

## **CALL TO ORDER**

Mayor Myhre called the regular meeting to order at 7:00 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 May 13, 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. 7 members of the public were also present.

Mayor Myhre thanked Dave Cahill for managing the teleconference and the background during the meeting while the Council delivers its meetings in a new normal.

## **PUBLIC HEARING:**

### **Ordinance #847 – Calendar year 2020 ordinance to exceed the municipal budget appropriation limits and to establish a cap bank (N.J.S.A. 40A: 4-45.14)**

Mayor Myhre noted that this ordinance allows the Borough to bank money in the future.

The Council approved to open the public hearing on Ordinance #847. Having no comments, Council approved to close the public hearing on Ordinance #847.

## **2020 Municipal Budget**

Mayor Myhre noted that the 2020 budget keeps the tax rate flat.

The Council approved to open the public hearing on the 2020 Municipal Budget.

Tami Peterson asked the Mayor to address the school tax. Mayor Myhre responded that the school has its own tax rate. There is the local school district, the regional school district and the county taxes. The Borough and the County taxes are flat. The local school district tax has increased due to the loss of aid.

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

## **PUBLIC COMMENTS**

The Council approved to open the public comment session. Mayor Myhre asked Attorney Cruz to speak about the process on the ordinances for the redevelopment.

Attorney Cruz noted that there will be 3 ordinances and 1 resolution for consideration. The actions being asked to take are procedural so the ordinances may be scheduled for the June 3<sup>rd</sup> meeting for public hearing. The Council will move Resolution #2020-72 which approves the Long Term Tax Exemption (LTTE) application. The Mayor submitted a letter to the Council President to approve the resolution and the ordinances for the LTTE also known as the financial agreement. There was an error in the one document and that is being corrected. Approving Resolution #2020-72 does not approve the PILOT but allows the ordinances to be introduced. We anticipate a presentation on the PILOT at the June 3, 2020 meeting. It will be posted on the Borough website. Also, there will be 3 ordinances to introduce, one to vacate a portion of Eighth Street with continued public access, one to vacate the site triangle and one to approve the PILOT program. A redevelopment agreement is contemplated. The redevelopment agreement implements the planning board approval. The redevelopment agreement does not require a public hearing. The Redevelopment Agreement will be on the June 3, 2020 agenda. It will be posted when it becomes public. Mr. Cruz stated that this is the overview.

Mayor Myhre noted that he will take public comments and will limit public comments to 5 minutes per individual. He asked for any public comments.

Good evening, I am Mansour Tabibnia from Kingwood Avenue, Frenchtown I hope you and your Families are well during these pandemic, I appreciate if you allow me 5 minutes of your time, I have written some of my thoughts which I like to put in to the record and will email to them Brenda. Like everyone last week I received all the documents in regards to the re-negotiation of the PILOT program for this development. Let me be clear from the start that this development is not going to make us or without break us...that being said I am not against this Development and the affordable housing it will bring to Frenchtown.....god knows many individuals may need it after these Crises..... but There are a few things that are troublesome for me as a property owner/resident and also as a 30-year veteran of the real estate industry....before I move further I want to apologize in advance if what I am saying sounds harsh, but sometimes truth is just that. My concern is the timing of these meetings and events surrounding this development, on the February 29th Town Hall meeting we learned that from the very start of this process few years ago the developer was promised a tax break on this development. I'm wondering why this meeting happened in February 29th of 2020 and did not happen in October of 2019 prior to the November re-elections. I also have an issue with how the council is pushing the matter along with such fast pace during this pandemic, where the entire state of NJ is shutdown the council is rushing this sensitive development issue so there is no chance of the repeat of the February Town Hall opposition, please understand that not everyone in town is capable of communication in this manner. Obviously in the February Town Hall meeting you all witnessed that majority of attendees were not happy about the deal that you struck with the developer, regardless of the fancy graphs, maps and projections that you showed us we understood the deal was not a good deal for Frenchtown. And if anyone knows anything about development and its projections we know they are just that, PROJECTIONS and they don't always come to life as intended and we have seen it first hand in the Failed River Mills Project. This is a sentiment of the majority of the resident in Frenchtown I believe, some like myself speak out and are not afraid to do so but some are afraid to come forward because they know that they will be shunned, black balled and mistreated..... as it was evident this past week on social media were a council member attacked everyone that did not agree with the project, this behavior is unprofessional, and disrespectful to the people that have elected you. As a real state

professional and a developer I stressed in February's meeting that what you have negotiated was a bad deal for Frenchtown any way you cut it, and it was done out of desperation and a better deal can be made, I even volunteered my time to HELP. Your re-negotiation is not any better... its done out of fear.....because you are being told by the developer if they don't get what they want they will walk..... this is not negotiating in good faith from their part. An 11-year tax break on just the properties for sale in this development will completely and utterly destroy real estate in Frenchtown. It will create an unfair competition for residents who need to sell their highly taxed private residence and can force them in to foreclosures which will depress our real estate. Also this type of LONG tax break on a new development has hurt real estate values of many major cities in United States such as NYC.....what makes u think that Frenchtown can handle SUCH LONG PILOT program? ARE WE FINANCIALLY STRONGER THAN NYC?.... PILOTs were designed for distressed towns; Frenchtown is not a distressed town.... So once again tonight I strongly urge you to go back to the negotiating table and drop the 30-11 pilot program for a 15 and 5 PILOT PROGRAM or better... even though the 15 and 5 Pilot will have its own negative impact in Frenchtown but it's far better than what you have negotiated and believe me you this experienced developer can make it work instead of kicking and screaming and threatening to walk. If you have fears that the developer will walk away, then you know what? most residents would rather see them walk than end up with a bad long term deal ....And don't think for a minute... them walking away is a bad thing for Frenchtown... actually the property is worth more now ....so you can re-asses it and collect more taxes..... and the next developer that comes in and one will ..... they will know what the Frenchtown residents want, and if u really care and want to be sure what Frenchtown residents want.....dont rush this as you are...you can put this issue in to a public vote, and no one in their right mind will come after you if they have been rejected by the people because if will negatively destroy their credibility and their name. In conclusion I have 2 final pieces of advice..... if you're stepping down as a council member in the very near future or you have moved away from Frenchtown and you are just keeping an address here to vote for this deal I strongly suggest you recuse yourself from this vote. Lastly Please let's not forget..... elected officials duty is to represent the interest of the people that voted for them, I repeat the interest of the people..... that includes putting aside your personal, social, and political ambitions for the people that voted for you. Please only negotiate a 15-5 and shorter Pilot with the developer or let them walk. With that, I yield back.

Mayor Myhre noted that the property is currently taxed at an assessment of \$41,700.00. Negotiations were held in executive session. With respect to access to information, the Borough initiated 2 mailers with access to information. He takes issue with the fact that , we are negotiating under desperation. This developer invested the most without an approval and acquired the property.

Holly Low asked how the public can view the documents. Mayor Myhre noted that the documents are going to be put on the website.

Mayor Myhre noted that everyone here is a volunteer and puts in countless hours and has Frenchtown best at heart.

Stephanie asked if all Council members live in Frenchtown. Mayor Myhre responded in the affirmative.

Responding to Tami Peterson, Mayor Myhre responded that there will be two agreements, one for the apartments and one for the for-sale. ,

Tami Peterson commented that she read the comments from the public on how much did the developer spend and how much did it cost to clean up and why are they building condos. Mayor Myhre responded that there are 111 units allowed by zoning and there are 17 affordable housing units. Mayor Myhre added that initially the developer looked at condo for sale but the real estate option was that rentals would be better. The rate of ownership for millennials is very low. 75% of new construction is not single family homes for sale. The remediation cost was approximately \$1.5 million to date with about \$600,000.00 additional projected plus the cost of demolition. The redevelopment plan was in place for some time prior to this development. The number of units did not change.

Kandy Ferree ask the Mayor to explain how the agreement will split the fees with the school and how that will be memorialized. Mayor Myhre noted that it will be in writing and as part of the redevelopment agreement.

Deidre Blackburn commented that it was mentioned how the school is K-8. That may be temporary. Would the school still be eligible for that money if it became K-5 in Frenchtown. Mayor Myhre noted that the goal is to support the Frenchtown elementary school.

Adam Blackburn submitted a comment to let the developer walk. Let the developer have 57 units and you will get more support.

Having no other public comments, the Council approved to close the public comment session.

Mayor Myhre asked permission to move up Resolution #2020-72 on the agenda. The Council consented.

**Resolution #2020-72 - A Resolution of the Borough of Frenchtown, County of Hunterdon, Approving the Applications of CC at Frenchtown APT Urban Renewal, LLC and CC at Frenchtown FS Urban Renewal, LLC under the Long Term Tax Exemption Law for a Payment in Lieu of Taxes Program (“PILOT”) for the Former Ceramics Plant Site**  
On motion by Michele Liebttag, seconded Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-72 as follows:

**BOROUGH OF FRENCHTOWN  
RESOLUTION NO. 2020-72**

**A RESOLUTION OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, APPROVING THE APPLICATIONS OF CC AT FRENCHTOWN APT URBAN RENEWAL, LLC AND CC AT FRENCHTOWN FS URBAN RENEWAL, LLC UNDER THE LONG TERM TAX EXEMPTION LAW FOR A PAYMENT IN LIEU OF TAXES PROGRAM (PILOT) FOR THE FORMER CERAMICS PLANT SITE**

**WHEREAS**, by Resolution No. 2017-59 adopted on January 26, 2017, the Common Council of the Borough of Frenchtown (“Council”) designated certain real property located at

Block 3, Lots 1 and 2 and Block 10, Lot 1 and a portion of the Eighth Street right-of-way as shown on the Tax Map of the Borough of Frenchtown as “a non-condemnation area in need of redevelopment” (“Redevelopment Area”); and

**WHEREAS**, by Ordinance No. 833 adopted on August 7, 2019, the Borough adopted the Eighth Street Redevelopment Plan (“Redevelopment Plan”) for the Redevelopment Area; and

**WHEREAS**, by Resolution 2019-93, adopted on August 7, 2019, the Council designated Country Classics at Frenchtown, LLC (“Country Classics”) as the conditional redeveloper of the Redevelopment Area in accordance with the Local Redevelopment and Housing Law; and

**WHEREAS**, Country Classics intends to redevelop the Redevelopment Area by constructing a residential development consisting of two apartment buildings and duplex townhomes, containing the following unit mix: Building 1, 52 total units with 9 affordable housing rental units; Building 2, 40 total units with 8 affordable housing rental units; 19 duplex townhomes; representing an aggregate of 111 units and other amenities and site improvements thereon (“Development”); and

**WHEREAS**, CC at Frenchtown APT Urban Renewal, LLC (“APT Urban Renewal”) and CC at Frenchtown FS Urban Renewal, LLC (“FS Urban Renewal”) are wholly owned subsidiaries of Country Classics; and

**WHEREAS**, CC at Frenchtown APT Urban Renewal, LLC (“APT Urban Renewal”) is, or is about to be, the owner of a portion of the Property upon which it, together with Country Classics, its owner, will develop a portion of the Development that is proposed to consist of Building 1 (52 total units with 9 affordable housing rental units) and Building 2 (40 total units with 8 affordable housing rental units) (“Rental Component”); and

**WHEREAS**, CC at Frenchtown FS Urban Renewal, LLC is, or is about to be, the owner of a portion of the Property upon which it, together with Country Classics, its owner, will develop a portion of the Development that is proposed to consist of 19 duplex townhomes (“Townhome Component”); and

**WHEREAS**, Country Classics and the Borough are about to enter into a Redevelopment Agreement; and

**WHEREAS**, the Council has determined that the Development will qualify for a tax exemption under the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (“LTTEL”) by virtue of the fact that is located in a Redevelopment Area; and

**WHEREAS**, in accordance with the LTTEL, APT Urban Renewal and FS Urban Renewal have filed with the Mayor of the Borough an application (“Application”) for approval of a long term tax exemption (“Exemption”) for the Development, which Application is hereby incorporated by reference as if fully-set forth herein; and

**WHEREAS**, the Mayor has recommended to the Common Council that the Application be approved.

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

1. The Application, a copy of which is attached as Exhibit A, for approval of the Financial Agreements, copies of which are attached to the Application, is hereby approved by the Borough Council, as recommended by the Mayor.

2. The Borough hereby consents to the transfer of the property comprising the Redevelopment Area; the Rental Component and the Townhome Component, respectively; and so much of the rights and obligations of Country Classics under the Redevelopment Agreement

to FS Urban Renewal, LLC and APT Urban Renewal, LLC, as necessary, in order to facilitate the implementation of the Exemption and construction of the Development.

3. The Council shall adopt an Ordinance authorizing the execution of the Financial Agreements in accordance with the LTTEL.

4. This Resolution shall take effect immediately.

Borough of Frenchtown

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Brad Myhre, Mayor

Attest:

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Brenda S. Shepherd,  
Borough Clerk

## **ORDINANCES**

### **Ordinance #847 – Calendar year 2020 ordinance to exceed the municipal budget appropriation limits and to establish a cap bank (N.J.S.A. 40A: 4-45.14) (adoption)**

On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the adoption of Ordinance #847 as follows:

#### **ORDINANCE #847 CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Frenchtown, in the County of Hunterdon, finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$15,749.51 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Frenchtown, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Frenchtown shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$55,123.29 and that the CY 2020 municipal budget for the 3.5% be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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Brad Myhre, Mayor

ATTEST:

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Brenda S. Shepherd, RMC  
Borough Clerk

**Ordinance #848 - 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 Eighth Street at the Former Ceramics Plant Site (Introduction)**

On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #848 as follows:

**BOROUGH OF FRENCHTOWN  
ORDINANCE #848**

**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 EIGHTH STREET AT THE FORMER CERAMICS**

## PLANT SITE

**WHEREAS**, there exists in the Borough of Frenchtown a public right-of-way identified as a portion of Eighth Street; 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**, the Borough Planner recommended the vacation of a portion of Eighth Street to allow the integrated redevelopment of Block 10, Lot 1, and Block 3, Lot 1 as shown on the Borough Tax Map and as described in the "Eighth Street Redevelopment Plan" provided that a public access easement is excepted for access to the tow path along the Delaware and Raritan Canal; and

**WHEREAS**, the portion of Eighth Street to be vacated, released and extinguished is more particularly described by metes and bounds description titled "Vacation Plan of a Portion of Eighth Street, Frenchtown Borough, Hunterdon County, New Jersey" prepared by Pamela Mathews, PE, LS, dated March 6, 2019, attached as Exhibit A, and as delineated on a map titled "Vacation Plan of a Portion of Eighth Street, Frenchtown Borough, Hunterdon County, New Jersey", prepared by Pamela Mathews, PE, LS, dated March 6, 2019, attached as Exhibit B (hereinafter the area to be vacated shall be referred to as the "Road Vacation Area"); and

**WHEREAS**, the Common Council of the Borough of Frenchtown does hereby determine that the public right-of-way being a portion of Eighth Street 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 Eighth Street will better serve the public interest by allowing an integration redevelopment of Block 10, Lot 1, and Block 3, Lot 1 as shown on the Borough Tax Map and as described in the "Eighth Street Redevelopment Plan".

**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 a portion of Eighth Street are hereby released, extinguished and vacated.

2. The Road Vacation Area shall be conveyed to the owners of, and shall merge, consolidate with, and become a part of the adjacent properties identified as Block 10, Lot 1, and Block 3, Lot 1 as more particularly shown on the Tax Map of the Borough of Frenchtown, as set forth below; and

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

A. The public rights in and to that portion of the Road Vacation Area indicated by crosshatch on Schedule B shall be extinguished, released and vacated, and that portion shall be conveyed to the owners of Block 10, Lot 1; and

B. The public rights in and to that portion of the Road Vacation Area indicated by crosshatch on Schedule B shall be extinguished, released and vacated, and that portion shall be conveyed to the owners Block 3, Lot 1.

4. Expressly reserved and excepted from this Ordinance are all rights and privileges heretofore possessed by public utilities as defined in N.J.S.A. 48:2-13, and any cable television

company as defined in the “Cable Television Act,” N.J.S.A. 48:5A-1, et seq., to maintain, repair or replace existing utility facilities, if any, in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

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

6. Expressly reserved and excepted from this Ordinance is a public access to the tow path along the Delaware and Raritan Canal.

7. After introduction, this Ordinance shall be referred to the Planning Board of the Borough of Frenchtown for review and comment pursuant to N.J.S.A. 40:55D-26, because the closing of a public street constitutes a change to the official zoning map pursuant N.J.S.A. 40:55D-32 and-33.

8. 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.

9. 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.

10. 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, on 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.

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

12. 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.

13. 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.

14. 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 S. Shepherd, RMC,  
Borough Clerk

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The Honorable Brad Myhre, Mayor

**Ordinance #849 - An Ordinance of the Borough of Frenchtown, County of Hunterdon, Authorizing the Vacation, Release, Extinguishment and Replacement of Sight Triangle Easements Fronting on Harrison Street at the Former Ceramics Plant (Introduction)**

On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #849 as follows:

**BOROUGH OF FRENCHTOWN**

**ORDINANCE #849**

**AN ORDINANCE OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, AUTHORIZING THE VACATION, RELEASE AND EXTINGUISHMENT OF THE SIGHT TRIANGLE EASEMENTS FRONTING ON HARRISON STREET AT THE FORMER CERAMICS PLANT**

**WHEREAS**, there exists in the Borough of Frenchtown sight triangles fronting Harrison Street at the former ceramics plant; 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 to support a public street, where the public interest will be better served by releasing those lands or any part thereof from such dedication; and

**WHEREAS**, the Borough Planning Board Resolution 2020-09 recommended the vacation of sight triangles located at Block 3, Lot 1.01 and Block 3, Lot 1; and

**WHEREAS**, the sight triangle to be vacated, released and extinguished is more particularly described by metes and bounds description titled "Metes and Bounds Description for the Termination of the Sight Easement Located on Lot 1, Block 3, Frenchtown Borough, Hunterdon County, New Jersey" attached as Exhibit A and "Metes and Bounds Description for the Termination of the Sight Easement Located on Block 3, Lot 1.01, Frenchtown Borough, Hunterdon County, New Jersey" attached as Exhibit B, both prepared by Christopher A. Melick, P.L.S., and dated April 28, 2020, and the plan titled "Termination of Sight Easements Located on Existing Lot 1 in Block 3 and Lot 1.01 in Block 3, Frenchtown Borough, Hunterdon County, New Jersey" attached as Exhibit C, prepared by Christopher A. Melick, P.L.S., dated April 28, 2020 (hereinafter the area to be vacated shall be referred to as the "Sight Triangle Vacation Area"); and

**WHEREAS**, the Common Council of the Borough of Frenchtown does hereby determine that Sight Triangle Vacation Area 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 Sight Triangle Vacation Area will serve the public interest by allowing the implementation of the Planning Board memorialized by Resolution 2020-09.

**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 Sight Triangle Vacation Area are hereby released, extinguished and vacated.

2. The Sight Triangle Vacation Area shall be conveyed to the owners of, and shall merge, consolidate with, and become a part of the adjacent properties identified as Block 3, Lot 1, and Block 3, Lot 1.01 as more particularly shown on the Tax Map of the Borough of Frenchtown, as set forth below; and

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

A. The public rights in and to that portion of the Sight Triangle Vacation Area indicated by the gray triangle on Schedule C shall be extinguished, released and vacated.

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 Sight Triangle 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, on 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 and the Township of Alexandria 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 S. Shepherd, RMC, The Honorable Brad Myhre, Mayor  
Borough Clerk

**Ordinance #850 - An Ordinance of the Borough of Frenchtown, County of Hunterdon, Authorizing the Borough of Frenchtown to enter into Financial Agreements (Payment in Lieu of Taxes Program “PILOT”) with CC at Frenchtown APT Urban Renewal, LLC and CC at Frenchtown FS Urban Renewal, LLC for the Former Ceramics Plant Site (Introduction)**

On motion by Liz Johnson, seconded by Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved the introduction of Ordinance #850 as follows:

**BOROUGH OF FRENCHTOWN  
ORDINANCE NO. #850**

**AN ORDINANCE OF THE BOROUGH OF FRENCHTOWN, COUNTY OF HUNTERDON, AUTHORIZING THE BOROUGH OF FRENCHTOWN TO ENTER INTO FINANCIAL AGREEMENTS (PAYMENT IN LIEU OF TAXES PROGRAM “PILOT”) WITH CC AT FRENCHTOWN APT URBAN RENEWAL, LLC AND CC AT FRENCHTOWN FS URBAN RENEWAL, LLC FOR THE FORMER CERAMICS PLANT SITE**

**WHEREAS**, by Resolution No. 2017-59 adopted on January 26, 2017, the Common Council of the Borough of Frenchtown (“Council”) designated certain real property located at Block 3, Lots 1 and 2 and Block 10, Lot 1 and a portion of the Eighth Street right-of-way as shown on the Tax Map of the Borough of Frenchtown as “a non-condemnation area in need of redevelopment” (“Redevelopment Area”); and

**WHEREAS**, by Ordinance No. 833 adopted on August 7, 2019, the Borough adopted the Eighth Street Redevelopment Plan (“Redevelopment Plan”) for the Redevelopment Area; and

**WHEREAS**, by Resolution 2019-93, adopted on August 7, 2019, the Council designated Country Classics at Frenchtown, LLC (“Country Classics”) as the conditional redeveloper of the Redevelopment Area in accordance with the Local Redevelopment and Housing Law; and

**WHEREAS**, Country Classics intends to redevelop the Redevelopment Area by constructing a residential development consisting of two apartment buildings and duplex townhomes, containing the following unit mix: Building 1, 52 total units with 9 affordable housing rental units; Building 2, 40 total units with 8 affordable housing rental units; 19 duplex townhomes; representing an aggregate of 111 units and other amenities and site improvements thereon (“Development”); and

**WHEREAS**, CC at Frenchtown APT Urban Renewal, LLC (“APT Urban Renewal”) and CC at Frenchtown FS Urban Renewal, LLC (“FS Urban Renewal”) are wholly owned subsidiaries of Country Classics; and

**WHEREAS**, CC at Frenchtown APT Urban Renewal, LLC (“APT Urban Renewal”) is, or is about to be, the owner of a portion of the Property upon which it, together with Country Classics, its owner, will develop a portion of the Development that is proposed to consist of Building 1 (52 total units with 9 affordable housing rental units) and Building 2 (40 total units with 8 affordable housing rental units) (“Rental Component”); and

**WHEREAS**, CC at Frenchtown FS Urban Renewal, LLC is, or is about to be, the owner of a portion of the Property upon which it, together with Country Classics, its owner, will develop a portion of the Development that is proposed to consist of 19 duplex townhomes (“Townhome Component”); and

**WHEREAS**, Country Classics and the Borough are about to enter into a Redevelopment Agreement; and

**WHEREAS**, the Council has determined that the Development will qualify for a tax exemption under the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (“LTTEL”) by virtue of the fact that is located in a Redevelopment Area; and

**WHEREAS**, in accordance with the LTTEL, APT Urban Renewal and FS Urban Renewal have filed with the Mayor of the Borough an application (“Application”) for approval of a long term tax exemption (“Exemption”) for the Development, which Application is hereby incorporated by reference as if fully-set forth herein; and

**WHEREAS**, the Mayor submitted the Application to the Council with his recommendation for approval; and

**WHEREAS**, the Council approved the Application by Resolution No. 2020-72 dated May 20, 2020; and

**WHEREAS**, as part of the Application, APT Urban Renewal and FS Urban Renewal submitted to the Borough a form of Financial Agreement for each of the Rental Component and Townhome Component (respectively, the “Financial Agreements”), to be executed by the Council and APT Urban Renewal and FS Urban Renewal, respectively, establishing the rights, responsibilities and obligations of APT Urban Renewal and FS Urban Renewal relative to the Rental Component and Townhome Component in accordance with the LTTEL; and

**WHEREAS**, the Council has authorized the transfer of a portion of the Development, Country Classics’ rights under the Redevelopment Agreement, and the property comprising the Redevelopment Area from Country Classics to APT Urban Renewal and FS Urban Renewal, respectively, to the extent such transfer is required in order for Country Classics, APT Urban Renewal, and FS Urban Renewal to carry out and implement the Development and the Redevelopment Plan; and

**WHEREAS**, the Council makes the following findings in accordance with N.J.S.A. 40A:20-11.a and N.J.S.A. 40:20-11.b regarding the relative benefits and costs of granting the Exemption for the Development, and the importance of the Exemption in realizing the implementation of the Development:

The Borough finds that the Exemption granted pursuant to the Financial Agreements will benefit the Borough and the community by assuring the success of the redevelopment of the Redevelopment Area, which has exhibited the statutorily recognized redevelopment criteria for years. The benefits of granting the Exemption will substantially outweigh the costs, if any, associated with the Exemption. The Exemption is important to the Borough and Country Classics, APT Urban Renewal, and FS Urban Renewal, because without the incentive of the Exemption, it is unlikely that the Development, which will address a portion of the Borough’s affordable housing obligation, would be undertaken. The high costs associated with the development and construction of the Development and the real estate taxes that would otherwise be levied upon the Development would operate as a disincentive to the redevelopment of the Property, and would therefore frustrate the goals and objectives of the Redevelopment Plan and would make the Development materially less competitive in the marketplace.

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

1. The Mayor and Borough Clerk are hereby authorized to execute the Financial Agreements in substantially the form attached hereto as Exhibits A and B, respectively.
2. Executed copies of the Financial Agreements shall be certified by and be filed with the Office of the Borough Clerk.
3. Within ten (10) calendar days following the later of (i) the effective date of this Ordinance following its final adoption by the Borough Council approving the Exemption or (ii) the execution of the Financial Agreements by APT Urban Renewal and FS Urban Renewal, respectively, the Borough Clerk shall file certified copies of this Ordinance and the Financial Agreement with the Tax Assessor of the Borough and the Chief Financial Officer of Hunterdon County and to Hunterdon County Counsel, in accordance with N.J.S.A. 40A:20-12.
4. The Mayor and Borough Clerk are hereby authorized to take such action and to execute such other documents on behalf of the Borough as is necessary to effectuate the terms of the Financial Agreements, as deemed advisable by the Borough Attorney.
5. This Ordinance shall take effect upon adoption and publication according to law.

**ATTEST:   BOROUGH OF FRENCHTOWN**

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Brenda S. Shepherd, RMC,   The Honorable Brad Myhre, Mayor  
Borough Clerk

## **RESOLUTIONS**

### **Resolution #2020-71 - 2020 Municipal Budget – adoption**

Mayor Myhre thanked the budget committee and noted that there is no tax increase nor sewer increase. A lot of hard work went into the budget and he appreciated the work of the CFO and also thanked Mark Wood and Andrew Bernath for the outstanding job they did. It is wonderful having full time CFO and the knowledge and experience for both positions. The CFO moved to the Edmunds requisition program and there is not way to overspend a budget line item. We also looked at the benefits and moved to the State for the dental coverage and save money there. We will try to keep purchases local. This budget is good for the taxpayers.

On motion by Michele Liebttag, seconded Caroline Scutt and carried by unanimous favorable roll call vote, the Mayor and Common Council approved Resolution #2020-71 as follows:

*RESOLUTION 2020-71  
MUNICIPAL BUDGET NOTICE  
MUNICIPAL BUDGET OF THE  
BOROUGH OF FRENCHTOWN,*

*COUNTY OF HUNTERDON  
 FOR THE FISCAL YEAR 2020*

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020;

BE IT FURTHER RESOLVED, that said Budget be published in the Hunterdon County Democrat in the issue of April 30, 2020;

The Governing Body of the Borough of Frenchtown does hereby approve the following as the Budget for the year 2020.

RECORDED VOTE:

AYES:	(	NAYS	(
	(		(
	(		(
	(		(
	(		(
ABSTAIN	(	ABSENT	(
	(		(

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Frenchtown, County of Hunterdon, on the 15<sup>th</sup> of April 2020

A hearing of the Budget and Tax Resolution will be held at The Borough Hall on the 20<sup>th</sup> of May, 2019 at 7:00 pm at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT  
 SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET  
 Year 2020  
 General

Sewer	
1. Budget Appropriations – Adopted Budget	2,262,466.38
\$975,526.00	
2. Appropriations added by NJSA 40A:4-87	1,800.00
3. Emergency appropriations	
4. Total Appropriations	2,264,266.38
\$975,526.00	
5. Expenditures:	
(a) Paid or charged (including reserve for uncollected taxes	1,956,414.13
\$899,601.03	
(b) Reserved	307,846.09
\$74,595.83	
5. Unexpended balances canceled	6.16
\$1,329.14	
Total expenditures and unexpended balances cancelled	2,264,266.38

\$975,526.00

### **BUDGET MESSAGE ATTACHED**

It is hereby certified that this is a true copy of the budget resolution adopted by the governing body on May 20, 2020.

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Brad Myhre, Mayor

Attest:

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Brenda S. Shepherd,  
Borough Clerk

### **COUNCIL COMMENTS**

Caroline Scutt reported the following.

1. She will provide an updated on the Route 579 trail. There are farm to table agricultural businesses along the Route 579 corridor. There is a marketing of projects along the route. The website will be unveiled next week. Frenchtown is not include so we find ourselves in a challenging position as things open up. Frenchtown Businesses will coordinate with the group. It is a good step in marketing the initiative.

Carline Scutt stated that she put together written remarks in response to the letter that Liz Johnson circulated and read the following on the record:

I would like to it to go on record that I find the tactics being used by Councilwoman Johnson regarding the proposed Country Classics PILOT agreement to be underhanded, especially the most recent letter although I do commend her for at least putting her signature on this mailing so that people can know the source of the information.

I was elected to serve as a member of this council twice and each time I took an oath to faithfully, impartially and justly perform all the duties of this office for the duration of my term.

I don't appreciate the suggestion that I am taking my duties any less seriously because I am not running for a third term. Anyone who knows me at all, knows that I am driven to support Frenchtown and help build a better community – as a parent, a businessowner, a volunteer and a member of this council, a member of this community.

I know full well that there are times when I will not be in full agreement with every one of my neighbors. The stance I am taking on this PILOT is one of those moments. But I would never

take a condescending and paternalistic stance assuming that I speak for everyone in Frenchtown. I also would never suggest that my colleagues on this council do not fully vet and vote on issues with the best interest of our entire community in mind. And I will not allow Ms. Johnson's sweeping assumptions and grand statements to go unchallenged.

Yes, the PILOT is a compromise. Based on the facts presented and the current economic climate and future trends, I believe it is a necessary and fair agreement for both the community and the developer.

Fear mongering and suggesting, without any facts, that adding the rental inventory on one end of town will cause issues at The Commons or that the PILOT will decrease the value of existing homes is irresponsible.

Adding confusion with misinformation over the Hilltop Streets project seems to suggest that these taxpayers don't deserve the option to sewer hookup; because PILOT or no, there will be additional costs that the community will share in.

The suggested sewer rate savings plan Ms. Johnson claims is languishing on Mr. Cruz's desk, was only introduced by her in writing recently. Furthermore, while it might certainly help slow down the increase of rates, I have seen no evidence that it will be enough to lead to a reduction in sewer rates as she has publicly stated during several council meetings.

I do not feel the need to address the entire letter point-by-point but I will end by saying that I am deeply disappointed to see such a misrepresentation of the work being done by this council shared with the pretense of a community working together when this is the work of one person, one opinion, one narrative.

The members of this council were elected to act in the best interest of the entire community and I do believe each of us, including Ms. Johnson, has taken the stance we have on this PILOT project, even if we don't all agree on the best path forward, because we want to do what is best to ensure Frenchtown continues to be a strong, vibrant, safe and affordable community. To suggest otherwise is more than disappointing, it is slanderous and I will not stand for it.

Michele Liebttag reported the following:

1. She thanked Caroline Scutt for her comments and seconded the sentiment. She will reserve her comments for the June 3<sup>rd</sup> meeting.
2. She organized a meet and greet for Mark Gantner with Fire, OEM and the Frenchtown Business Association. We talked about continuing the spirit of collaboration and continuing to build under Mark Gantner.
3. Non essential businesses are allowed to open curbside only. As a result, Mark Gantner and she are taking a visual lead to post in the downtown and provide education on the best practices of COVID-19.
4. The Recycling center will be closed Saturday because of the holiday on Monday.

Tami Peterson reported the following:

1. She appreciates Caroline Scutt's comments and agrees with that and putting it into the record.

2. She gave a special thanks to Rosella and Napoli's Pizza and the people coming together and donating to the Frenchtown residents. People are getting meals and using the food banks. This town does come together in times like this and she is so grateful.
3. She is working with the FB&PA to do a list of the places open for curbside pick up. We will direct you to a page. People are not sure who is open so this will help local businesses. She appreciates that Mayor Myhre gave the idea for the curbside pick up by going through the Freeholders and the Governor to get Hunterdon to approve it for the local businesses. Help support the local businesses.

Kandy Ferree reported the following:

1. She thanked all of the Council members for working nonstop on everything including the PILOT and financial agreements. She appreciates the members of the public who have communicated to us.
2. As Park Commissioner, she thanked the parents and kids in town who have been compliant with staying off the playground equipment and keeping social distance. We had some mischief with someone cutting the zip ties. We are not trying to keep people from having fun, it is about public safety. She thanked DPW for that.
3. The State is opening the State Parks and Recreation areas. We are trying to figure out how to do that in Frenchtown safely. We have been encouraging parents to take COVID seriously. We cannot keep the play equipment germ free every minute of the day and the parents must be mindful if they use that equipment. We are considering touchless faucets, toilets and hand driers. The bathroom will require cleaning everyday that it is open. We do not have the budget to clean the play equipment and bathrooms multiple times per day. We need public cooperation and support to keep everyone safe.
4. She will consult with the environmental commission on how we organize a park clean up. It is not safe to do a spring clean up. We can revisit it if it is done with family units and there would need to be a sign up. We can section off areas and people can bring their own equipment. We will move forward when it is safe to do so.

Mayor Myhre reported the following:

1. Mayor Myhre noted that the Chamber is keeping a running list of the businesses in need of assistance and the FBA also has a list. They want to put a link on the Borough website. Attorney Cruz stated that he will let the Mayor know tomorrow if the Borough can do that.
2. In the next 48 hours, the Governor's office will provide additional guidance on outdoor activities. There will be new guidance from the State Police regarding graduation ceremonies.
3. The USDA application is proceeding forward. We have secured a letter of support from Congressman Malinowski, Corey Booker is working on a letter of support as well as Senator Menendez. We have a strong coalition of support. He is working with Liz Johnson to fine tune the final portion of application with Engineer William Burr working out the logistics of the gravity feed system and what we want to have. There may be portions where the shale is too thick and pumps may be needed, a grinder system.
4. Mayor Myhre expressed gratitude to the community for everything donated to help the community. Many people are out of work and there are record numbers of

unemployment claims. People are struggling with the delayed unemployment payments. Other people are helping other residents and are doing great work. Reverent Mantel is also doing great work with the food pantry. He also thanked Erick Feritto for all his work going to homes assisting. He appreciates everyone's help. People are emotional. He gave a heartfelt thank you to all the individuals and community people running around delivery food and assisting people. He thanked Caroline Scutt and her daughter for delivering food, etc. He is very proud of this community.

**CORRESPONDENCE**

None discussed.

**PUBLIC COMMENTS**

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

**ADJOURNMENT**

Being no further business to come before the Mayor and Council, the meeting was adjourned at 9:25 pm on motion by Liz Johnson, seconded by Caroline Scutt and carried by favorable voice vote.

Respectfully submitted,

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Brenda Shepherd, RMC  
Borough Clerk