on 11/20/19. With all the laws nothing can be done. He requested that something be added to the zoning. It is starting to affect his property. He purchased the property in 2014 and saved it from foreclosure. It is the old Kugler house and has historical value. After they moved there, he discovered 300 lbs of metal, car seats and tires. People rent the property next to theirs and are known to do mechanical work on the property. This is causing problems. There is garbage in the creek that leads to the Nishisackawick. There were abandoned unregistered vehicles, tires and garbage that seep into the creek. Frenchtown has zero laws for maintenance of occupied properties. Kingwood and Holland Townships have policies for occupied property maintenance. He is asking the Council tonight to put something into law for property maintenance of occupied properties. It is very simple. No mechanical work should be allowed on properties. Six years is a long time to be affecting my property. He is not sure if it would pass an environmental test. Hunterdon Land Trust was at his property and was horrified at what is going on in the creek. He is at the Council's service. Mayor Myhre stated that it is worth a conversation with the zoning officer. The zoning officer has done several visits to the site. Mr. Tabibnia noted that Frenchtown champions itself on being environmentally conscientious. Mayor Myhre noted that the Borough will look into the zoning code and see if the zoning officer would have things to share. Kandy Ferree thanked Mr. Tabibnia for bringing a possible solution and not just a complaint.

Having no other comments, Mayor Myhre 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.

On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 2/5/20 as attached, the minutes of the Year End meeting of 12/18/19 and the Reorganization and Regular meeting of 1/2/20, and Resolution #2020-41 as follows:

Resolution No. 2020 –41

Tax sale redemption

Whereas, the Tax Collector has been paid by Soheha for Tax Sale Certificate No. 17-024 on Block 46 Lot 5 in the amount of \$321.44, Premium \$1,800.00.

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 treasurer be authorized to issue a check payable to Soheha, P.O. Box 9416 Trenton, NJ 08650 of \$321.44, and

BE IT FURTHER RESOLVED that the Treasurer be authorized to issue a check in the amount of \$1,800.00 as a refund for the premium paid at the time of sale to Soheha, P.O. Box 9416

Trenton, NJ 08650.

Brad Myhre, Mayor

Attest:

February 5, 2020

Brenda S. Shepherd, RMC
Borough Clerk

RESOLUTIONS

Resolution #2020-42 – awarding contract for the an operation and maintenance manual for the wastewater treatment plant

Liz Johnson noted that we are required to have a operations and maintenance manual. Anyone can go to the manual and follow every step. We are also looking at variable flow pumps that will let us regulate the flow. It will meter the flow so it does not come through all at once. This resolution will authorize a contract for the operation and maintenance manual. On motion by Liz Johnson, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-42 as follows:

RESOLUTION No. 2020-42

FRENCHTOWN BOROUGH, HUNTERDON COUNTY AWARDING CONTRACT FOR THE AN OPERATION AND MAINTENANCE MANUAL FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, quotes were solicited for the creation of an Operation and Maintenance Manual for the Borough of Frenchtown’s Wastewater Treatment Plant; and

WHEREAS, quotes were received from Instrumentation, Control and Energy Engineering, LLC., dated 12/20/2019 in the amount of \$14,900.00 and Kleinfelder, dated 6/6/2019 in the amount of \$19,780.00; and

WHEREAS, the low quote is from Instrumentation, Control and Energy Engineering, LLC., 3326 Skippack Pike, Lansdale, PA 19446, in the amount of \$14,900.00; and

WHEREAS, the Chief Financial Officer has certified that the funds are available from the Sewer Capital Fund account; and

WHEREAS, this matter has come before the Mayor and Council and the Mayor and Council is of the opinion that it is appropriate to award a contract to Instrumentation, Control and Energy Engineering, LLC., 3326 Skippack Pike, Lansdale, PA 19446, in the amount of \$14,900.00 as

set forth in the quote dated 12/20/2019 for the creation of an Operating and Maintenance Manual for the Wastewater Treatment Plant.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of Frenchtown Borough, County of Hunterdon and State of New Jersey at its meeting of February 5, 2020, that a contract be awarded to Instrumentation, Control and Energy Engineering, LLC., 3326 Skippack Pike, Lansdale, PA 19446, in the amount of \$14,900.00, for the creation of an Operating and Maintenance Manual for the Wastewater Treatment Plant.

Brad Myhre, Mayor

Dated: February 5, 2020

Attest:

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-43 – Appointing an Alternate Municipal Prosecutor

On motion by Liz Johnson, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-43 as follows:

RESOLUTION #2020-43
Appointing an Alternate Municipal Prosecutor

WHEREAS, Borough of Frenchtown has previously established its Municipal Court as a Joint Municipal Court with Alexandria Township and Holland Township; and

WHEREAS, the terms of the Agreement have been mutually agreed upon by the Municipalities and received the approval of the Vicinage 13 Assignment Judge; and

WHEREAS, the Municipal Court requires the services of a Municipal Prosecutor; and

WHEREAS, it has been determined that there is a need for an Alternate Municipal Prosecutor to cover in the absence of the Prosecutor; and

WHEREAS, Phillip Faherty III of 40 Delaware Avenue, Lambertville, NJ 08530 is qualified for the position of Alternate Municipal Prosecutor.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Frenchtown, Hunterdon County, in the State of New Jersey that the following attorney is hereby appointed as an Alternate Municipal Prosecutor for the Delaware Valley Joint Municipal Court as a shared Court for calendar year 2020:

Alternate Municipal Prosecutor- Phillip Faherty III, Esq.

BE IT FURTHER RESOLVED, that the Alternate Municipal Prosecutor shall be paid for his respective position \$200 per court session for the Borough of Frenchtown cases.

Brad Myhre, Mayor

Dated: February 5, 2020

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-44 - Resolution to hire substitute court administrator for the Joint Municipal Court of the Delaware Valley

On motion by Tami Peterson, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-44 as follows:

RESOLUTION #2020-44

RESOLUTION TO HIRE SUBSTITUTE COURT ADMINISTRATOR FOR THE JOINT MUNICIPAL COURT OF THE DELAWARE VALLEY

WHEREAS, the Borough of Frenchtown is a member of the Joint Municipal Court of the Delaware Valley with Alexandria Township and Holland Township; and

WHEREAS, the terms of the Agreement have been mutually agreed upon by the Municipalities and received the approval of the Vicinage 13 Assignment Judge; and

WHEREAS, the Municipal Court requires the services of a Substitute Court Administrator in the absence of appointed Court Administrator; Jacqueline Signorile and

WHEREAS, Alexandria Township is the lead agency and will issues payroll and bill each Township accordingly, and

WHEREAS, the salary for this position is \$ 40.00 per hour flat rate to be compensated based on the calculated percentages for all three towns.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of

Frenchtown, Hunterdon County, in the State of New Jersey that Julie Kosakowski is hired as Substitute Court Administrator for the Joint Municipal Court of the Delaware Valley at an hourly rate of \$ 40 per hour, flat rate, to be compensated based on the calculated percentages for all three towns, effective upon adoption of this Resolution.

Brad Myhre, Mayor

Dated: February 5, 2020

Brenda S. Shepherd, RMC
Borough Clerk

Resolution #2020-45 - Resolution to hire Pam Williamson as bookkeeper for the Joint Municipal Court of the Delaware Valley

On motion by Michele Liebttag, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-45 as follows:

RESOLUTION #2020-45

RESOLUTION TO HIRE PAM WILLIAMSON AS BOOKKEEPER FOR THE JOINT MUNICIPAL COURT OF THE DELAWARE VALLEY

WHEREAS, the Township of Holland has previously established its Municipal Court as a Joint Municipal Court with Alexandria Township and Frenchtown Borough; and

WHEREAS, the terms of the Agreement have been mutually agreed upon by the Municipalities and received the approval of the Vicinage 13 Assignment Judge; and

WHEREAS, the Municipal Court requires the services of a Bookkeeper; and

WHEREAS, Alexandria Township is the lead agency and will issues payroll and bill each Township accordingly, and

WHEREAS, the salary for this position is \$120.00 per month (4 hours at \$30.00 per hour) to be split evenly among the three towns.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the Borough of Frenchtown, Hunterdon County, in the State of New Jersey that Pam Williamson is hired as Bookkeeper for the Joint Municipal Court of the Delaware Valley at a rate of \$120 per month (4 hours at \$30.00 per hour) to be split evenly among the three towns.

Brad Myhre, Mayor

Dated: February 5, 2020

Brenda S. Shepherd, RMC
Borough Clerk

ORDINANCES

Ordinance #842 – An Ordinance regulating the Salary and Wage of certain officials and employees of the Borough of Frenchtown for 2020 (Introduction)

On motion by Michele Liebttag, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved introduction of Ordinance #842 as follows:

ORDINANCE #842

**AN ORDINANCE
REGULATING THE SALARY & WAGE
OF CERTAIN OFFICIALS AND EMPLOYEES
OF THE BOROUGH OF FRENCHTOWN
FOR THE YEAR 2020**

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

1. The following salaries for the year 2020 are hereby designated for certain officials and employees of the Borough of Frenchtown:

Police Patrolman- full-time ----- \$38,000.00 to \$54,000.00

2. The following overtime hourly rates for the year 2020 are hereby designated for the following officials and employees of the Borough of Frenchtown:

Police Patrolman (full-time OT Rate) -----\$27.41 to \$38.94

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 #843 –Bond ordinance providing for various roadway improvements to Milford Road by and in the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey; appropriating \$540,000 therefor (including grants expected to be received from the New Jersey Department of Transportation) and authorizing the issuance of \$540,000 bonds or notes of the Borough to finance the cost thereof (Introduction)

Mayor Myhre noted that the Borough will be reimbursed \$370,000.00 in NJDOT funding to fix the road and add sidewalks. On motion by Liz Johnson, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved introduction of Ordinance #843 as follows:

**BOROUGH OF FRENCHTOWN
BOND ORDINANCE NO. 843**

BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS TO MILFORD ROAD BY AND IN THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$540,000 THEREFOR (INCLUDING GRANTS EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$540,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FRENCHTOWN, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Frenchtown, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$540,000, which is inclusive of grants expected to be received from the New Jersey Department of Transportation in the aggregate amount of \$360,000 (the "Grants"). Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law (the "Local Bond Law"), as amended and

supplemented, no down payment is required for the bonds or notes associated with the project set forth in Section 3(a) as a portion of such project is being funded by the Grants.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$540,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$540,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various roadway improvements to Milford Road including, but not limited to, as applicable, milling, paving, reconstruction and resurfacing the roadways, and associated repairing and/or installation of curbs, sidewalks and driveway aprons, drainage work, roadway painting, landscaping and aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) Until the Grants are received, the estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$540,000.

(c) The estimated cost of said improvements or purposes is \$540,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity make a contribution or grant in aid to the Borough, including the Grants, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private equity, including the Grants, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or

notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance is not a current expense and are improvements which the Borough may lawfully undertake as a general

improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$540,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$108,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of

obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: February 5, 2020

BRENDA S. SHEPHERD,
Clerk of the Borough of Frenchtown

ADOPTED ON SECOND READING
DATED: March 4, 2020

BRENDA S. SHEPHERD,
Clerk of the Borough of Frenchtown

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2020

BRAD MYHRE,
Mayor of the Borough of Frenchtown

Ordinance #844 - An Ordinance of the Borough of Frenchtown, County of Hunterdon, Authorizing the Vacation, Release and Extinguishment of the Public Rights-of-Way Identified as a Portion of Front and Lott Streets (Introduction)

Kandy Ferree stepped down on this items due to conflict of interest.

Attorney Cruz noted that he had advised Council that this would come before council. As part of the approval of the ArtYard project, a portion of Lott Street is to be vacated so that a drop off can be constructed for the project. It is the area where the Chimney Swift house is located. The Borough would grant a dedication of 1,670 square feet. It is also included in the redevelopment agreement. Exhibit A is the deed to the town, Exhibit B is the metes and bounds description and Exhibit C is a map with a cross hatched area. Typically, the town will vacate a public right of way if it is no longer needed for public use. The Borough has not used it. This will help Front and Lott Streets to be realigned. There will be a public hearing on this. Paragraphs 6 through 10 noted the requirements for public notice. Liz Johnson asked if the public will still have access to the towpath. There is a cut through that the public uses. Attorney Cruz noted that the ordinance does preserve the rights of the public. On motion by Liz Johnson, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #844 as follows:

**BOROUGH OF FRENCHTOWN
ORDINANCE #844**

AN ORDINANCE OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, AUTHORIZING THE VACATION, RELEASE AND EXTINGUISHMENT OF THE PUBLIC RIGHTS-OF-WAY IDENTIFIED AS A PORTION OF FRONT AND LOTT STREETS AND ADJOINING PROPERTY

WHEREAS, there exists in the Borough of Frenchtown a public right-of-way identified as a portion of Front, Kerr and Lott Streets, which was dedicated to the Borough by Deed of Dedication from Eugene Albert and Gail Albert, dated December 28, 2011, and recorded in the Hunterdon County Clerk's Office on February 15, 2012, in Deed Book 2283, beginning at page 532; and

WHEREAS, that Deed of Dedication, with the "Description for Right-of-Way Dedication", is attached as Exhibit A, and shows that the area of dedication was a total of 9,121 square feet or 0.209 acres of land more or less ("Original Dedication"); and

WHEREAS, the Borough accepted the Original Dedication for use as a public right-of-way by Ordinance #698; and

WHEREAS, N.J.S.A. 67-1(b) and N.J.S.A. 40:67-19 authorize a municipality, by ordinance, to vacate, release and extinguish the public's rights in any portion of a public street, highway, lane or alley, and any portion of property dedicated as a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

WHEREAS, ArtYard was granted approval by the Borough Planning Board to construct a theater and gallery space ("ArtYard Development") at the intersection of Front and Lott

Streets; and

WHEREAS, ArtYard, as part of the ArtYard Development, will realign Front and Lott Streets and construct a theater drop-off area on a portion of the Original Dedication; and

WHEREAS, in order for ArtYard to accomplish the realignment and construct the drop-off area, a portion of the Original Dedication has to be vacated, released or extinguished by the Borough consisting of 1,670 square feet of land more or less (“Vacation Area”); and

WHEREAS, the Vacation Area is described in a metes and bounds description prepared by Vincent J. Rigelon, Jr., of Goldenbaum Baill Engineering, Inc., dated February 3, 2020, attached as Exhibit B and depicted on that Easement Plan attached as Exhibit C; and

WHEREAS, the Common Council of the Borough of Frenchtown does hereby determine that a portion of the Original Dedication is no longer needed for public purposes; and

WHEREAS, the Common Council of the Borough of Frenchtown does hereby determine that the vacation, release and extinguishment of the public rights-of-way to the Vacation Area will better serve the public interest.

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

1. Subject to the conditions set forth herein, the right of the public in and to the Vacation Area is hereby released, extinguished and vacated.

2. The Vacation Area shall be conveyed to the owners of, and shall merge, consolidate with, and become a part of the adjacent property identified as Block 57, Lot 1, as more particularly shown on the Tax Map of the Borough of Frenchtown, as set forth below; and

3. Title to the lands vacated hereby shall revert to the fee simple property owners of the adjacent properties as follows:

A. The public rights in and to that portion of the Original Dedication shown as the Vacation Area on Exhibits B and C shall be extinguished, released and vacated, and that portion shall be conveyed to the owners of Block 57, Lot 1.

4. Expressly reserved and excepted from this Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13, and any cable television company as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair or replace existing utility facilities, if any, in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

5. Expressly reserved and excepted from this Ordinance are all rights and privileges heretofore possessed by the Borough of Frenchtown to own, maintain, repair or replace any sanitary sewer line in the Vacation Area.

6. At least seven (7) days prior to the time fixed for consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance shall be considered for final passage, shall be given by the Borough Clerk by certified mail, return receipt requested, to the owners of all real property located within 200 feet in all directions of the subject property, as shown on the current Borough Tax Map.

7. At least ten (10) days prior to the time fixed for final passage of this Ordinance, a copy of this Ordinance, together with a notice of its introduction and the time and place when it

shall be further considered for final passage, shall be published at least once in a newspaper published and circulated in the Borough, or printed in the county and circulating in the Borough as required by N.J.S.A. 40:49-6.

8. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified under the seal of the Borough to be a true copy thereof, together with proof of publication thereof, with the office of the Clerk of the County of Hunterdon to be recorded in the book of vacations in accordance with the provisions of N.J.S.A. 40:67-1.

9. Prior to adoption of this Ordinance, notice shall be given to the County of Hunterdon as required by N.J.S.A. 3:4-8.

10. After passage and final adoption, the Borough Clerk shall send a copy of this Ordinance to the Commissioner of the New Jersey Department of Transportation as required by N.J.S.A. 3-4:8.

11. This Ordinance shall take effect upon final passage, adoption and publication according to law, and the recording of this Ordinance in the Office of the Hunterdon County Clerk.

12. If any section or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

ATTEST: BOROUGH OF FRENCHTOWN

Brenda Shepherd, RMC, Brad Myhre, Mayor
Borough Clerk

NEW BUSINESS

Request for ArtYard to use Sunbeam Lenape Park June 20th

Kandy Ferree remained stepped down on this item due to conflict of interest. On motion by Michele Liebttag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the request for ArtYard to use Sunbeam Lenape Park on June 20th.

Borough Employees' requests to carry vacation time

Mayor Myhre noted that Public Works covered the sewer plant when there was no operator. On motion by Michele Liebttag, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the request for Mike Roden to carry 7 vacation days and Mike Reino to carry 3 vacation days.

Request from LuLu Rescue to use Sunbeam Lenape Park June 7th with a raindate of June 14th

On motion by Tami Peterson, seconded by Michele Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the request from LuLu Rescue to use Sunbeam Lenape Park June 7th with a raindate of June 14th.

COUNCIL COMMENTS

Liz Johnson reported the following:

1. The sewer department is in the black. We were \$7,000.00 under budget in 2019. We had savings in personnel. We are saving \$20,000.00 this year. Some of that will be used to license the DPW employees for the sewer plant. We do have a built-in yearly surplus. We are hoping to come to Council with a rate reduction proposal by the end of the year with septage hauling revenue.
2. She will get a template ordinance for septage hauling and will reach out to the NJDEP to sign off on the ordinance. She will be meeting with staff to get an internal system set up for record keeping and billing. Septage will be accepted from trailers and we anticipate half a dozen trucks per week. It will be a revenue source. Mayor Myhre noted that an amendment to the sewer ordinance will be needed.
3. She is reaching out to the tech schools for touring of the plant. She will reach out to Eagle Scouts to help in the beautification project at the plant. The Eagle Scouts are looking to work with us.
4. The sewer operator will be replacing pumps with variable speed bumps that can work off the cell phone. We would save money on electrical and we will also be saving money on chemicals as the sewer operator is cutting back on the use of chemicals. Mayor Myhre commented that, generally, the plant has been self-sustainable. The sewer budget used to fund part of the Borough budget.

Caroline Scutt reported the following:

1. We are close to scheduling a meeting with the State to kick off the downtown redevelopment plan. The Borough was awarded a 1 million dollar grant to redo the downtown. We had a committee that worked on that. We still do not have details of the grant parameters. This grant will provide for trees, lighting, benches etc to transform the downtown.
2. She thanked Rick Epstein for updating the Borough history. We have a fabulous drone video on the homepage of the Borough's website.
3. She is continuing to work with the overview of Frenchtown with the County. The County has accepted to represent Frenchtown with the 579 Corridor committee working with the County Pilot program. The first meeting is next Tuesday. Mayor Myhre thanked Caroline Scutt for serving on that committee.
4. United Way is running a free tax program. She provided Brenda Shepherd with the information. People can call 211 or go to the website. They will be there all tax season.

Michele Liebttag reported the following:

1. She attended a meeting with Caroline Scutt with Hunterdon Helpline. They are trying to develop relationships around developing a real plan to address Code Blue legislation. When temperatures reach 34 degrees, we have the responsibility to provide shelter. We are working with the County to get a solid plan for all municipalities in Hunterdon County. This could be part of a collaborative experience.
2. The Mayor and she had a meeting with Gary Smalley of Republic Services discussing problematic pick up along Bridge and Race Streets. There was an open dialogue for larger recycling bins for residents.
3. The Bulk pick up has been scheduled for Saturday, October 17th. We will publicize that.

4. She has kits for everyone on the Hunterdon Area Energy Cooperative. They are doing everything that needs to be done to roll out the program with mailings to residents. Residents would have to opt out of the program. There will be a learning session on the benefits of going with the program on March 2nd in Lambertville and on March 5th here at Borough Hall at Noon and then again at 7 pm. Eligible residents not currently enrolled with a third party supplier or with solar installed would have to opt out of the program. It specifically says that you have to OPT OUT. There will be a letter from the Borough. Caroline Scutt stated that she is concerned that people will not read all the information in the packet. Attorney Cruz stated that the Borough will do a cover letter that gets mailed out with the information packet.

Tami Peterson reported the following:

1. She had Brenda Shepherd forward the application for the Library Grant. The grant opens March 15th. She is waiting for the engineer. Mayor Myhre noted that Kelsey Howard of Maser Consulting had a meeting on Monday. An Engineer from Maser Consulting did a walk through of the Library. The Library has water penetration issues, the lighting and electrical is obsolete, the entrance way is not up to code and bathroom upgrades are needed. The estimate is around \$100,000.00 to \$125,000.00. The grant is a matching grant. We are looking at a cost of \$5,000.00 to put the application together. This is the first time grants are being provided for libraries. There is a deadline for the application. If there is consent to spend \$5,000.00 to put the grant application together, we can go forward.

On motion by Liz Johnson, seconded by Michael Liebttag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to spend \$5,000.00 for preparation of the library grant application.

Kandy Ferree reported the following:

1. The sign was installed at Sunbeam Lenape Park. She recommended a Ribbon Cutting Ceremony for this Park. We also have the sister sign for the Borough Park. A section of the fence has to be removed to install the sign. We will postpone that until spring in coordination with the spring park clean up date.
2. She has begun working as a member of the community in collaboration with Holly Low for a master planting plan. Randi Eckel was part of the discussion along with the Environmental Commission. They recommended more native plants and removing invasive species. Liz Johnson commented that the sign is close to the wall. Kandy Ferree responded that the sign can be moved if needed. It would only take 30 minutes to disassemble.
3. There was a report that the zip line was down again. It is not. She had her son Max check it out and it is intact.

Mayor Myhre reported the following:

1. There is a greater workforce development board meeting next Tuesday to talk about services and enhancing existing skills. They are unveiling a new system with hundreds of programs and certificates that can be achieved. They will discuss how to interview, dressing for an interview, when to look for a job, etc. It is all free of charge. They did one in Hillsborough and had 35 people sign up.

2. He spoke with Country Classics about the residents' correspondence on reports on the environmental remediation. The groundwater is presently in remedial investigation and the report is not yet prepared. They will write a letter back citing the facts. They will be putting silt fencing around the property.
3. The USDA application is almost complete. Representative Malinowski is in support of the application. We are seeking 2.6 million dollars to install sewer lines, do drainage improvements, and pave every dirt road. This will include the engineering costs. The USDA will forgive up to 75%, but usually it is 25%. We will try to get as much as possible. It is a long term note at a fixed rate for 40 years. Every resident has to commit to sign up. There are 28 homeowners that must be on board. Responding to Council, Attorney Cruz noted that the Borough can require mandatory hook ups. There may be exceptions such as people with new septic systems. Mayor Myhre noted that the Borough did a community meeting and we have the addresses. We will give them an update on what is involved once the grant is filed. That plant has the capacity to take in that community.
4. Responding to Kandy Ferree as to updating the public on any Pilot Program, Mayor Myhre stated that we are looking to host a special council meeting on a Saturday in February. We will discuss dates for that.

CORRESPONDENCE

None discussed.

PUBLIC COMMENTS

The Council approved to open the public comment session.

Michael Knox of 6 River Mills Drive, questioned the intersection of Second Street and River Mills Drive. He has had two close calls coming west onto Second Street. He is concerned that there will be trouble. He believes that a portion of the River Mills Drive, which goes through the development, should be one way. Mayor Myhre noted that he will have a meeting with Prime Custom Builders and discuss the issue.

Having no other comments, Mayor Myhre closed the public comment session.

EXECUTIVE SESSION

Mayor Myhre noted that there is a need for the Council to go into executive session to discuss the following:

- a. Contract Negotiations – Country Classics at Frenchtown LLC
- b. Property Acquisition
- c. Personnel

On motion by Michele Liebttag, seconded by Liz Johnson and carried by favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:55 pm and the following resolution:

RESOLUTION #2020-46

EXECUTIVE SESSION RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Borough Council is of the opinion that such circumstances exist.

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

2. The public shall be excluded from discussion of the hereinafter specified subject matters.
3. The general nature of the subject matter to be discussed is as follows:
 - a. Contract Negotiations – Country Classics at Frenchtown LLC
 - b. Property Acquisition
 - c. Personnel
3. The Borough Council may take official action on those items discussed in Executive Session upon completion of the Executive Session.
4. The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
5. This Resolution shall take effect immediately.

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 February 5, 2020.

Brenda S. Shepherd, RMC
Borough Clerk

Mayor Myhre noted that no action will be taken.

The Council came out of executive session at 9:46 pm.

ADJOURNMENT

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:46 pm on motion by Michele Liebttag, seconded by Liz Johnson and carried by favorable voice vote.

Respectfully submitted,

Brenda Shepherd, RMC
Borough Clerk