

MINUTES THE MEETING OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF FRANKFORD HELD ON JULY 19, 2005.

The meeting was called to order by Mayor Hahn with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were: Committeewoman Kristensen, Committeeman McDowell, Attorney Laemers and Municipal Clerk, Louanne Cular.

SALUTE THE FLAG:

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CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

Minutes: Regular Meeting Minutes of 6-8-05
Regular Meeting Minutes of 6-21-05
Special Meeting Minutes of 6-16-05
Executive Session Minutes of 6-8-05
Executive Session Minutes of 6-21-05

Licenses: ABC – Special Permit – St Clare’s Hospital Auxiliary
Event License – Peters Valley
ABC – Special Permit – Make-A-Wish
Raffle License – Sussex County 4-H

Resolutions: Tax Collector – 2 resolutions

A motion was made by Kristensen to approve the consent agenda without the minutes of 6/21/05, seconded by McDowell. All in favor. Motion carried.

PUBLIC PORTION: A motion was made by McDowell to open the meeting to the public, seconded by Kristensen. All in favor. Motion carried. The public requested information on the speed limit survey on Lower North Shore Road. A motion was made by Kristensen to close the meeting to the public, seconded by McDowell. All in favor. Motion carried.

COMMITTEE REPORTS: Rich Pumphrey reported on the truck bids and recommended that the committee go with the high bidder and reject the low bidder. He listed all the deficiencies in the low bidders package at the attorney’s recommendation. A motion was made by Kristensen to reject the low bidder due to the deficiencies in the bid specifications, seconded by McDowell. All in favor. Motion carried. A motion was made by Kristensen to accept the high bidder, Condit Ford for \$102,384.00 who met all the specifications, seconded by McDowell. All in favor. Motion carried. Committeewoman Kristensen reported on the Open Space Committee meeting. The committee is asking for information about Culvermere regarding loss of taxes; roll back taxes and the 90 acre piece that has the dump on it. Committeeman McDowell reported that he had spoken to Littells Office regarding storm water management grants. There is no money available right now but he will be following up on it.

ORDINANCES:
1st READING:

ORDINANCE 2005-16
AN ORDINANCE OF THE TOWNSHIP OF
FRANKFORD AMENDING CHAPTER VIII,
SECTION 2-50 ENTITLED FEES CHARGED
FOR MUNICIPAL SERVICES

BE IT ORDAINED by the Mayor and Township Committee of the Township of Frankford, Sussex County, New Jersey, that, the General Ordinances of the Township are hereby revised such that Section 2-50 entitled “Fees” is amended as follows:

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The following sections shall be amended:

b. Vital Statistics:

Domestic Partnership Registration \$28.00

This ordinance shall become effective upon proper publication and completion of all procedures required under law.

A motion was made by Kristensen to approve Ordinance 2005-16 on first reading, seconded by McDowell. All in favor. Motion carried.

**ORDINANCE 2005-17
AN ORDINANCE OF THE TOWNSHIP OF
FRANKFORD AMENDING CHAPTER XXX,
ARTICLE 1V, SECTION 30-406 ENTITLED
ZONING.**

BE IT ORDAINED by the Mayor and Township Committee of the Township of Frankford, Sussex County, New Jersey, that, the General Ordinances of the Township are hereby revised such that Section 30-406 h entitled "Zoning" is amended as follows:

The following sections shall be amended:

h. The Zoning Officer shall collect a fee of thirty five (\$35.00) dollars for each zoning permit so issued.

This ordinance shall become effective upon proper publication and completion of all procedures required under law.

A motion was made by Kristensen to approve Ordinance 2005-17 on first reading, seconded by McDowell. All in favor. Motion carried.

**ORDINANCE 2005-18
AN ORDINANCE OF THE TOWNSHIP OF
FRANKFORD AMENDING CHAPTER V,
SECTION 5-13, ENTITLED ALARM SYSTEMS.**

BE IT ORDAINED by the Mayor and Township Committee of the Township of Frankford, Sussex County, New Jersey, that, the General Ordinances of the Township are hereby revised such that Section 5-13 entitled "Alarm Systems" is amended as follows:

The following section shall be added:

5-13.12 – Enforcement Procedures

The New Jersey State Police will provide a list to the Township on a monthly basis for all false alarms. A warning letter will be issued by the Township Clerk to first time offenders. After that, summons will be issued. All summons issued will be subject to the provisions of subsection 5-13.11.

This ordinance shall become effective upon proper publication and completion of all procedures required under law.

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A motion was made by Kristensen to approve Ordinance 2005-18 on first reading, seconded by McDowell. All in favor. Motion carried.

**AN ORDINANCE ADDING A GROWTH SHARE SECTION TO THE LAND DEVELOPMENT ORDINANCE AS WELL AS AMENDING THE TOWNSHIP'S FEE ORDINANCE CHAPTER ____
ORDINANCE # 2005-19**

WHEREAS, the New Jersey Council on Affordable Housing adopted Third Round Regulations in December of 2004, which added a requirement for municipalities to comply with "Growth Share". To address the Growth Share component of the COAH's Third Round Regulations, the Frankford Township Committee desires to adopt this Ordinance which imposes Growth Share requirements consistent with the COAH regulations on residential and non-residential developments within the Township.

BE IT ORDAINED by the Township Committee of the Township of Frankford as follows:

Section 1. Growth Share.

The Growth Share requirements contained in this ordinance shall be applied to all construction within Frankford Township. Responsibility for constructing an affordable housing unit shall be as provided for under this ordinance. Furthermore, this ordinance shall apply regardless of whether a minor subdivision, major subdivision or site plan is involved in the creation of the lot under construction or if the construction is on a pre-existing lot. The obligation for growth share construction shall apply regardless of whether or not the property owner or developer has obtained preliminary or final approval for the construction. For buildings currently under construction, the property owner is responsible for complying with the Growth Share requirements in this ordinance if a certificate of occupancy for the construction has not been issued prior to the adoption of this ordinance. For all other construction, the triggering mechanism for Growth Share responsibility shall be the issuance of a building permit for new construction.

Section 2. Affordable Units Required for Residential Developments.

Except for residential "inclusionary" developments which are otherwise required by ordinance to have a set-aside of "low" and "moderate" income units, any applicant for a residential development in Frankford Township that includes eight (8) or more residential lots and/or dwelling units shall be required to provide the number of affordable housing units equivalent to twelve and one-half percent (12.5%) of the total number of market rate units which will result from the proposed development, with any decimal amount rounded to the next highest whole number: All residential lots and/or dwelling units created from sub portions of an original tract of land during the time period between January 1, 2004 and December 31, 2014 shall be added together for the purposes of this ordinance provision, even if an individual subdivision and/or site plan created less than eight (8) residential lots and/or dwelling units.

Section 3. Affordable Units Required for Non-Residential Developments.

Any applicant for a non-residential development in Frankford Township that includes the creation of new jobs shall be required to provide the number of affordable housing units equivalent to one (1) affordable housing unit for every twenty-five (25) new jobs created by the development, with any decimal amount rounded to the next higher round number. In accordance with the "Substantive Rules" of the New Jersey Council

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on Affordable Housing (COAH) the calculation of the number of new jobs shall be in accordance with "Appendix E" to COAH's "Substantive Rules" (N.J.A.C. 5:94-1, et seq.), which is entitled "UCC Use Groups for Projecting and Implementing Nonresidential Components of Growth Share.

Section 4. "Low" & "Moderate" Income Split.

Fifty percent (50%) of the affordable housing units required to be produced in accordance with Subsections 2 & 3 hereinabove shall be available to "low" income households and fifty percent (50%) shall be available to "moderate" income households, provided that any single remaining unit shall be available to a "low" income household.

Section 5. Compliance With COAH's Rules.

All affordable housing units shall fully comply with all applicable "Substantive Rules" and policies of the New Jersey Council on Affordable Housing (COAH) including, unless modified above, but not limited to, bedroom distribution, controls on affordability, household income qualification and eligibility, range of affordability, affirmative marketing and the construction phasing of the market versus the affordable housing units.

Section 6. For residential development which proposes less than eight residential units or non-residential construction that calculates to less than 25 jobs, the developer shall be required to provide a cash contribution for each new housing unit or 25 jobs, but in no event would a cash contribution for residential construction be less than \$17,750, which for the purposes of this ordinance is determined to be 1/8 of the cost of constructing an affordable housing unit, or no less than 1% of the equalized assessed value of non-residential development. For those developments proposing more than eight residential units, or more than 25 jobs in non-residential construction, the developer shall be required to provide onsite production of affordable housing and for any fractural or partial obligation remaining after the production of the mandated affordable housing units, shall pay the pro rata contribution as stated above.

Section 7. Alternative Methods of Compliance.

Except for major subdivision or site plan approvals involving eight or more units or 25 or more jobs where onsite production of affordable housing units is required, and further provided the applicant obtains advanced written permission from the Frankford Township Committee, the applicant may choose to satisfy its affordable housing obligation calculated in accordance with Sections 2. and 3. in accordance with one or more of the following alternatives as permitted by COAH's "Substantive Rules" as set forth below:

- i. Onsite production of affordable housing units;
- ii. The purchase of an existing market rate dwelling unit within the municipality and its conversion to an affordably priced unit;
- iii. The purchase of an existing market rate dwelling unit within the municipality and its conversion to an "alternative living arrangement" facility (i.e., group home); and/or
- iv. Participation in gut rehabilitation and/or buy down/write down or buy-down/rent down programs.
- v. Payment in accordance with §6.

Section 8. Applicant shall obtain written permission from the Township Committee endorsing the applicant's plan for satisfying the affordable housing obligation created by the proposed development which shall be submitted to the Land Use Board at the time the application for development is submitted for review and approval and shall be considered a condition for the application being determined "complete".

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Section 9. Other Design Considerations.

- a. Permitted housing types for affordable units. More than one affordable unit may be on a building lot. Single-family, duplex and triplex structures, which are affordable housing units, are permitted in Frankford Township.
- b. The affordable housing structures shall be consistent in size and architectural features with the neighborhood or as approved by the Land Use Board.
- c. Septic systems for the affordable housing units on the same lot (other than in the Frankford Center) may only share the leach field and shall be maintained with an annual maintenance fee from each unit. Each owner shall maintain other septic system components. Any septic system arrangement under this provision is subject to the Board of Health approval.

Section 10. Cash Contributions.

In lieu of construction of an affordable unit for a partial obligation, i.e. 5/8 or 13 jobs for example, each residential unit will be responsible for the payment of 1/8 and each non-residential unit will be obligated to pay 1/25 of the cash contribution. For purposes of this ordinance, the cash contribution for residential development shall be \$142,000. The cash contribution for non-residential development shall be 1% of the equalized assessed value. The cash contribution for residential development is presumptively the cost of an affordable unit either in a single family subdivision setting including land, or one unit in a multi-family setting including land. The Land Use Board may adjust from time to time the presumptive amount based upon the evidence.

Section 11. Construction of Affordable Units.

The residential units shall be constructed on a schedule in accordance with §4.4(f) of the COAH regulations:

Percentage of Market Rate Units Completed	Minimum Percentage of Low and Moderate Income Units Completed
25	0
25 plus 1 unit	10
50	50
75	75
90	100

Non-residential development shall be constructed based upon the same percentages above by substituting non-residential development for market rate units.

Section 12. Growth share housing is a permitted use in every residential zone and a conditionally permitted use in every non-residential zoning district to the extent that production of affordable housing units is mandated by this Ordinance. Mandatory onsite production of affordable units shall not increase the density permitted in any residential district. The applicant must satisfy the growth share requirements within the existing density. In non-residential zones, the residential density shall be the minimum required by COAH to satisfy the COAH obligation.

Section 13. The Municipal Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all other entities thereto pursuant to the provisions of N.J.S.A. 40:55D-15. The Municipal Clerk is further directed to refer this Ordinance to the Frankford Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of the

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passage thereof and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 14. Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 15. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 16. Effective Date. This ordinance shall take effect after publication and passage according to law.

A motion was made by Kristensen to approve Ordinance 2005-19 on first reading, seconded by McDowell. All in favor. Motion carried.

ORDINANCE 2005-20

AN ORDINANCE TO APPROPRIATE FUNDS FOR THE PURCHASE OF VARIOUS CAPITAL PROJECTS FOR THE TOWNSHIP OF FRANKFORD.

BE IT ORDAINED by the Township Committee of the Township of Frankford that there is hereby appropriated the sum of \$300,000.00 for the purpose of various capital improvement projects for the Township of Frankford.

The funding for this contribution shall be as follows:

From General Capital Reserve - \$300,000.00

- | | |
|---------------|--------------|
| 1. Salt Shed | \$190,000.00 |
| 2. Dump Truck | \$110,000.00 |

This Ordinance is effective up second reading.

A motion was made by Kristensen to approve Ordinance 2005-19 on first reading, seconded by McDowell. All in favor. Motion carried.

**ORDINANCES:
2ND READING:**

ORDINANCE 2005-07

AN ORDINANCE OF THE TOWNSHIP OF FRANKFORD, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AMENDING THE GENERAL ORDINANCES TO ADD SPEED LIMITS FOR LOWER NORTH SHORE ROAD

A motion was made by McDowell to open the meeting for a public hearing, seconded by Kristensen. All in favor. Motion carried. The public is concerned about the speed limit and they, as well as the Township Committee will work together to try to get it lowered. A motion was made by McDowell to close the meeting to the public, seconded by Kristensen. All in favor. Motion carried. A motion was made by McDowell to approve Ordinance 2005-07 on second reading, seconded by Kristensen. All in favor. Motion carried.

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ORDINANCE 2005 - 13
CHAPTER VIII – TRAFFIC – AN ORDINANCE
AMENDING CHAPTER VIII (TRAFFIC), SECTION
7-14 AND ADDING ADDITIONAL PORTIONS OF CERTAIN
STREETS ON WHICH PARKING IS PROHIBITED AT ALL
TIMES IN THE TOWNSHIP OF FRANKFORD.

A motion was made by Kristensen to open the meeting for a public hearing, seconded by McDowell. All in favor. Motion carried. No public participation. A motion was made by McDowell to close the meeting to the public, seconded by Kristensen. All in favor. Motion carried. A motion was made by Kristensen to approve Ordinance 2005-13 on second reading, seconded by McDowell. All in favor. Motion carried.

ORDINANCE 2005-14
CHAPTER III – POLICE REGULATIONS
AN ORDINANCE PROHIBITING SKATEBOARDING ON
PUBLIC PROPERTY IN THE TOWNSHIP OF FRANKFORD.

A motion was made by Kristensen to open the meeting for a public hearing, seconded by McDowell. All in favor. Motion carried. No public participation. A motion was made by McDowell to close the meeting to the public, seconded by Kristensen. All in favor. Motion carried. A motion was made by Kristensen to approve Ordinance 2005-14 on second reading, seconded by McDowell. All in favor. Motion carried.

ORDINANCE 2005-15
CHAPTER III – POLICE REGULATIONS
AN ORDINANCE AMENDING CHAPTER III OF THE
POLICE REGULATIONS REGARDING HOURS OF
USE FOR MUNICIPAL PROPERTIES IN THE
TOWNSHIP OF FRANKFORD.

A motion was made by Kristensen to open the meeting for a public hearing, seconded by McDowell. All in favor. Motion carried. No public participation. A motion was made by McDowell to close the meeting to the public, seconded by Kristensen. All in favor. Motion carried. A motion was made by Kristensen to approve Ordinance 2005-15 on second reading, seconded by McDowell. All in favor. Motion carried.

OLD BUSINESS:

A. 18 Plus, Inc. – Developers Agreement - A motion was made by McDowell to carry this matter, seconded by Kristensen. All in favor. Motion carried.

B. Personnel Policy – Code of Ethics - A motion was made by Kristensen to approve Code of Ethics, seconded by McDowell. All in favor. Motion carried.

NEW BUSINESS:

A. 2004 Municipal Audit - A motion was made by Kristensen to approve the 2004 Municipal Audit, seconded by McDowell. All in favor. Motion carried.

B. Bid – Dump Truck – This matter was taken care of at the beginning of the meeting.

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C. Salt Shed – This matter was taken care of at the beginning of the meeting.

D. Mannings Liquors - This matter will be carried to the next meeting.

E. H2M Grant Application and Resolution – A motion was made by McDowell to approve the grant application and the resolution, seconded by Kristensen. All in favor. Motion carried.

F. Resolution – Culvermere - This matter will be discussed in executive session.

G. SWAC Member - This matter will be carried to the next meeting.

H. COAH – Housing Officer – Survey – Mayor Hahn will speak with Attorney Richard Clark and the Clerk will speak with Janice Talley for their opinions and costs.

I. Bid Awards - Bike and Walking Path Frankford Park - \$58,580.00 – Owl Contracting, Reconstruction of George Hill Rd. Section II - \$210,247.20 – Owl Contracting, Resurfacing of Lower North Shore Rd. - \$220,599.80 – Owl Contracting, Paving Access Drive & Parking Lot at Park - \$16,500.00 – Owl Contracting

CORRESPONDENCE: The following items were pulled: #14: A motion was made by McDowell to order 4 elected officials handbook, seconded by Kristensen. All in favor. Motion carried.

BILLS TO BE PAID - A motion was made by Kristensen to approve the bills except for #3103, seconded by McDowell. All in favor. Motion carried. A motion was made by Kristensen to approve #3103, seconded by McDowell. All in favor with Hahn abstaining. Motion carried.

EXECUTIVE SESSION: A motion was made by Kristensen to go into executive session, seconded by McDowell. All in favor. Motion carried.

A motion was made by Kristensen to return to regular session, seconded by McDowell. All in favor. Motion carried. The following actions were taken as a result of executive session:

1. A motion was made by Kristensen to deny the employment request by the court for a temporary employee, seconded by McDowell. All in favor. Motion carried.
2. A motion was made by Kristensen to pay of third of the cost of the seminar for John Dyksen, seconded by McDowell. All in favor. Motion carried.
3. A motion was made by McDowell to pay for mandated Registrar's courses for both the Clerk and Deputy Clerk, seconded by Kristensen. All in favor. Motion carried.
4. A motion was made by Kristensen to carry the Culvermere resolution until the attorneys can research the matter further, seconded by McDowell. All in favor. Motion carried.

PUBLIC PORTION: A motion was made by Kristensen to open the meeting for public comment, seconded by McDowell. All in favor. Motion carried. No public participation. A motion was made by Kristensen to close the meeting for public comment, seconded by McDowell. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Kristensen to adjourn, seconded by McDowell. All in favor. Motion carried.

Attest:

Louanne Cular RMC/CMC
Municipal Clerk

