

## 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. 17 members of the public were also present.

## PUBLIC HEARING

### **Ordinance #842 – An Ordinance regulating the Salary and Wage of certain official and employees of the Borough of Frenchtown for 2020**

The Council approved to open the public hearing on Ordinance #842. Having no comments, Council approved to close the public hearing on Ordinance #842.

### **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**

The Council approved to open the public hearing on Ordinance #843. Having no comments, Council approved to close the public hearing on Ordinance #843.

### **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**

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

The Council approved to open the public hearing on Ordinance #844. Having no comments, Council approved to close the public hearing on Ordinance #844. Kandy Ferree returned to the meeting.

### **Grant application to the New Jersey State Library Grant for proposed library project**

Mayor Myhre noted that the Borough is applying for \$140,000.00 grant for HVAC, lighting, electric upgrads and water and mold remediation. There will be \$70,000.00 in grant funds and \$70,000.00 would be raised by Borough funds. We hope to be successful in the grant application.

The Council approved to open the public hearing on the grant application to the New Jersey State Library Grant. Having no comments, Council approved to close the public hearing on the grant application to the New Jersey State Library Grant.

### **PUBLIC COMMENTS**

The Council approved to open the public comment session.

Wendy donated a collage she made to the Frenchtown Library. She presented it to Library Assistant Kelly Pickering. It is memories of Frenchtown. She added that her brother loaned her photos and they were too good not to share. She gave a copy of the collage to Tami Peterson since she is leaving and one to the Mayor. She had fun making it. She has the original jpg if the library wants to use it for fundraising. Spoke with Kelly. Memories of Frenchtown. The Mayor and Council thanked Wendy.

Max Ferree of 37 Fourth Street, wanted to address a no parking here to corner at Harrison Street, when we are walking home from school. Cars are parking to the corner and we cannot see cars coming and cars cannot see us. Another car cannot pull in. He recommended signs for Fourth Street. Eighth Street has a sign. Council thought it was a great idea. Mayor Myhre noted that it is a good point. The Police Department can work with DW to see what we can do. We will be the Get background on it. Max noted that it is worst on the upper streets and onto Milford Road as well.

Barbara Bristow of 6 River Mills Drive asked for Frenchtown Sustainable to get on the next meeting agenda to report on single use plastics and ideas for an ordinance to present to Council.

Holly Low – of Eighth Street thanked the Council for a lot of effort in the PShe asked ILOT presentation and providing great informationShe asked if the redevelopment and the PILOT are two separate ordinances and the timing of them. Mayor Myhre noted that there is no update. There will be another meeting to figure out the next steps. The Redevelopment Agreement and the PILOT are two separate items. One is an ordinance and one is a resolution. Attorney Cruz noted that the Council will do them all at once. The ordinance requires introduction, advertisement and a public hearing. Ms. Low asked if under the PILOT, the property owner stills pays property taxes on the land. Mayor Myhre responded yes, land taxes stays. The PILOT fees are considered a fee and not taxation. The owner cannot file a tax appeal and do not qualify for State tax deduction. Holly Low noted that the Borough could ask for reassessment of the land. If the value of the land changes, ill that be reassessed. Would Borough consider that. Mayor Myhre responded that they had not had that conversation. Ms. Lw sked I a fiscal impact analysis was done during planning. Mayor Myhre noted at an economist did a full analysis. The economist had an interest in presenting economic analysis. There is a fiscal analysis.

Manseu Tabibnia of 76 Kingwood Avenue noted that the Zoning officer did go back out to site. The site was inspected. Did the Council talk about enforcement and adopting an maintenance ordinance to bring noncompliant property owners into compliance. Mayor Myhre commented that the language is very broad. There are things in Frenchtown that could cause problems for existing homeowners. It will involve the planning board. The zoning officer enforces the zoning ordinances and does not enforce health codes. Mr. Tabibnia stated that the zoning is not being enforced. Mayor Myhre noted that enforcement actions have been addressed.

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 Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 3/4/20 as attached, the minutes of the Special Meeting of January 27, 2020, the Executive Session minutes of January 27, 2020, the Regular meeting minutes of February 5, 2020 and the minutes of the Executive Session of February 5, 2020.

**RESOLUTIONS**

**Resolution #2020-47 – Acceptance of Tax Collector’s 2020 Annual Report**

Mayor Myhre noted that Daniele Lattig has been successful in tax collection. The rate of collection is 98.4%. That is the best rate in decades. Michele Liebttag thanked Daniele Lattig.

On motion by Liz Johnson, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-47 as follows:

**Resolution #2020-47**

Acceptance of Tax Collector’s 2020 Annual Report

**WHEREAS**, N.J.S.A.54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Frenchtown that the following Collector’s Annual Report of Receipts for the Year Ending December 31, 2019, be hereby acknowledged and accepted as submitted.

**TAX COLLECTION OFFICE  
FOR THE YEAR ENDING DECEMBER 31, 2019**

Interest	\$24,613.97
2019 Taxes Prepaid	\$33,584.09
2018 Taxes	\$4,953,164.97
2017 Taxes	\$135,783.77
YE Penalty	\$2,071.63
Municipal Lien Redeemed	\$0.00
Duplicate Bills/Copies	\$85.00
Outside Liens Redeemed	\$104,273.89
Total	\$5,253,577.32

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**Brad Myhre, Mayor**

**Attest:**

**March 4 2020**

\_\_\_\_\_  
**Brenda S. Shepherd, RMC  
Borough Clerk**

**Resolution #2020-48 – 2020 Temporary Appropriations**

On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-48 as follows:

**RESOLUTION #2020-48**

**2020 TEMPORARY APPROPRIATIONS**

WHEREAS, in accordance with New Jersey Local Budget Law, N.J.S.A. 40A: 4-19, a Temporary Budget was adopted for 2020 by the Borough of Frenchtown on January 2, 2020; and

WHEREAS, the Borough of Frenchtown is required to make pension payments prior to the adoption of the 2020 Municipal Budget; and

WHEREAS, the 2020 Temporary Budget does not adequately provide for the aforesaid purposes; and

WHEREAS, New Jersey Local Budget Law, N.J.S.A. 40A: 4 – 20, states that the Governing Body may, by resolution adopted by two-thirds vote of the full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that the 2020 Temporary Budget appropriations are increased to the amounts shown below in accordance with the provision of New Jersey Local Budget Law, N.J.S.A. 40A: 4 – 20.

**BOROUGH OF FRENCHTOWN  
TEMPORARY APPROPRIATIONS FOR 2020**

DescriptionAmount

Contributions to Police/Fire Retirement System	\$47,450.00
Public Employees Retirement System Contribution	\$42,250.00
Sewer Utility Public Employee Retirement System Contribution	\$30,000.00

Borough of Frenchtown

\_\_\_\_\_  
Brad Myhre, Mayor

Dated: March 4, 2020

ATTEST:

\_\_\_\_\_  
Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2020-49 – Resolution authorizing tax overpayment refunds**

On motion by Liz Johnson, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-49 as follows:

RESOLUTION #2020-49  
RESOLUTION AUTHORIZING TAX OVERPAYMENT REFUNDS

**WHEREAS**, it has been determined by the Tax Collector that the taxpayers indicated on the attached Schedule "A" are entitled to tax overpayment refunds and;

**WHEREAS**, it is the desire of the Governing Body to have these overpayments returned to the respective taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that:

1. The Tax collector is hereby authorized to make overpayment refunds in the amount shown to the taxpayers, as appears on Schedule "A" which is mad apart hereof.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution, along with the attached Schedule "A", be forwarded to the Tax Collector and Finance Officer.

Borough of Frenchtown

\_\_\_\_\_  
Myhre, Mayor

Brad

Dated: March 4, 2020

ATTEST:

\_\_\_\_\_  
Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2020-50 - Resolution Authorization to hire Ruth Mulligan as Substitute Court Administrator for the Joint Municipal Court of the Delaware Valley**

On motion by Liz Johnson, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-50 as follows:

**RESOLUTION #2020-50**

Resolution Authorization to hire Ruth Mulligan as  
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 Township of Holland; 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 \$ 30.00 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 Ruth Mulligan is hired as Substitute Court Administrator for the Joint Municipal Court of the Delaware Valley at an hourly rate of \$30 per hour, flat rate, to be compensated based on the calculated percentages for all three towns, effective upon adoption of this Resolution.

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Brad Myhre, Mayor

Dated: March 4, 2020

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2020-51 -Resolution authorizing Maser Consulting, PA to prepare a Phase I Environmental Assessment for Block 52 Lot 9**

On motion by Liz Johnson, seconded by Michele Liebtag and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-51 as follows:

**RESOLUTION No. 2020-51\_\_\_\_\_**

**FRENCHTOWN BOROUGH, HUNTERDON COUNTY  
AUTHORIZING MASER CONSULTING, PA TO PREPARE A PHASE I ENVIRONMENTAL  
SITE ASSESSMENT FOR BLOCK 52 LOT 9**

**WHEREAS**, the Borough of Frenchtown has solicited a proposal for an Phase I Environmental Site Assessment for Block 52 lot 9; and

**WHEREAS**, on January 2, 2020, Maser Consulting, PA was selected as the Borough's Engineer for 2020 and awarded a Professional Services Contract under the Fair and Open Process, and this award supplements that existing contract; and

**WHEREAS**, a proposal was received from Maser Consulting, PA, in the amount of \$5,800.00; 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 in the amount of \$5,800.00 with Maser Consulting, PA for a Phase I Environmental Site Assessment for Block 52 Lot 9; and

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Brad Myhre, Mayor

Dated: March 4, 2020  
Attest:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Resolution #2020-52 – Resolution to provide matching funds**

On motion by Kandy Ferree, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-52 as follows:

**RESOLUTION #2020-52**

**RESOLUTION TO PROVIDE MATCHING FUNDS**

WHEREAS, New Jersey voters approved the New Jersey Library Construction Bond Act, which authorizes the issuance of State General Obligation Bonds to provide grants for the construction, reconstruction, development, extension, improvement and furnishing of public libraries in the State of New Jersey and funding in an amount not to exceed \$87.5 million will be available in the solicitation for grant applications issued on January 6, 2020; and,

WHEREAS, the Frenchtown Public Library Board of Trustees desires to further the public interest by obtaining a matching grant of \$70,000 from the aforementioned program to improve the Frenchtown Public Library; and,

WHEREAS, the governing body supports the Frenchtown Public Library Board of Trustees' application for a matching grant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Frenchtown:

1. That Mayor and Council of the Borough of Frenchtown intends to provide the required match for the project in the amount of \$70,000; and,
2. That this resolution shall take effect immediately.

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Brad Myhre, Mayor

Dated: March 4, 2020  
Attest:

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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 (Adoption)**

On motion by Michele Liebtag, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved adoption 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.

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Brad Myhre, Mayor

ATTEST:

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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 (Adoption)**

On motion by Liz Johnson, seconded by Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved adoption 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 of Amendment)**

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

Attorney Cruz noted that the Borough had the public hearing on the ordinance as was introduced. At the last meeting, Councilwoman Liz Johnson asked about maintaining the ability to walk through to the towpath. He reread the ordinance and added a subsection to item 3 of the ordinance, 3(b), pedestrian ingress and egress preserved, so it is very clear. Procedurally, you closed the public hearing on the original ordinance and now the Council can mov to amend the ordinance to include item 3(). The amended ordinance will be published and a public hearing will be schedule for Aril 1, 2020 at 7:30 pm por to adoption. 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 the amendment to Ordinance #844 as follows:

(Revised February 13, 2020)

**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. Except as provided in Section 3B below, 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.

B. Expressly reserved and excepted from this Ordinance is pedestrian ingress and egress across the Vacation Area to the towpath along the Delaware River.

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**

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Brenda Shepherd, RMC, Brad Myhre, Mayor  
Borough Clerk

**NEW BUSINESS**

**Request by Riverside Symphonia for approval to hang a banner from June 15<sup>th</sup> to June 30<sup>th</sup> for the Concert Under the Stars**

On motion by Caroline Scutt, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the request from Riverside Symphonia to hand a banner from June 15<sup>th</sup> to June 30<sup>th</sup> for the Concert under the Stars.

**Request from Hunterdon Land Trust for financial support** On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved to support the Hunterdon Land Trust with a contribution of \$500.00 from the Open Space Trust Fund.

**Discussion on sample film ordinance**

Caroline Scutt noted that she puts this sample ordinance in front of Council for discussion. She noted three months ago that the County is asking municipalities to support a film ordinance. Marc Saluk of the Hunterdon County Economic Development committee provided a sample film ordinance which was very complicated. He provided one from Montclair which is not as complicated. Attorney Cruz noted that Liz Johnson and Tami Peterson gave comments on the ordinance. He also gave the Council questions to consider. He will put together an ordinance together based on feedback he gets.

Kandy Ferree commented that the ordinance is focused toward major films. She is in favor of a film ordinance to help support economic development. She recommended including other filmmakers. Define what it means and put something more broad in the ordinance. Spell out student films, etc. Attorney Cruz noted that there is a section that talked about small film makers. It can be added to a new definition for independent film makers. Mayor Myhre recommended more time than 5 days. If it is presented at a Council meeting and someone has an issue, it may require more time. Enough time should be given to vet an application if we need police engagement. There should be a deadline to get the application in.

Kandy Ferree commented that sometimes a film crew may be in the County and happen upon an amazing place and may want to film right away. It may be there only shoot when the crew is there. That is typical in the film industry. Mayor Myhre stated that they could coordinate with the Chief of police or the designee. Think about that. Kandy Ferree requested that an exemption can be filed. Attorney Cruz noted that Council issues the permit and an application must be submitted 5 days before a meeting. A permit must be created and Council controls the permit. He asked about hours as the sample ordinance only addresses residential. It should be the same throughout the town. There should also be an appeal mechanism. Caroline Scutt commented that she is not married to ny fees. We could have permit fee and major motion pictures can pay per day fee. Liz Johnson asked how we bill. Tami Peterson asked that Council also consider that an escrow be provided if police services are needed. Having no other comments, Caroline Scutt stated that the target date for introduction is April.

### COUNCIL COMMENTS

Liz Johnson reported the following:

1. She met with Andrew Bernath and Mark Wood and we could be in place to reduce rates this year. Mayor Myhre noted that the Borough has a USDA Loan and may increase debt service if the Hilltop Streets project comes on line. Liz Johnson noted tht each homeowner in the Hilltop Street project will need a pump. The grant and loan application does include \$10,000.00 for each household. The pumps should last ten years. Mayor Myhre added that residents will replace the pumps when needed. The only way this project works is to force everyone up there, 24 hoeonwers, to connect We will find out in June if we received the loan and possible grants. The application if for 3.5 millions dollars. Responding to Liz Johnson, Mayor Myhre stated that there will be another public meeting with the homeowners on the Hilltop Streets. We reduced the connection fee for incentive. We will try to do as much gravity fed as possible but some lines will not be deep enough. Responding to Kandy Ferree, Mayor Myhre noted that the injector pumps are in the grant application. The majority of the homeowner have septic systems that are 40 years old. The Borough will be responsible for maintenance of the mains. The Borough will schedule a meeting with those homeowners.

Michele Liebttag stated that the Council had a significant request for capital improvements in the amount of \$220,000.00. The surplus will be need if we have a serious problem. Attorney Cruz noted that under the USDA loan agreement, they will not allow you to reduce rates. You can keep rates stable. Mayor Myhre added that the goal is stabilization. The Council cautioned about making any decreases to sewer rates or giving the public the impression that rates will be reduced.

Caroline Scutt reported the following:

1. We are looking at codification of our zoning codes to get them on line.
2. The revied documents for the Eighth Street Redevelopment project are on the website.
3. There has been no movement on the TAP grant. We are having great difficulty getting responses from the consultant. Can we look into options on engineering. Kandy Ferree noted that the committee has been engaged and has done a lot of work.

She is concerned about the time we are losing because this grant has a time limit. There are a number of things in the grant such as trees, lighting and electrical that are weather dependent. We could hit two winters and jeopardize the ability to get the work done. We need to exercise an engineering firm or our current firm to make it a priority.

Michele Liebtag reported the following:

1. The police department is in negotiations for the next PBA contract.
2. We are also exploring options for hires.

Tami Peterson reported the following:

1. She worked with Rivernet to post things on line and is putting posts on Facebook as well.

Kandy Ferree reported the following:

1. Mike Reino and she will be connecting for dates of the park clean up. It will include removal and reconfiguration of the fence to install the new sign. The sign is in at Sunbeam Lenape Park.

Mayor Myhre reported the following:

1. Election petitions are due March 30<sup>th</sup> by 4L00 pm.
2. There is a letter from Statewide Insurance Fund noting that municipalities are eligible for a 1% of assessment grant for general safety. We are looking at backup cameras, personal protection equipment. Mayor Myhre recommended that sewer and public works pursue an application. Maybe we can get grant money to pursue televising the sewer line. Let me know and provide general costs for the project.

### **CORRESPONDENCE**

Tami Peterson asked if the Borough is prepared for the conronovirus as people are commuting in and out of the town. Mayor Myhre noted that the Borough will defer the next meeting and will be watching the County Health Department information. He is working with the Governor's office. At this point, they are not ready to do anything in terms of quarantine. We may see closure of public school systems. A response will be led by the County.

Holly Low that earned sick leave time could be used should schools close because under the law, employees are allowed to watch their children for sick leave. Michele Liebtag added that the Department of Health is also running protocols. CDC is the lead organization. The State Health labs will be screening at points.

### **PUBLIC COMMENTS**

The Council approved to open the public comment session. Having no 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:

1. Contract Negotiations – Country Classics at Frenchtown LLC
2. Attorney Client Privilege

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 8:50 pm and the following resolution:

**RESOLUTION #2020-53  
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:

1. The public shall be excluded from discussion of the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
  1. Contract Negotiations – Country Classics at Frenchtown LLC
  2. Attorney Client Privilege
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 March 4, 2020.

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Brenda S. Shepherd, RMC  
Borough Clerk

Mayor Myhre noted that no action will be taken.

The Council came out of executive session at 10:10 pm.

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 10:10 pm on motion by Michele Liebttag, seconded by Liz Johnson and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk