

Frenchtown Planning Board
Regular Meeting
January 27, 2021
7:30 P.M.

Mayor Myhre called the Reorganization and 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.

OATHS OF OFFICE – Mike Reino (Class II) and Kandy Ferree (ClassIII)

Mayor Myhre administered the Oaths of Office to Mike Reino and Kandy Ferree. Mike Reino and Kandy Ferree accepted their Oaths of Office.

ROLL CALL

Present:	Absent:
Cooke	Herb
DenBleyker	
Dougherty	
Dragt	
Eckel	
Ferree	
Myhre	
Reino	
Tomko	

NOMINATION OF CHAIRMAN

Mayor Myhre asked for nomination of Chairman of the Board. Gordon Dragt nominated Randi Eckel for Chairman of the Board. John Dougherty seconded the nomination. No other nominations were made. The Planning Board elected Randi Eckel Chairman of the Planning Board by unanimous favorable roll call vote.

NOMINATION OF VICE-CHAIRMAN

Mayor Myhre asked for nomination of Vice-Chairman of the Board. John Dougherty nominated John DenBleyker for Vice-Chairman of the Board. Mike Reino seconded the nomination. No other nominations were made. The Planning Board elected John DenBleyker Vice-Chairman of the Planning Board by unanimous favorable roll call vote.

Mayor Myhre thanked the Chairman and Vice-Chairman for their services.

Mayor Myhre turned the gavel over to Chairman Eckel and Chairman Eckel took over chair of the meeting. Chairman Eckel thanked everyone for their service.

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.

Chairman Eckel reported that she has reviewed the contract proposals for this year and they remain essential the same. One is up \$2.00 per hour and one is up \$5.00 per hour. The Board professionals work together very well and the prices are reasonable which the Board appreciates.

Responding to John Dougherty as to the landscape architect, Chairman Eckel noted that Jim Mazzuco will be the landscape architect. He was a partner in the firm and took over and retained the name of the firm.

On motion by John DenBleyker, seconded by Mike Reino, and carried by unanimous favorable roll call vote, the Planning Board approved the consent agenda approving Resolution #2021-01 through 2021-09 as follows:

**FRENCHTOWN BOROUGH
PLANNING BOARD**

RESOLUTION #2021-01

Dates, Time and Place for 2021 Regular Meetings and 2022 Reorganization & Regular Meeting

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, 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, 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 2021, 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.

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

January 27	7:30 p.m.	Reorganization and Regular Meeting
February 24	7:30 p.m.	
March 24	7:30 p.m.	
April 28	7:30 p.m.	
May 26	7:30 p.m.	
June 23	7:30 p.m.	
July 28	7:30 p.m.	
August 25	7:30 p.m.	

September 22	7:30 p.m.
October 27	7:30 p.m.
November 10	7:30 p.m.
December 8	7:30 p.m.
January 26, 2022	7:30 p.m. Reorganization & Regular Meeting

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 Courier News and the Hunterdon County Democrat.
 - 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: January 27, 2021

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

**FRENCHTOWN BOROUGH
PLANNING BOARD**

RESOLUTION #2021-02

Designated Newspapers

BE IT RESOLVED that the following newspapers shall be designated for the advertising of Legal and Public Notices for the Borough of Frenchtown:

Courier News, Bridgewater, New Jersey
The Star Ledger, Newark, New Jersey
Hunterdon County Democrat, Flemington, New Jersey
The Express Times, Easton, PA

Dated: January 27, 2021

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

**RESOLUTION #2021-03
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ATTORNEY TO SERVE AS PLANNING BOARD ATTORNEY FOR THE BOROUGH
OF FRENCHTOWN**

WHEREAS, the Planning Board for the Borough of Frenchtown has a need to acquire an Attorney to serve as Planning Board Attorney as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Archer & Greiner has submitted a proposal dated January 7, 2021 indicating they will provide that attorney services for the amount of \$200.00 per hour in addition to costs incurred for out of pocket and travel expenses; and

WHEREAS, Guliet Hirsch of Archer and Greiner has completed and submitted a Business Entity Disclosure Certification which certifies that Archer & Greiner has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Archer & Greiner from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown will authorize the Chairman to enter into a contract with Archer & Greiner as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 22, 2020

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2021-04
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR A PLANNER
TO SERVE AS PLANNING BOARD PLANNER FOR THE BOROUGH OF
FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire a Planner to serve as Planning Board Planner as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Darlene A. Green of Maser Consulting PA has submitted a proposal dated 12/14/20 indicating she will provide planner services for the amount \$155.00 per hour; and

WHEREAS, Darlene A. Green of Maser Consulting PA has completed and submitted a Business Entity Disclosure Certification which certifies that Darlene A. Green and Maser Consulting PA has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Darlene A. Green and Maser Consulting PA from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Darlene A. Green of Maser Consulting PA as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 27, 2021

Brenda S. Shepherd,
Planning Board Secretary

**RESOLUTION #2021-05
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN ENGINEER
TO SERVE AS PLANNING BOARD ENGINEER FOR THE BOROUGH OF
FRENCHTOWN**

WHEREAS, the Planning Board for the Borough of Frenchtown has a need to acquire a professional engineer to serve as the Board's Engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Robert J. Clerico of Van Cleef Engineering has submitted a proposal dated 1/5/21 indicating they will provide engineering services for the amount of \$150.00 per hour; and

WHEREAS, Robert J. Clerico of VanCleaf Engineering has completed and submitted a Business Entity Disclosure Certification which certifies that VanCleaf Engineering has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit VanCleaf Engineering from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Robert J. Clerico of VanCleaf Engineering as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 27, 2021

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2021-06
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR AN
ARCHITECT TO SERVE AS PLANNING BOARD ARCHITECT FOR THE BOROUGH
OF FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire an Architect to serve as the Planning Board Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Christopher Pickell of Pickell Architecture LLC. has submitted a proposal on 1/16/20 indicating they will provide architectural services for the amount \$150.00 per hour; and

WHEREAS, Christopher Pickell has completed and submitted a Business Entity Disclosure Certification which certifies that Christopher Pickell has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Christopher Pickell from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Christopher Pickell as described herein; and

BE IT FURHTER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News

Dated: January 27, 2021

Brenda S. Shepherd,
Planning Board Secretary

RESOLUTION #2021-07
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR A
LANDSCAPE ARCHITECT TO SERVE AS PLANNING BOARD LANDSCAPE
ARCHITECT FOR THE BOROUGH OF FRENCHTOWN

WHEREAS, the Planning Board of the Borough of Frenchtown has a need to acquire a Landscape Architect to serve as the Planning Board Landscape Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Planning Board has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Jim Mazzucco of B.W. Bosenburg & Co. has submitted a proposal dated 1/4/21 indicating he will provide Landscape Architect services for the amount \$145.00 per hour; and

WHEREAS, Jim Mazzucco of B.W. Bosenburg & Co. has completed and submitted a Business Entity Disclosure Certification which certifies that Jim Mazzucco of B.W. Bosenburg & Co. has not made any reportable contributions to a political or candidate committee in the Borough of Frenchtown to the Mayor or Common Council or County Committees in the previous year, and that the contract will prohibit Brian Bosenberg from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer has certified the availability of funds for this annual contract as required pursuant to N.J.A.C. 5:30-5.

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Borough of Frenchtown authorizes the Chairman to enter into a contract with Jim Mazzucco of B.W. Bosenburg & Co. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that notice of this action will be published in the Courier News.

Dated: January 27, 2021

Brenda S. Shepherd,
Planning Board Secretary

**FRENCHTOWN BOROUGH
PLANNING BOARD**

**RESOLUTION #2020-08
PROFESSIONAL APPOINTMENTS**

WHEREAS there exists a need for the Planning Board to hire an Attorney to serve as the Board Attorney, an Engineer to serve as the Board Engineer, a Planner to serve as the Board Planner; a Landscape Architect to serve as the Board Landscape Architect and an Architect to serve as the Board Architect; and

WHEREAS the Local Public Contracts Law, N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS sufficient funds are available in the 2021 Temporary Budget and will be made available in the 2021 Municipal Budget for the Borough of Frenchtown for such services,

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

1. The Planning Board Chairman and Board Secretary are hereby authorized and directed to execute an agreement with the following persons and/or firms for the year 2021:
 - a. Guliet Hirsch, Archer & Greiner, Attorney
 - b. Robert Clerico, Van Cleef Engineering, Engineer
 - c. Darlene A. Green, Maser Consulting PA, Planner
 - d. Christopher Pickell, Pickell Architecture, LLC, Architect
 - e. Jim Mazzucco, B.W. Bosenberg & Company, Inc., Landscape Architect
2. These contracts are being awarded as described above without competitive bidding as “Professional Services” as defined under the appropriate section of the Local Public Contracts Law because each of the above mentioned individuals is a member in good standing of his respective profession.
3. Notice of this action shall be printed in the Courier News.

Dated: January 27, 2021

Brenda S. Shepherd, Secretary
Frenchtown Planning Board

RESOLUTION #2021-09

**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

APPROVAL OF MINUTES

Regular Meeting – November 11, 2020

John Dougherty moved to accept the minutes of the November 11, 2020 regular meeting and Maggie Cookie seconded the motion. The minutes of the November 11, 2020 regular meeting were approved by favorable roll call vote with Kandy Ferree abstaining.

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.

VARIANCE APPLICATION – 2 FIFTH STREET, BLOCK 26 LOT 1– FISCH (COMPLETENESS REVIEW)

Chairman Eckel noted that this application will be reviewed for completeness and the Board will not be taking any testimony this evening.

Attorney Doug Cole, representing the applicant, noted that their Architect is also present this evening.

Chairman Eckel noted that the Board will look to Board Engineer Clerico to lead the Board in the completeness review. She asked Engineer Clerico to go through his review.

Engineer Clerico reviewed his report and the checklist items as follows:

Engineer Clerico stated that his report is dated 1/23/21 which lists what the application is for. No minor site plan is associated with the application. The applicant filed the checklist using the “D” Variance. There were a number of things that they were asking waivers for that were not required for a “C” variance (Checklist Items D & J) and they are not applicable. The applicant has provided the title search and a revised D-firm map.

Checklist item L- easements, covenants and restrictions – Engineer Clerico noted that the item had not been provided when he did the report and the applicant marked it as not applicable but it is required for a “C” variance. The applicant has since provided the title search and therefore this item is now complete.

Checklist items R, V, and W are not required for a “C” variance although the applicant requested a waiver.

Moving onto page 3 of the report, Checklist Item X – Valid FOD LOI issued by NJDEP- Engineer Clerico noted that he had recommended that the applicant request a waiver from obtaining a LOI from the NJDEP. The applicant has since provided a D-firm map to him. There is a limited amount of disturbance for the proposal.

Item 6, signature line on the cover sheet of the plans- Engineer Clerico noted that a waiver was requested and a temporary waiver can be granted. If the application is approved, they will provide the signature on the cover sheet of the plans.

Item 10A, contour documentation – Engineer Clerico noted that a waiver was requested and he recommended a permanent waiver.

Item 17, location of existing wells and septic systems – Engineer Clerico noted that a waiver was requested and he recommends a permanent waiver.

Item 26, location of the flood hazard area or floodway and does not identify the Base Flood Elevation - Engineer Clerico noted that the documents submitted does confirm that the property is in the flood hazard area. The applicant is not seeking relief from the flood hazard regulations. The zoning or building department may require additional documents. A copy of the D-firm map was submitted.

Item 27a, location of any existing trees – Engineer Clerico noted that there are a couple of trees not noted on the plan. The applicant can request a temporary waiver and the Board could grant that temporary waiver. The applicant has requested the temporary waiver.

Item 32, plan providing location of restrictions associated with any easement or land reserved for any use – Engineer Clerico noted that a title search was provided. This item is similar to Item L. A temporary waiver can be granted.

In conclusion, Engineer Clerico noted that the application can be deemed complete, subject to granting permanent waivers for Items X, 10a and 17 and temporary waivers for Items 6, 26, 27a and 32.

Chairman Eckel asked if the documentation submitted to Engineer Clerico, title search, D-firm map, etc., which Engineer Clerico stated was submitted to him subsequent to his completeness review has been submitted to the Board. Attorney Cole stated that he will email those items to Brenda Shepherd. The applicant is requesting a waiver for the LOI. Mr. Jablonka can address the D-firm map. Chairman Eckel responded that the Board needs to make sure all the documentation and information has been submitted to the Board prior to the public hearing.

Applicant Adam Fisch stated that Mr. Jablonka can be responsible to get the information to Brenda Shepherd and she can then disburse it to the Board. John Dougherty asked if the Board is providing temporary waivers for information it has not received. Engineer Clerico confirmed that the permanent waivers are for items the Board does not need and the temporary waivers are for items the Board needs but not for completeness.

Planner Green noted that the applicant's professionals have reached out and have been responsive. She thanked them for being proactive. It will make the process easier.

Responding to Chairman Eckel, Engineer Clerico noted that the temporary waiver are items needed in hand prior to the public hearing such as the D-firm map, title search, etc. The other items such as the signature on the map will be provided after approval.

Responding to Adm Fisch, Chairman Eckel noted that the hard copies as well as an electronic copy is need for the record and is required by ordinance.

Adam Fisch noted that everyone is professional and it helps them to respond quickly. He thanked everyone for that.

Engineer Clerico noted that he will not write a supplemental report but will be sitting in on the public hearing.

Chairman Eckel asked for a motion on completeness.

On motion by John Dougherty, seconded by Gordon Dragt and carried by unanimous favorable roll call vote, the Planning Board deemed the variance application for Block 26 Lot 1 complete subject to permanent waivers for items X,10a and 17 and temporary waivers for Items 6, 26, 27a and 32.

Chairman Eckel noted that the public hearing will be scheduled for next month's meeting, February 24, 2021 at 7:30 pm.

APPROVAL OF VOUCHERS

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

Chairman Eckel noted that some of the invoices were approved by her to be submitted for payment as was approved by the Board when the Board does not meet.

GENERAL REPRESENTATION

*Archer & Greiner	Professional services for general Representation through 10/31/20	\$280.00
*Archer & Greiner	Professional services for general Representation through 11/30/20	\$320.00
Archer & Greiner	Professional services for general Representation through 11/31/20	\$260.00
*Maser Consulting, PA	Professional services for Master Plan through 11/20/20	\$771.25
*Maser Consulting, PA	Professional services for Master Plan through 12/22/20	\$ 72.50
Maser Consulting, PA	Professional services for General	\$ 36.25

Plan through 1/21/21

Maser Consulting, PA Professional services for Master \$ 910.00
Plan through 1/21/21

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

*Maser Consulting PA Professional Services for Country Classics \$2,607.50
Through 12/10/2020

ESCROW ACCOUNT – BLOCK 3 LOT 1 – Country Classics – Site Plan

*Archer & Greiner Professional services for Country Classics \$300.00

ESCROW ACCOUNT – BLOCK 34 Lot 1 – River Mills – Inspection

VanCleeef Engineering Assoc. Professional Services for River Mills \$3,334.50
Through 12/31/20

Bosenburg Landscape Professional Services for River Mills \$217.50
Through 12/31/20

ESCROW ACCOUNT – BLOCK 26 LOT 1 – Fisch – Variance Application

Maser Consulting, PA Professional services for Master \$ 625.00
Plan through 1/21/21

*Bills approved by the Chairman and paid

On motion by Gordon Dragt, seconded by Brad Myhre 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 she is probably going to make an announcement that Kandy Ferree may have wanted to announce. ArtYard is providing a tour of the new project. Please contact Kandy Ferree to schedule a tour but make sure there will not be a quorum of the Board.

Chairman Eckel welcomed Kandy Ferree to the Board.

Chairman Eckel also reported that she realized that everyone is not getting hard copies of the NJPO Planner. One of the things it deals with are various items of importance including situations where planning board get taken to court, decisions of the Board that are overturned, etc.

She will review the NJPO each time and if there is an item of importance she will ask Brenda Shepherd to scan and email it out. She may suggest to NJPO that they send out the Planner

electronically. The article that she asked Brenda to send notes one board overstepping its bounds in the application process. Chairman Eckel wanted to make sure that she shares these articles with the Board to make us aware of how Boards get themselves in trouble or the missteps they make.

Chairman Eckel noted that the NJPO also provides the monthly classes for Planning Board members. Kandy Ferree is not required to take the mandatory class. The classes are currently very large and being held remotely.

As to the Master Plan review, Chairman Eckel noted that several members of the committee and the planner are present this evening. She asked for an update. Planner Green noted that the final draft will be discussed tomorrow night and the Board can schedule the public hearing for the Planning Board meeting in February. A notice must be provided 10 days prior to the hearing. She hopes to have the final draft to the Board 3 weeks prior to the meeting. It is a voluminous document and a good road map to guide the Borough forward for the next 10 years, the period that it covers.

Chairman Eckel noted that she has not completed the annual report. She will do it for the February meeting. The Annual report shows the activities and variances that the Board approved. The Board can approve it at the February meeting and then, forward it onto Council.

Chairman Eckel also noted that the Board is still down one alternate member. If anyone has any names to put forward, please forward them to her.

Chairman Eckel asked for a Council report.

Kandy Ferree stated that there is not a lot to report. The Mayor can inform everyone of the different grants on the downtown improvement project. Mayor Myhre noted that he has signed the contract with NV5 to oversee the design and engineering for the downtown TAP grant project. We will do a presentation to the planning committee once they have everything together.

Kandy Ferree reported that the Council held its reorganization meeting and approved the committee responsibilities of the Council. She has been moved to the economic development committee from Park Committee Chairman. The TAP Grant and the downtown revitalization might be good synergy with all this happening with the Master Plan.

John DenBleyker sent out kudos to the Mayor and Kandy for all this infrastructure.

Responding to the Board as to the status of Country Classics and River Mills projects, Engineer Clerico noted that River Mills just requested the CO for Building G. Gordon Dragt stated that the Building A lot is publicly offered for sale. Engineer Clerico noted that it is covered in the Fourth Amendment to the Redeveloper's agreement. Planner Green expressed concern that they do not go over the market rate limit and consult the construction code official. Engineer Clerico noted that they did not seek additional building permits. Planner Green stated that the percentages were tied to Building A. Mayor Myhre noted that the Borough Attorney will provide an update. River Mills did do Building G and the Building A lot is for sale. It is part of the fourth amendment to the redeveloper's agreement. The phasing was deferred beyond the standard phasing. Chairman Eckel asked that the Board be provided with an update on where that stands. It was a long process and a lot of effort on the planning board to make sure to stay

up to date with the affordable housing. John DenBleyker noted that the signs for the Building A lot and the other building have been taken down. Mayor Myhre stated that they may have switched realtors.

Mayor Myhre reported that Country Classics is trying to work with the school on crushing of concrete and phase that work when there is no in person instruction. The weather has not been favorable. Country Classics has paid all connection fees for sewer for the apartment buildings.

Mayor Myhre reported that he has no idea what is happening with the house on Trenton Avenue. Mike Reino reported that there is landscaping go on there.

Mike Reino also reported that all the windows in the Council chamber at Borough Hall were finished today. Mayor Myhre noted that this was a recommendation when the energy audit for the Borough was done.

Mayor Myhre noted that as to COVID, there are now free home testing kits available that is provided from the County, Hunterdoncares.org. There is no out of pocket expense. They will ask for insurance info. You can register for a kid if you have symptoms or had exposure. You provide the sample and send it back within ten days of receipt. If you are registering for the whole family, you need to register each person and a vile is provided for each individual. Each vile is tracked.

As to the COVID vaccines, Mayor Myhre noted that there is a nationwide shortage of vaccines. The current need in NJ is 4 million vaccines under the 1a tier and there are 1 million vaccines available so there is a lot of back log because there is not enough vaccines to go around. You can register through Shorpite and Hunterdon healthcare as well. They will be providing pharmacies like Walgreens and CVS with vaccines. They are asking you not to sign up if you are not eligible right now. Everyone is still registering. Mayor Myhre added that in the next three weeks, more vaccines will be arriving from the federal government to the States but there is still a nationwide shortage for all states. The good news is that there is some progress with the Biden Administration and producing additional vaccines. Gordon Dragt noted that it is a full time job to get signed up for a vaccination. Chairman Eckel noted that the systems are overwhelmed. People are giving up. Let's keep our fingers crossed for the availability of additional vaccines. Mayor Myhre told everyone to prepare for a long duration for vaccinations..

John Dougherty stated that the Johnson and Johnson vaccine will be coming soon. Mayor Myhre added that it is a one shot vaccine. The Moderna vaccine is not cleared for anyone 18 and under. They will need the Pfizer vaccine but that vaccine is so hard to handle with the temperature requirements. They are getting them at the hospitals where they can be kept at the temperature required. Most rural clinics are getting Moderna. Chairman Eckel thanked the Mayor for the updates.

Mayor Myhre noted that the Borough has a new historian, Rick Epstein.

Maggie Cooke asked that the website be updated. There are outdate members listed.

Chairman Eckel reported that the Land Use Ordinance codification is proceedings. We will have a digital copy of the ordinance on line. It will be a searchable document. She will have the other information on the website updates. Maggie Cooke asked that the minutes also be updated.

Mayor Myhre noted that the Borough uses Rivernet. The Planning Board may want to be added

to the Borough's Rivernet services . The Board could get a volunteer to do the updates. Chairman Eckel noted that as to the minutes, NJPO says that the minutes should not be posted until they are adopted. Kandy Ferree recommended that the Planning Board work directly with Rivernet.

Mayor Myhre thanked everyone for their service on the Board.

ADJOURNMENT

Kandy Ferree moved adjournment at 8:41 pm and John Dougherty seconded. The motion passed on favorable voice vote.

Brenda S. Shepherd
Planning Board Secretary