

Frenchtown Planning Board
Regular Meeting
November 11, 2020
7:30 P.M.

Chairman Randi Eckel called the Regular Meeting to Order at 7:30 P.M. and stated that all the requirements of the “Open Public Meeting Law” have been met. The meeting has been advertised, the Agenda has been posted in the Borough Hall and on the website and copies distributed to the designated newspapers with the teleconferencing information to join the meeting.

ROLL CALL

Present:
Cooke
DenBleyker
Dragt
Eckel
Reino
Tomko

Absent:
Herb
Myhre
Dougherty

APPROVAL OF MINUTES

Regular Meeting – October 28, 2020

John DenBleyker moved to accept the minutes of the October 28, 2020 regular meeting and Mike Reino seconded the motion. The minutes of the October 28, 2020 regular meeting were approved by unanimous favorable roll call vote.

PUBLIC COMMENTS

Chairman Eckel opened the floor for public comments. Chairman Eckel stated that if you wish to make a comment, raise your hand and she will call on you. Hearing no comments, Chairman Eckel closed the public comment session.

NEW BUSINESS:

- a. RESOLUTION #2020-17
- b. RESOLUTION #2020-18

Attorney Hirsch noted that the resolutions are required in response to the emergency regulations adopted by the NJDCA on October 19, 2020. Attorney Hirsch added that these resolutions are designated to protect due process for the public. Resolution #2020-18, also protects due process for the applicants. The bottom of page 1 and top of page 2 is for Land Use Boards only in reference to what needs to be done before holding a public hearing remotely in making a decision that is fair to the public and applicants, considering the scale of the application, the interest of the public and the number of objections. How do you present the documents on the screen and how does it get submitted to the Board and put on the Borough website before the public hearing. This provides some ease to functioning during the COVID pandemic.

Chairman Eckel asked for a motion to adopt both the resolutions together.

On motion by Mike Reino, seconded by John DenBleyker and carried by unanimous favorable roll call vote, the Planning Board approved Resolution #2020-17 and 2020-18 as follows:

**FRENCHTOWN BOROUGH
PLANNING BOARD**

**RESOLUTION #2020-17
RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF
FRENCHTOWN, COUNTY OF HUNTRDON, STATE OF NEW JERSEY AMENDING
RESOLUTION 2020-01 ESTABLISHING REGULAR MEETING SCHEDULE FOR THE
PLANNING BOARD DURING 2020**

WHEREAS, Section 13 of the “Open Public Meeting Act”, Chapter 231, Public Law 1975, requires that at least once a year every Public Body shall post and mail to the newspapers designated by said body, a schedule of the location, date and time of each Regular Meeting of said Body during the succeeding year.

WHEREAS, on January 22, 2020 the Planning Board adopted Resolution 2020-01 to establish the regular meeting schedule for the year 2020; and

WHEREAS, due to the COVID-19 State of Emergency the public is limited to participation in public meetings through electronic means.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Frenchtown, County of Hunterdon and State of New Jersey that Resolution #2020-01 is amended as follows:

1. The Regular Meetings of the Planning Board of the Borough of Frenchtown, County of Hunterdon and State of New Jersey, shall be held at 7:30 p.m. at the Borough Hall, 29 Second Street, Frenchtown, New Jersey, on the Fourth Wednesday of each month, for the year 2020, with the exception of the month of November and December. The Regular Meeting for the month of November and December shall be the second Wednesday and will be held solely on the Zoom platform as well as the Reorganization and Regular Meeting of January 27, 2021.

The Meeting dates and time of all Regular Meetings for 2020 and the Reorganization and Regular Meeting for 2021 are as follows:

January 22	7:30 p.m.	Reorganization and Regular Meeting
February 26	7:30 p.m.	
March 25	7:30 p.m.	
April 22	7:30 p.m.	
May 27	7:30 p.m.	
June 24	7:30 p.m.	
July 22	7:30 p.m.	
August 26	7:30 p.m.	
September 23	7:30 p.m.	
October 28	7:30 p.m.	
November 11	7:30 p.m.	
December 9	7:30 p.m.	

2. During the COVID-19 State of Emergency, the meetings will be held solely by the Zoom platform.
3. Zoom access information for each meeting will be included on the meeting agenda, which will be posted on the Borough website at least 48 hours in advance of each meeting. Agendas will also be posted on the front door and the bulletin board in the Municipal Building.
4. In the case of a special meeting, Zoom access information will also be included in the Open Public Meetings Act notice.
5. During public hearings, members of the public will be able to participate via Zoom by using the Raise Hand feature to signify their desire to make public comment. The Zoom platform also provides the ability for the public to listen to the meeting by telephone without video and to also comment by telephone by pressing *9 to raise their hand during public comment sessions.
6. During a state of emergency when the Planning Board meetings are held remotely, written comments to be read during the public hearings or public comment periods may be submitted to the Borough Clerk/Planning Board Secretary electronically by email or letter no later than 3:00 PM on the date of the meeting. Only one public comment, whether oral or written, from each person at each public comment period will, as with all public comments, be heard or read. The reading of the written comments will, as with all public comments, be limited to five minutes and the reading will end after five minutes.
7. Certified copies of this Resolution shall be:
 - a) Mailed to the Hunterdon County Democrat and the Express Times.
 - b) Filed with the Frenchtown Borough Clerk and Planning Board Secretary.
 - c) Posted on the bulletin board in the Municipal Building and on the front door of the Municipal Building; and
 - d) Mailed to any person requesting notice of meetings to N.J.S.A. 10:4-19 who has paid the required fee thereof.
8. All of the foregoing shall be accomplished within seven (7) days of adoption of this Resolution pursuant to N.J.S.A. 10:4-18.

Dated: November 11, 2020

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

RESOLUTION #2020-18

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF
FRENCHTOWN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY,
ADOPTING EMERGENCY REMOTE MEETING PROTOCOL, PROCEDURES**

AND REQUIREMENTS FOR PUBLIC PARTICIPATION AT REMOTE MEETINGS

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a “Declared Emergency” means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which is in effect; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if during a Declared Emergency the Planning Board of the Borough of Frenchtown (“Board”) holds a remote meeting to conduct public business the Borough shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public meeting being held and shall, at minimum, not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting); and

WHEREAS, remote public meetings may be held by the Board in a format as selected by the Planning Board, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Board holds a remote public meeting they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any remote public meeting where sworn testimony is being taken shall be broadcast by video as well as audio and all individuals giving sworn testimony shall appear by video in addition to audio; and

WHEREAS, any presentation or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website of the Borough; and

WHEREAS, in addition to making public comments at any remote public meeting, the Planning Board, in advance of the remote meeting shall allow public comments to be submitted to the Borough Clerk/Planning Board Secretary by electronic mail or regular mail by 3:00 P.M. on the date of the meeting with this deadline posted on the Borough website in advance of the remote public meeting. However, in order to be included in the record, public comments on any

land development application, whether in electronic form or regular mail, must be received by the Board Administrator no later than 3:00 P.M. of the day prior to the Board public hearing on the application. The applicant shall have the right to object to inclusion in the record of such written comments if the commenter is not present at the remote hearing for cross-examination, in which event, the comments shall not be included in the record; and

WHEREAS, public comments submitted prior to the remote public meeting through electronic or regular mail shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public; and

WHEREAS, as with oral comments, a five (5) minute time limit shall be placed on the reading of each written comment, which shall be read from its beginning until the time limit is reached; and

WHEREAS, as with oral comments, only one (1) written comment shall be read from each person during each public comment period; and

WHEREAS, both oral and written comments during the same public comment period will not be allowed; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Board to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the Open Public Meetings Act requirements of N.J.S.A. 10: 4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Planning Board Chairman or his designee, or in their absence the Vice-Chairman shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Board shall make a copy of the agenda available to the public for download on the Borough website and shall post same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and respect for an open, fair and informed decision-making process, the Board recognizes that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Board decision making, it has been decided that policies and

rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4 (f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Planning Board Chairman or his/her designee, or in their absence the Vice-Chairman, shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their questions or comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

WHEREAS, before holding a public hearing on an application for development during a remote public meeting, the Board shall determine whether electronic communication technology can sufficiently facilitate due process of the applicant and any interested party, including the ability to examine exhibits, transcribe testimony, and cross-examine witnesses, as well as the ability of the public to comment upon the application. Factors in making this determination shall include, at a minimum, the scale of the project, the number of approvals requested, the degree of public interest, and the number of potential objectors; and

WHEREAS, if the Board holds a public hearing on one or more applications for development during a remote public meeting, the adequate notice and electronic notice shall also identify where all plans and documents associated with the hearing or hearings may be accessed by the public and provide clear and concise instructions on accessing the exhibits. The applicant shall submit all exhibits to the Board secretary no less than two days in advance of the remote public meeting, and the applicant shall be responsible for converting all exhibits into an electronic format accessible to the public

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Frenchtown, County of Hunterdon, State of New Jersey that the standards and procedures for emergency remote meeting protocol as set forth in this Resolution and as codified in N.J.A.C. 5:39-1 et seq. are hereby established and adopted; and

BE IT FURTHER RESOLVED that procedures and requirements for public participation are hereby established and adopted in order to safeguard public participation in any public or

remote public meetings in the Borough of Frenchtown and shall apply to all members of the public in attendance at any public or remote public meeting in the Borough of Frenchtown.

Dated: November 11, 2020

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

ORDINANCE #857- AN ORDINANCE TO AMENDED ORDINANCE #852 TO EXTEND PERMITS FOR TEMPORARY OUTDOOR DINING FOR FOOD ESTABLISHMENTS. CLUBS, LODGES AND/OR FRATERNAL ORGANIZATION AND OUTDOOR DISPLAYS OF MERCHANDISE DURING THE COVID-19 PANDEMIC

Chairman Eckel stated that the Board will need to determine if Ordinance #857 is consistent with the Master Plan. Attorney Hirsch stated that the determination is that it is not inconsistent with the Master Plan.

Chairman Eckel noted that this ordinance extends the temporary outdoor dining until December 31, 2020. A prior ordinance creating the temporary outdoor dining was previously determined to not be inconsistent with the Master Plan. This ordinance is also not inconsistent with the Master Plan. She asked for a motion.

On motion by Gordon Dragt, seconded by Mike Reino and carried by unanimous favorable roll call vote, the Planning Board determined that Ordinance #857 is not inconsistent with the Master Plan.

APPROVAL OF VOUCHERS

Brenda Shepherd, Board Secretary, presented the following vouchers for approval:

VOUCHER LIST 11/11/2020

ESCROW ACCOUNT – BLOCK 3 LOT 1 & 2 AND BLOCK 10 LOT 1 – Country Classics – Site Inspection

Maser Consulting PA	Professional Services for Country Classics	\$897.50
	Through 10/30/2020	

Maser Consulting PA	Professional Services for Country Classics	\$1,222.50
	Through 10/21/2020	

ESCROW ACCOUNT – BLOCK 34 LOT 1 – Country Classics – Site Plan

Pickell Architecture	Professional Services for River Mills	\$150.00
	Through 10/21/20	

ESCROW ACCOUNT – BLOCK 57 LOT 1 – ARTYARD – Inspection

Maser Consulting PA	Professional Services for ArtYard	\$3,777.50
	Through 10/30/20	

On motion by John DenBleyker, seconded by Mike Reino and carried by unanimous favorable roll call vote, the Planning Board approved payment of the above bills list.

CORRESPONDENCE, COUNCIL REPRESENTATIVE REPORT AND OTHER RELATED ITEMS

Chairman Eckel reported that a Master Plan Reexamination is under review. The Review committee is in the next step. John DenBleyker stated that they received input from Maggie Cooke. Planner Green went through the list and commented on all the items.

Chairman Eckel noted that Planner Green will provide a draft of the Master Plan review before being presented to the Board for approval. The Board will hold a public hearing on the Master Plan reexamination. Chairman Eckel commented that she will keep the Board posted.

ADJOURNMENT

Mike Reino moved adjournment at 7:50 pm and John DenBleyker seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary