

### **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 on the website and distributed to the newspapers with teleconferencing information to join the meeting.

### **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  
William Sullivan

Absent from Meeting:

Attorney Albert Cruz, and Borough Clerk, Brenda S. Shepherd, were present for the Meeting. 5 members of the public were also present.

### **PUBLIC HEARING**

#### **Ordinance #845 - An ordinance of the Borough of Frenchtown, County of Hunterdon, State of New Jersey authorizing filming within the Borough of Frenchtown limits**

The Council approved to open the public hearing on Ordinance #845. Having no comments, Council approved to close the public hearing on Ordinance #845.

#### **Ordinance #846 - An ordinance amending Article III of the revised general ordinances of the Borough of Frenchtown, titled “Departments Established”, section 2-21 titled “Police Department” to include the position of Public Safety Director**

The Council approved to open the public hearing on Ordinance #846 Having no comments, Council approved to close the public hearing on Ordinance #846.

### **PUBLIC COMMENTS**

The Council approved to open the public comment session.

Barbara Bristow of River Mills Drive noted that the Borough had knuckleheads, as Governor Murphy calls them, by the parking area by the river. There was a car rally of sports cars Sunday afternoon and bike clubs. There was no social distancing or wearing of masks. Mayor Myhre noted that the Borough is having weekend patrols. Michele Liebttag stated that we are working with the police to shift their schedules through the weekend. They were on duty Saturday, circulating throughout town. They were not on duty on Sunday. The crowds will continue as the weather gets nicer. Kandy Ferree added that it is important that we have expectations for gathering groups and reasonable expectations of our officers to insure health and safety of our officers. Guidance will be provided and will provide handout to give to people. If we are doing

enforcement, we also want to protect the officers. Michele Liebttag noted that there is a meeting tomorrow morning and we will have a protocol in place while trying to disband large groups. Mayor Myhre noted that the Prosecutor's office is providing guidance to the local officers to ensure distancing.

Holly Low commented that the information on the website for the Council meetings is not working for her.

Holly Low thanked the Borough for the mailer and the impact statement as well. She appreciates the work that the Borough Council has done. In reference to the fiscal impact analysis that provides the net benefit to the Borough and cost estimates, she noted that the difference in the amount is \$44,000.00 to the municipal budget once it is split with the school. It is a small number and something to think about.

She asked if a value could be put on the tax breaks. She ran the numbers herself and it is 8 million over 30 years. An estimate would be helpful information to have. She asked what kind of protections are written into a PILOT.

Mayor Myhre noted that there are two different financial agreements, the for-sale units for 15 years as presented on 2/29/20 and the 30 year on the rental units. There will be a 30 year deed restriction on the affordable housing units. The developer was clear at the 2/29/20 meeting that if there is no PILOT, there will be no development. The Council can work on additional terms. The 9 page mailer makes the comparisons.

Responding to Barbara Bristow as to River Mills, Mayor Myhre noted that River Mills did not ask for a PILOT. The Borough cannot go back. It is too late. Barbara Bristow noted that River Mills may not be able to complete the project.

Holly Low noted that her neighbor collected signatures in reference to safe measure concerns and noted that there are additional public safety measures to consider for the Redeveloper's agreement. She asked for Council to speak to that. Mayor Myhre noted that he has responded to Mr. Otto and stated that the items have already been raised. The Borough is looking at the conditions. After meeting with the school, recommendations for traffic calming were agreed to and pick up at the site was addressed. Ongoing dialogue will continue and all the conditions will be put in the draft redeveloper's agreement. In terms of the LSRP report, all residential standards will be met for clean up. Kandy Ferree added that items from the public hearing were listed for inclusion into the PILOT or redeveloper's agreement.

Maggie Cooke of Kingwood Avenue commented that she is picking up on an us vs. them sentiment. These buyers will be future residents and will be getting a better tax rate. Is there a way to redistribute the savings to all the residents rather than to just the residents of the new development. Mayor Myhre responded that the PILOT is targeted for an area in need of rehabilitation. 27.29% of the tax rate goes to the school. For services that the Borough provides, such as fire, police and OEM, a PILOT will help stabilize the overall tax rate. This year the Borough's tax rate is stable.

Mayor Myhre added that there is an 8 million debt for sewer plant. The sewer plant was built for

build out of the town. The Borough has made those bond payments. River Mills, Shale Cliff and the Country Classics units were calculated in the build out and the existing ratepayers are subsidizing that. One development, Shale Cliff, is not coming at all now. Having more rate payers will help the debt. It will be a benefit to the community. Tami Peterson noted that the site currently sits empty and the Borough could be getting \$1,000.00 per sewer unit. It is a choice between a small amount of revenue or having the PILOT bring in a descent amount of revenue to share with the community.

Mayor Myhre stated that the Borough has an active settlement agreement with Fair Share Housing Center to provide 57 affordable housing units. The Borough is required to provide those units and Country Classics will provide 17 affordable housing units. If the developer does not provide affordable housing units, the Borough would have to do it on its own. Responding to Maggie Cooke, Mayor Myhre noted that with the PILOT, the town keeps 95% of the revenue and 5% goes to the County. With the trouble the school is in with the reduction of State aid, the Borough agreed to give the school 50% of the PILOT revenue. The Borough is trying to help the declining school revenue. The number of students is declining and this development will help increase the number of students which will increase revenue to the school.

Holly Low noted that River Mills has not built the affordable housing units. How do we make sure that the affordable housing units are not delayed. People are worried that we do not have certainty. All other property owners will be who the town comes to to fill a gap it has making it unfair to them. Mayor Myhre noted that the Redeveloper's agreement addresses that. With River Mills, the affordable housing units were going to all be built in Building A. Country Classics intersperses the affordable housing units. It will be written into the redeveloper's agreement with a construction schedule. Kandy Ferree added that there are a number of items of utmost importance that is on her list of items for the developer's agreement that include reasonable periods of time to build the affordable housing units.

Mayor Myhre noted that in the proposed agreement, there is an annual growth perspective. The Borough lost assessments. \$14,700.00 is one penny on the tax rate. The Borough had a double whammy when it lost the Pizzaria and The Frenchtown Café, plus River Mills was reassessed and the Borough lost those revenues. Without the Borough doing anything, there will be increases. The Borough had to solve a 4 cent short fall in the budget. The majority of the budget is funded through taxes. With the Borough population, there is not much cushion in the budget. With a PILOT, there cannot be an appeal. School Board President Kate Nugent says it is a net benefit from a financial standpoint for the school. This generates more money for the school than if it was a traditional tax model. It is a larger revenue stream to the Borough and the school. The school has suffered staggering cuts which have to be made up through local taxes.

Liz Johnson stated that she has an opposing views on some of the information the Mayor presented. As to the affordable housing, the Borough approved a plan and the idea that the Borough would have to build those units she is not in agreement with. Every five years it is reassessed. This development will bring in sewer revenue and \$300,000.00 in hook up fees. She has an issue for local taxpayers if you give a break to someone who buys a home for \$425,000.00 and has the same monthly expense as a home valued at \$350,000.00. She added that a property owner can appeal its taxes. The Commons could appeal those taxes and the additional tax revenue would have to be made up. None of that money will go to the high school, and there is a

per student cost of \$21,000.00 per student and the taxpayers will be paying for that. There are possible consequences.

Mayor Myhre noted that the annual sewer rents provide \$100,000.00 in additional revenue. He will reconstitute the sewer rate committee which will be a good step forward. As to affordable housing, that is an obligation of the Borough. There is a distinction he will address. There where choices for the Borough. The Borough could provide the affordable housing through inclusionary development providing the affordable housing units with the regular units. The River Mills, Shale Cliff and Country Classics will provide those affordable housing units. The Borough has not chosen a municipal sponsored affordable housing program. If you do not fulfill the obligation, Borough would have to find an alternative which would be municipal sponsored. The courts will look to see how you are performing. Responding to Liz Johnson, Mayor Myhre noted that a PILOT is a tool used with an area in need of redevelopment. There is a remediation cost of approximately \$2,000,000.00 to clean up the site to residential standards and a general obligation to aid in its development and not impede that, and collaborate to make the development viable.

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 Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the consent agenda approving the bills list of 5/6/20 as attached, the minutes of the Regular meeting of 4/1/20, the Executive Session minutes of 4/1/20, the Special Meeting of 4/15/20 and the Executive Session minutes of 4/15/20, and Resolution #2020-66 as follows:

### **RESOLUTION NO. 2020-66**

#### **TEMPORARY BUDGET APPROPRIATIONS**

**BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, that the 2020 Temporary Budget Appropriations be raised by the statutory one twelfth.

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Brad Myhre, Mayor

Dated: 5-6-20

Attest:

Brenda S. Shepherd, RMC  
Borough Clerk

## **ORDINANCES**

### **Ordinance #845 - An ordinance of the Borough of Frenchtown, County of Hunterdon, State of New Jersey authorizing filming within the Borough of Frenchtown limits (Adoption)**

Caroline Scutt thanked Attorney Cruz and Council for the ordinance.

On motion by Caroline Scutt, seconded by Liz Johnson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #845 as follows:

#### **ORDINANCE #845**

#### **AN ORDINANCE OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING FILMING WITHIN THE BOROUGH OF FRENCHTOWN LIMITS**

**WHEREAS**, the Common Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey desires to promote film making within the Borough and to establish a procedure for permits to be issued.

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

#### **FILMING**

**Section 1. Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

#### **Filming**

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, internet sites or channels, in theaters or for institutional uses. This chapter shall not be deemed to include the "filming" of news stories within the Borough of Frenchtown.

#### **Independent Film**

Independent film, independent movie, indie film or indie movie is defined as a feature film or short film that is produced

outside the major motion picture studio system, in addition to being produced and distributed by independent entertainment companies. This does not include "pop up" or "shoot on a dime" films.

**Major Motion Picture**

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures.
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM United Artists.
- H. Dreamworks.
- I. Any film for which the budget is at least \$5,000,000.
- J. Recurrent weekly television series programming.

**Public Lands**

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the Borough which is within the jurisdiction and control of the Borough of Frenchtown.

**Section 2. Permit required.**

A. No person or organization shall film or permit filming on public or private land within the Borough without first having obtained a permit from the Borough Common Council, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three consecutive days in any one location and in no event shall filming at one location within the Borough exceed a total of six days in any one calendar year, regardless of the number of permits utilized in reaching this six-day maximum. Either or both of the three-consecutive-day and the six-day limitations may be extended only if the filming requested constitutes a major motion picture as defined by Section 1 of this chapter. Said permit must be readily available for inspection by Borough officials at all times at the site of the filming.

B. All permits shall be issued by the Municipal Clerk after approval by the Common Council. Permits shall be issued during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by Section 12 of this chapter.

C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the

applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

**Section 3. Issuance of permits.**

A. No permits will be considered by the Common Council unless applied for 5 days before the next regularly scheduled Common Council meeting.

B. No permit shall be issued for filming upon public lands unless the applicant shall provide the Borough with satisfactory proof of the following:

- (1) Proof of insurance coverage as follows:
  - (a) For bodily injury to anyone person in the amount of \$500,000 and any occurrence in the aggregate amount of \$1,000,000.
  - (b) For property damage for each occurrence in the aggregate amount of \$300,000.
- (2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the Borough from any and all liability, expense, claim or damages resulting from the use of public lands.
- (3) The posting of cash of \$500 or a maintenance bond of \$500 running in favor of the Borough and protecting and insuring that the location utilized will be left after filming, in a satisfactory condition, free of debris, rubbish and equipment, and that due observance of all Borough ordinances, laws and regulations will be followed. Within 21 days of the completion of the filming, the Borough will return the bond if there has been no damage to public property or public expense caused by the filming.
- (4) If deemed necessary by the Common Council, the hiring of an off-duty Borough Police Officer for the times indicated on the permit.

C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Borough Police Department.

**Section 4. Interference with public activity; notice of filming.**

A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and

shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least 3 days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within 2 days of the Common Council meeting at which the permit application will be considered.

**Section 5. Filming within Borough limits.**

Filming within the Borough limits shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with Section 2 of this chapter. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

**Section 6. Refusal to issue permit; use of Police Officer and electrician.**

A. The Common Council may refuse to issue a permit whenever it determines, after a review of the application and a report thereon by the Police Department and by other Borough Departments involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. Further, the Borough reserves the right to require one or more on-site or off-site Police Officer in situations where the proposed production may impede the proper flow of traffic, the cost of said Police Officer to be borne by the applicant as a cost of production.

C. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

D. The applicant shall post an escrow with the Borough Clerk for off-duty Police Officer services consistent with the Borough

policy and Collective Bargaining Agreement.

**Section 7. Appeals.**

A. Any person aggrieved by a decision of the Common Council denying or revoking a permit or a person requesting relief pursuant to Section 6 of this chapter may request that the Common Council reconsider its decision based upon new evidence or circumstances. A written request for reconsideration setting forth the reasons for reconsideration shall be filed with the Clerk.

B. A request for reconsideration of the decision of the Common Council shall be filed within 10 days of the Common Council's decision. The Common Council shall set the matter down for reconsideration at the next Common Council meeting. The decision of the Common Council shall be in the form of a Resolution at the next meeting of the Common Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision.

**Section 8. Waiver of requirements of chapter by Common Council.**

The Common Council may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this Section, the Common Council shall consider the following factors:

A. Traffic congestion at the location caused by vehicles to be parked on the public street.

B. Applicant's ability to remove film-related vehicles off the public streets.

C. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming.

D. Nature of the film shoot itself; e.g., indoor or outdoors; day or night; on public or private lands.

E. Prior experience of the film company/applicant with the Borough, if any.

**Section 9. Copies of permit; inspections.**

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Borough inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instruction issued by the Fire Prevention Bureau or other Borough inspectors.

**Section 10. Reimbursement of certain costs.**

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

**Section 11. Special regulations for major motion pictures.**

A. When filming is requested with respect to a major motion picture, the approved location of such filming and approved duration of such filming by specific reference to day or dates may exceed three consecutive days and/or may exceed six days in duration if approved by the Common Council following a favorable review of the factors set forth in Section 4 of this chapter.

B. Any days necessary to be used for setup and preparation for a major motion picture filming may, in the discretion of the Common Council, be counted as a filming day where such setup is anticipated to involve one or more of the factors set forth in Section 4 of this chapter.

**Section 12. Fees.**

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

A. Basic filming permit: \$50.

B. Daily filming fee payable in addition to the basic filming permit for major motion picture: \$1,500 per day.

C. Daily filming permit fees do not apply to independent films, nonprofit and student applicants.

**Section 13. Violations and penalties.**

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of this chapter exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

**Section 14. Severability.**

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

**Section 15. Effective Date.**

This Ordinance shall take effect immediately in the manner provided by law.

**ATTEST:     BOROUGH OF FRENCHTOWN**

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Brenda Shepherd, RMC,     Brad Myhre, Mayor  
Borough Clerk

**Ordinance #846 - An ordinance amending Article III of the revised general ordinances of the Borough of Frenchtown, titled “Departments Established”, section 2-21 titled “Police Department” to include the position of Public Safety Director (Adoption)**

Michele Liebttag noted that the ordinance creates the public safety director position to guide the police department. We will still work with the prosecutor’s office until we fill the chief’s position. The public safety director will provide leadership and support to the officers. Mayor Myhre complimented Michele Liebttag who exhausted an extensive search and thanked her for a lot of time and effort to get to this point. Michele Liebttag noted that the Borough is fortunate enough to have a candidate with the level of experience. He has 25 years with the New Jersey State Police and is a retired captain. He has done extensive work with governments which entailed state security, relief effort in Puerto Rico and risk management experience. He is a residents of Hunterdon County and started his career at the Kingwood barracks. We are most thirleed to recommend Mark Gantner’s hire. Mayor Myhre noted that the Borough will adopt the ordinance to create the position and then will adopt a resolution to hire Mark Gantner.

On motion by Michele Liebttag, seconded by Kandy Ferree and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of #846 as follows:

**ORDINANCE NO. 846**

**AN ORDINANCE AMENDING ARTICLE III  
OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF FRENCHTOWN,  
TITLED “DEPARTMENTS ESTABLISHED”,  
SECTION 2-21 TITLED “POLICE  
DEPARTMENT” TO INCLUDE THE  
POSITION OF PUBLIC SAFETY DIRECTOR**

**WHEREAS**, the governing body of a municipality may make, amend, repeal, and enforce ordinances to adopt policies and procedures for the protection of public health, safety and welfare; and

**WHEREAS**, the Borough of Frenchtown desires to amend Article III of the Revised General Ordinances of the Borough Section 2-21 to include the position of Public Safety Director and to reallocate responsibilities accordingly.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that Article III of the Revised General Ordinances of the Borough titled "Departments Established", Section 2-21 titled "Police Department" to include the position of Public Safety Director is hereby amended as follows (any subsection not enumerated herein remains unchanged):

**2-21. POLICE DEPARTMENT**

**SECTION 1.**

**Section 2-21.1 Establishment.**

There is hereby established in the Borough a Police Department, which shall be known as the "Police Department of the Borough of Frenchtown", which shall consist of such employees and officers as shall be deemed necessary by the Mayor and Borough Council and may include a Public Safety Director and/or a Police Chief in accordance with N.J.S.A. 40A:14-118. The Mayor and Borough Council shall, from time to time, determine the number of employees and officers of the Police Department, together with their compensation.

**Section 2-21.2 Police Committee and Police Commissioner.**

The Mayor shall, at the first meeting of the Borough Council in January of each year, appoint from among the members of the Borough Council a Police Committee and a Police Commissioner, the latter of who shall serve as the Chairman of the Committee and who shall serve in such capacity without compensation. The Police Commissioner shall preside over the Committee and shall have supervisory authority over the Public Safety Director to ensure the efficient and effective operation thereof and shall be obligated to enforce the laws of the State and ordinances of the Borough. The Police Commissioner shall have further power to suspend from duty any member of the Police Department for the violation of any section of this chapter or of any rule or regulation governing the Police Department, until the complaint and charge against such member shall be disposed of by a majority vote of the Borough Council as herein provided. The Public Safety Director of the Borough of Frenchtown, shall be designated as the "appropriate authority" as provided in the New Jersey Statutes. The Public Safety Director shall be responsible for the overall performance of the Police Department. The Public Safety Director shall adopt and promulgate rules and regulations for the government of the Police Department and for the discipline of its members.

**Section 2-21.3 Responsibilities of Police Department, Public Safety Director, and Chief of Police.**

A. **The Police Department:** The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Borough of Frenchtown; direct and control traffic; provide attendance and protection during emergencies; provide appearances in Court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers.

B. **Public Safety Director:**

1. The Public Safety Director shall serve as the administrative and executive head of the Police Department and shall establish policies for the daily operation of the Department and the discipline of its members. The Public Safety Director's duties include, but are not limited to:

a. Establishing by policy, rule and regulation, the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Public Safety Director approve all expenditures with regard to the equipment and supplies.

b. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.

c. Keeping and maintaining accurate records and submitting an annual report to the Mayor and Borough Council, on or before January 1, which shall assess the operations of the Police Department, and its personnel, equipment and property.

d. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government and/or any of their respective subdivisions.

e. Keeping and maintaining a record of all appointments, dismissals, removals, resignations and deaths of officers and other Department employees as they take place, with such other information as may be necessary.

f. Developing the annual budget for the Police Department and overseeing any and all expenditures of the Police Department.

g. Analyzing crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies.

h. Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.

i. Undertaking special studies pertaining to public safety functions and promoting close coordination of planning efforts.

j. Establishing and maintaining helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.

k. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.

2. The Chief of Police or designated officer-in-charge shall report directly to the Public Safety Director, and the Public Safety Director shall receive daily or other periodic reports, as designated by the Public Safety Director, from the Chief of Police or designated officer-in-charge.
3. The Public Safety Director shall coordinate with the Borough of Frenchtown Fire Department, and shall coordinate efforts with the Volunteer Fire Department and its Fire Chief.
4. The Public Safety Director shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour Requirements.
5. The Public Safety Director shall be appointed by the Mayor and Borough Council and shall serve during the term of office, and until the appointment and qualification of the successor. The Public Safety Director shall serve at the pleasure of the Mayor and Borough Council and may be removed by the Mayor and Borough Council at their discretion.

C. **Chief of Police:**

If a Police Chief is appointed, the Police Chief shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118. Any other rights, authorities, powers and responsibilities not reserved solely to the Chief of Police by N.J.S.A. 40A:14-118 shall be assumed or delegated by the Public Safety Director.

If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to - N.J.S.A. 40A:118, which cannot be performed by the Public Safety Director, shall be delegated to a Chief Law Enforcement Officer as designated by the Public Safety Director.

**Section 2-21.4 Members.**

The Police Department shall consist of the following members:

- a. If appointed, one (1) Chief and such of the following superior officers as the Borough Council may from time to time deem necessary and proper.
  1. A Lieutenant.
  2. A Sergeant.
- b. Two (2) Police Officers, Special Law Enforcement Officers, and such other employees as the Borough Council may deem necessary and proper.
- c. Designation of the foregoing members shall not make appointment thereto at any time mandatory, and vacancies therein may occur from time to time.

**2-21.5 Appointment of Members; Promotions; Probationary Period.**

- a. The members of the Police Department shall be appointed by the Mayor and confirmed by a majority vote of the Borough Council at any regular or special meeting.
- b. Promotions shall be made by a majority vote of the Borough Council upon recommendation of the Police Committee, with due regard to seniority, experience, merit and other qualifications. In determining seniority or length of service, time as a probationary member of the Department shall not be computed. No member of the Police Department shall be promoted to or hold any superior rank until he has served at least three (3) years in the Police Department, exclusive of probationary time. Examinations shall be conducted to determine the qualifications for promotion. Such examination shall be selected by the Police Committee and shall be approved by a majority vote of the Borough Council and shall be conducted by professional Police Officers who shall not be in the employ of the Borough of Frenchtown or as may otherwise be prescribed by the laws of New Jersey.
- c. Persons appointed to the Frenchtown Police Department shall serve a probationary period or term not less than six (6) months nor more than one (1) year and until such time as the Borough Council resolves that the appointment is permanent, at which effective date, and not prior thereto, the appointee shall become a regular member of the Police Department. The Public Safety Director and the Police Committee shall be responsible for observing and reporting the progress and qualifications of any probationary appointee, and the Borough Council shall consider the recommendations of the Commissioner and Committee in determining whether or not to resolve that any appointment be made permanent. The Borough Council shall have the right to terminate the services of any

probationary appointee without conducting a hearing thereon and may do so by majority vote solely within its judgment and discretion in the best interests of the Borough.

**2-21.6 Qualifications of Members.**

- a. No person shall be appointed as a member of the Police Department unless that person submits satisfactory evidence to the appointing authority that the person is:
  1. A citizen of the United States.
  2. Of good mental and bodily health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey, and is eligible for membership in the Retirement System.
  3. Able to read, write and speak the English language well and intelligently.
  4. Of good moral character and free from conviction of any crime constituting an indictable offense or any crime or offense involving moral turpitude.
  5. Not less than twenty-one (21) years of age nor more than thirty-five (35) years of age or is within the provisions of N.J.S.A. 38:23A-2 pertaining to persons having served in the Armed Forces of the United States.
  6. Able to pass such written, oral and physical examination selected by the Police Committee as shall be approved by a majority vote of the Borough Council.
  7. Willing to take an oath or affirmation, before entering upon the duties of office and within ten (10) days after appointment, to support the Constitution of the United States and the Constitution of the State of New Jersey and faithfully, impartially and justly to perform all the duties of a member of the Police Department of the Borough of Frenchtown according to the best of their ability and understanding.
  8. Willing to serve a probationary period of not less than six (6) months nor more than one (1) year.
- b. No permanent appointment shall be made until the probationary appointee has completed the training required by the New Jersey Police Training Commission pursuant to N.J.S.A. 52:17B-66 et seq.

**2-21.7 Special Law Enforcement Officers.**

The Borough Council may employ Special Law Enforcement Officers for a term as authorized by law. The Public Safety Director shall have responsibility of reporting the eligibility of candidates for appointment as Special Law Enforcement Officers.

**2-21.8 Special Law Enforcement Officers; School Traffic Guards; Police Matrons.**

- a. *Appointment; Term.* The Mayor shall have the power to appoint, with the approval of the Council, Special Law Enforcement Officers, Police

Matrons and School Traffic Guards for a term not to exceed one (1) year, upon the recommendation of the Public Safety Director and the Police Committee.

- b. *Qualifications of Special Law Enforcement Officers.* No person shall be appointed a Special Law Enforcement Officer unless such person is a citizen of the United States, able to read, write and speak the English language, is physically qualified and of good moral character and shall not have been convicted of any crime and shall not be less than twenty-one (21) years nor more than forty-five (45) years of age at the time of appointment. The Public Safety Director shall investigate and report as to such qualifications before appointment is made.
- c. *Duties of Special Law Enforcement Officers.*
  1. When required, Special Law Enforcement Officers shall perform general police duty on an hourly, daily or other basis, while regular members of the Police Department are on vacation or are absent from duty by reason of illness or some other cause or whenever, in the judgment of the Public Safety Director or, if appointed, Chief of Police, with the concurrence of the Police Committee, the services of such persons shall be required.
  2. Every Special Law Enforcement Officer shall perform his duties only in the Borough, except when in fresh pursuit of any person pursuant to the provisions of N.J.S.A. 2A:156-1 et seq.
  3. Every Special Law Enforcement Officer shall comply with the regular rules and regulations promulgated by the Mayor and Council for the conduct and decorum of the regular members of the Police Department.
- d. *Police Matron.* The Mayor shall have the power to appoint, with the advice and consent of the Borough Council, a Police Matron or Matrons who shall perform such duties as may be assigned to her or them by, if appointed, the Chief of Police or, in his absence or incapacity, by the officer in charge of the Department.
- e. *School Guards.* The Mayor shall have the power to appoint, with the advice and consent of the Council, from time to time, appoint as School Guards such persons as it shall deem to be qualified for such position. The powers and duties of School Guards shall be limited to the protection of children while on public thoroughfares in the Borough in connection with their attendance at the several schools in the Borough and to the direction and regulation of pedestrian and vehicular traffic at the various street intersections and crossings where they may be stationed. While on active duty, school guards shall be under the jurisdiction of and subject to the orders, if appointed, of the Chief of Police or, in the Chief's absence or incapacity, the officer in charge of the Department.
- f. *Status; Termination of Office.* The Special Law Enforcement Officers and matrons and school traffic guards appointed under this section shall not be members of the Police Department, and their powers, rights and duties shall immediately cease and terminate at the expiration of the term for which they are appointed or upon revocation of their appointment.

- a. *Powers and Duties Prescribed by Law.* The rights, privileges, powers and duties of members of the Police Department and Special Law Enforcement Officers shall be those prescribed by the laws of the State of New Jersey and the ordinances and resolutions of the Borough of Frenchtown.
- b. *Rules and Regulations.*<sup>1</sup> Rules and regulations consistent with applicable law and this chapter may from time to time be adopted by resolution of the Mayor and Council to describe:
  1. Duties of the Police Department.
  2. General rules of the Police Department.
  3. Rules of discipline.
  4. Duties of superior officers and police officers.
  5. Procedure of arrests.
  6. Uniform and equipment.
  7. Leave of absence.
  8. Sickness or sick leave.
  9. Vacations.
  10. Special duties.
  11. Procedure for the proper enforcement of this chapter.

**2-21.10 Tenure of Office; Removal; Charges Against Member; Reinstatement.**

- a. No person, except during probationary membership or status, shall be removed from office or employment in any such Police Department for political reasons or for any other cause than incapacity, misconduct, nonresidence or disobedience of rules and regulations established for the government of the Police Department in the Borough of Frenchtown.
- b. No police officer shall be suspended, removed, fined or reduced from office or employment therein, except for just cause, as hereinbefore provided, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against such police officer, signed by the person or persons making such charge or charges and filed with the Public Safety Director, officer or officers having charge of the Department in which the complaint arises, and a copy thereof served upon such person within fifteen (15) days after the filing thereof and after the charge or charges shall have been publicly examined by the appropriate board or authority, upon reasonable notice to the person charged, which examination shall be commenced not less than fifteen (15) days nor more than thirty (30) days after the copy of such charge or charges shall have been so served.
- c. It is the intent of this section to give every person against whom a charge or charges for any cause may be preferred under this section a fair hearing upon the charge or charges and every reasonable opportunity to make his defense if any he has or chooses to make, and that in event of failure of compliance with any provision of this section, such charge or charges shall be dismissed.

- d. The Council shall have the power of subpoena, under the Seal of the Borough and attested by the Municipal Clerk, to compel the attendance of witnesses and give testimony or produce evidence, and every person who neglects to obey such subpoena or to give testimony or to answer questions as required shall be subject to the penalties provided by law.
- e. When charges are preferred against any member of the Police Department, upon which charges a hearing is ordered by the Mayor and Council, the member may, in the discretion of the Mayor and Council, be suspended until the termination of the trial; provided, however, that in the event of a suspension such hearing shall be commenced within thirty (30) days after service of a copy thereof upon him; otherwise the charges shall be dismissed and the officer or employee returned to duty. Any member of the Police Department when suspended will turn over to the Public Safety Director all equipment belonging to the Borough.
- f. Any person desiring to make a complaint against any member or members of the Police Department shall make the complaint in writing to the Public Safety Director. It shall be the duty of the Public Safety Director forthwith to deliver the original charges to the Police Commissioner who is, in turn, to refer to the Mayor and Council for its attention. Upon receipt of any charge or charges against the member of the Department from the Mayor, the Mayor and Council shall take whatever action is deemed necessary.
- g. In the event a person wishes to make a charge against the Chief of Police, if appointed, then charges shall be filed with the Police Commissioner, who shall in turn transmit same forthwith to the Mayor and Council for its attention in accordance with the provisions of this section.
- h. Members of the Department serving in a probationary status, that is until such time as the Borough Council resolves the appointment to be permanent, may be removed from office or membership without charges or hearing and solely within the judgment and discretion of the Mayor and Council.
- i. When the Borough Council shall, for reasons of economy, decrease the number of regularly appointed members or Police Officer in the Borough, any Police Officer so removed shall be carried on a special list, and if any new appointments are made to such Department, the Police Officer so removed shall be appointed thereto before any other person as required by N.J.S.A. 40:47-11.1.
- j. The Borough Council may reappoint a former member of its Police Department who has resigned in good standing, provided that the employee's request for reinstatement shall have been made within two (2) years after the date of his resignation and the appointing authority has recommended that, because of the employee's record of past performance, reinstatement shall be in the best interests of the service pursuant to N.J.S.A. 40:47-11.1.

**2-21.11 Salaries.** The Public Safety Director, the Chief of Police, if appointed, members of the Police Department, Special Law Enforcement Officers and employees shall receive such compensation as shall be set forth in the Salary Ordinance of the Borough of Frenchtown.

**SECTION 2.**

If any chapter, article, section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

**SECTION 3:**

All ordinances, rules, or regulations of the Borough of Frenchtown, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** This Ordinance shall take effect upon passage and publication according to law.

**ATTEST:           BOROUGH OF FRENCHTOWN**

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Brenda Shepherd, RMC,     Brad Myhre, Mayor  
Borough Clerk

**RESOLUTIONS**

**Resolution #2020-67 – Appoint Mark Gantner as full-time Public Safety Director for the Borough of Frenchtown**

On motion by Michele Liebttag, seconded Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-67 as follows:

**RESOLUTION No. 2020-67**

**Appoint Mark Gantner as full-time Public Safety Director for the Borough of Frenchtown**

**WHEREAS**, the Borough Council of the Borough of Frenchtown shall require the services of a Public Safety Director beginning May 7, 2020; and

**WHEREAS**, the Frenchtown Borough has reviewed Mark Gantner’s application, qualifications and medical examination and has found them all to be acceptable, and

**WHEREAS**, the applicant is eligible for sick time and holiday time as set forth in the Borough’s employee handbook and Personnel Manual and 4 weeks of vacation as part of the hiring agreement; and

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

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Frenchtown, County of Hunterdon, State of New Jersey, that, effective May 7, 2020, Mark Gantner be appointed as Full-time Public Safety Director at a salary of \$90,000.00.

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Brad Myhre, Mayor

ATTEST:  
May 6, 2020

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Brenda S. Shepherd, RMC  
Borough Clerk

Everyone congratulated Mark Gantner. Council welcomed him aboard.

Mark Gantner thanked Mayor Myhre, Michele Liebttag and Kandy Ferree as well as the rest of the Council for its support. He is looking forward to taking on the position. He also thanked the prosecutor's office. He is confident that he can fill the needs of the Borough and serve the citizens and residents of the town. He was humbled by the grass roots. He heard the conversation on the large gatherings and this will all be discussed in the meeting tomorrow. We will empower our officers with a strategy with public safety in mind. There will be an educational strategy informing the public as to what is social distancing and why we need it. We will address those situations. He is humbled to accept the appointment and looks forward to meeting everyone tomorrow. Accessibility and an open door policy is what he wants to have. He wants to hear concerns and solutions. He is open minded to best serve the police, fire, rescue and OEM. He is looking forward to getting to work. He thanked everyone again.

**Resolution #2020-68**

Mayor Myhre noted that the Council initially reduced the interest rate. Pursuant to Governor Murphy's Executive Order #130, that interest rate reduction is superseded by the Executive Order and the Borough can only extend the grace period for the second quarter by 21 days. This will help people who are waiting for unemployment checks, etc. He asked the Council to adopt the resolution to extend the second quarter taxes grace period to June 1st.

On motion by Michele Liebttag, seconded Tami Peterson and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-68 as follows:

**RESOLUTION #2020-68  
BOROUGH OF FRENCHTOWN**

**RESOLUTION EXTENDING THE GRACE PERIOD FOR THE SECOND QUARTER REAL ESTATE TAXES**

WHEREAS, on April 15, 2020, the Borough of Frenchtown adopted Resolution #2020-64 modifying the rate of interest that the Borough may charge on the delinquent payment of real estate taxes; and

WHEREAS, on April 28, 2020, the Governor of the State of New Jersey issued Executive Order No. 130 nullifying all municipal resolutions modifying the rate of interest on the payment of delinquent real estate taxes; and

WHEREAS, Executive Order No. 130 authorizes municipalities to, by Resolution, modify the grace period for the second quarter real estate taxes to June 1, 2020; and

WHEREAS, the Borough desires to utilize the authority granted by Executive Order No. 130 and extend the grace period within which the second quarter real estate taxes may be paid until June 1, 2020; and

WHEREAS, while Executive Order No. 130 authorized the modification of the grace period for the second quarter real estate taxes, it did not modify when the municipal payments the county and boards of education are due; and

WHEREAS, the Borough of Frenchtown will have to continue to meet these obligations when due; and

WHEREAS, in order for the Borough to continue to meet its obligations when due, the Borough encourages all real estate tax payers to promptly pay the real estate taxes by the June 1, 2020 grace period; and

WHEREAS, in order to avoid any confusion, Borough Resolution #2020-64 is hereby repealed and having no further effect; and

WHEREAS, by repealing Resolution #2020-64, Resolution #2020-04 establishing the interest rates for delinquent real estate taxes is hereby reinstated in full.

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

1. The grace period for the payment of the second quarter real estate taxes is hereby extended pursuant to executive Order No. 130 until June 1, 2020.
2. The rates of interest for delinquent real estate taxes, Resolution #2020-04, adopted on January 2, 2020 is hereby reinstated.
3. That the Clerk forward a copy of this Resolution to the Director of the Division of Local Government Services within three (3) days of the adoption of this Resolution.
4. This Resolution shall take effect immediately.

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Brad Myhre, Mayor

Dated: May 6, 2020

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

### COUNCIL COMMENTS

Liz Johnson reported the following:

1. We are working on the septage program. The Borough will bring in septage from septic tanks and portajons. This is a way to general additional revenue. An ordinance is in production.

Caroline Scutt reported the following:

1. She thanked Tami Peterson and Liz Johnson for helping with the film ordinance and dwindling down the sample ordinance to fit Frenchtown.
2. Last night at the Freeholder meeting, the Freeholders approved a \$9,000.00 economic development grant. This will help to get the Borough's Land Use Ordinance codified and put on the website. Everything else in economics is paused. *remiss in thanking*
3. She is concerned for people not social distancing and glad the Committee is meeting to discuss that. She is thrilled that the parks are open and glad that the Borough is staying on top of the social distancing requirements.

Michele Liebttag reported the following:

1. She thanked the Prosecutor's office for all their assistance they have provided to the Borough. Once we get back to meeting in person, she would like to do a recognition of the generosity of the Prosecutor's office.
2. The prosecutor's office, Mark Gantner, OEM and her will be meeting tomorrow with the officers to define the roll of the public safety director and the officers and continuing to work with the prosecutor's office during a transition period. This will include officers continuing to work on weekends and our response to COVID. This will also include a face to face meet and greet with Mark Gantner and staff. He is a strong leader and will be able to work collaboratively with OEM and fire as well.
3. The State parks opened on the weekend. If the guidelines are not respected, Governor Murphy will close the parks. She was impressed that the State Police were present in Frenchtown to monitor gatherings. There was also a helicopter monitoring. She is happy knowing that the State Police are here as a backup.

William Sullivan reported the following:

1. He is glad to see the contract awarded for Milford Road. It is nice that the Borough was able to get NJDOT funding for it.

Tami Peterson reported the following:

1. Hunterdon County Library received a grant for the main library. She is not sure of the status of the other grants.

Tami Peterson asked about Counties opening if they meet certain requirements, Mayor Myhre responded that you will not see any major deviations. Certain things will not be back to normal for some time. Small business with social distancing standards may be possible but it will be necessary as the cares act and paycheck protection plans are expected to last 8 weeks. Then, they would need assistance. Those funds will end soon. Tami Peterson noted that there is a lot of concern for our small businesses and she is not sure if there is anything that the Council can do to work with them. Caroline Scutt noted that the business association has been exceptionally proactive. The President is engaged in the State and County levels. They are encouraging folks to support the local business community.

Mayor Myhre noted that there have been challenges with Governor Murphy to open up the state. Everyone has to be patient. We are dealing with people's lives and livelihood. People are trying to support each other. Michele Liebtag added that she talked to the FBPA and we are getting them to a point to operate but it will not go back to normal, shifting to shopping on line with curbside pick up. We can support all of our businesses.

Liz Johnson commended Mayor Myhre and Council President Michele Liebtag. They have done a fabulous job staying on top of what funding is available. Caroline Scutt stated that she talked to the FBPA and they are reinventing events for the summer or cancelling events. Mayor Myhre noted that on his Mayors' call today, Hunterdon, Sussex and Warren Counties are getting guidance for summer festivals that are important to the economy. They will be watching what the infection rates are week over week to make a determination. If the curve flattens, we will see some relaxation. That information will come by the end of the month. Information will be provided once it is known.

Mayor Myhre reported the following:

1. The Milford Road project was under budget by \$60,000.00. Contractors are looking to get back to work.

### **CORRESPONDENCE**

None discussed.

### **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. Personnel

3. Property Acquisition
4. Joint municipal Court of the Delaware Valley

On motion by Tami Peterson, seconded by Caroline Scutt and carried by favorable voice vote, the Mayor and Common Council approved to go into executive session at 8:17 pm and the following resolution:

**RESOLUTION #2020-69  
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. Personnel
  3. Property Acquisition
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 May 6 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 10:34 pm.

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 10:34 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