



# Mayor and Common Council Borough of Flemington

September 14, 2020

Online during COVID-19 Emergency

## Call to Order

Mayor Driver called the meeting to order at 6:05 p.m. and noted the change to the Zoom platform for online meetings.

### Executive Session (6:05 PM)

1. RESOLUTION 2020-159: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING THE COURTHOUSE SQUARE PROJECT

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Harris, Long, Runion, Tilly
<b>AWAY:</b>	Jessica Hand

The session was held through the Zoom Meeting platform. Minutes are kept separately. Council returned to open session at 7:13 p.m. No official action was taken.

### Regular Meeting (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Attendee Name	Title	Status	Arrived
Caitlin Giles-McCormick	Council President	Present	
Jessica Hand	Council Member	Present	
Michael Harris	Council Member	Present	
Jeremy Long	Council Member	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Vice President	Present	
Betsy Driver	Mayor	Present	

#### I. OEM Report

None.

#### II. Mayor's Report

Mayor Driver noted there are a couple new cases of COVID-19 in the Borough.

An executive session was held earlier this evening to obtain legal advice regarding the Courthouse Square project. No action was taken.

Edna Pedrick has resigned from the Planning Board. She thanked Mrs. Pedrick for her lengthy and dedicated service to the Borough. She will be appointing Jeffrey Doshna to take Mrs. Pedrick's place as a Class IV member of the Planning Board, term to expire Dec. 31, 2020.

### III. Council Members' Reports

Council Vice President Tilly

The Fire Department sold all 500 of its raffle tickets; she thanked people for supporting the Department.

The HPC will meet Wednesday, Sept. 16, to hear 3 applications.

Council Member Long

As liaison to the Planning Board, he plans to report at a future meeting on the roles of the Council and Planning Board. He urged residents to participate as the proposed development plan goes through various public hearings and presentations.

Citizens Working Group - They've been meeting with the Police Chief, addressing a variety of questions. Regarding body cameras, Flemington was the first municipality in Hunterdon County to require them for police. Regarding "defunding," he said words matter, and interpretations of that concept vary. The group can focus on national issues while looking at what's done locally. Sgt. Mariaschin gave a presentation on firearms to the group recently.

Council Member Harris

There has been a change in membership on the Shade Tree Commission. He urged people to remain vigilant regarding COVID-19 and the resumption of school activities.

Animal Control - there are some concerns about property maintenance.

Beautification - Normally this position deals with things like the holiday lights, but he's heard concerns about curb appeal, and is looking into curbing, road edges, and weeds around these areas. He's asked for a list of projects the Borough DPW is working on, and Ms. Tilly said to give her the list and as DPW liaison, she'll look into it.

Council Member Runion

Environmental Commission - The group meets next Monday, and will discuss Sustainable Jersey items.

Council Member Hand

Flemington-Raritan Schools are offering free breakfasts and lunches for kids up to 18 years old. Pickup is every Monday for a week's worth of food, 11:30 a.m. to 3 pm. at Reading-Fleming Intermediate School. People can just show up.

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Community Garden - A resolution is on the agenda to form a planning committee.

Council President Giles-McCormick

FCP - The Filling Station opened Friday at Turntable Junction. It will be open Friday evenings. She thanked FCP Executive Director Robin Lapidus for getting the area cleaned up for the venture. The Central Jersey Jazz Festival is online-only this year; people can follow the performances on the FCP's website or its Facebook page.

Opportunity Zone Committee - This group continues planning for charettes.

Samuel Fleming House - No September event planned; Pumpkin decorating is planned for Oct. 10, 1-4 p.m.

Administration - The search for a business administrator, which the Borough would share with Lambertville, is underway. People interested should reach out through Lambertville; applications are due by Sept. 24.

#### **IV. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)**

Lois Stewart, Flemington - She supports efforts to add curb appeal to town and cited several areas where she feels attention is needed.

Jeffrey Doshna, 197 Main St. - He thanked Mrs. Pedrick for her dedicated service to Flemington, and thanked Mayor Driver for his appointment to the Planning Board.

Christine Baxavane, 65 Broad Street - She supports the efforts to increase curb appeal. She asked about Halloween, and she asked if there's any plan for screening the parking lot planned where Flemington Furs buildings are on Spring Street.

Jonathan Kirk, Barklow Road - He's an ironworker, and urged the redeveloper to use local union workers on his project. Other Local 11 Ironworkers reiterated his comments: Bruce Cahoon of Pattenburg, Cary Lipniskis of 54 Coppermine Village, George Cole of Clinton Township, and Dwayne Marsh of Hunterdon County.

Charles Pettebone, 3 1/2 Lloyd Ave., said he's encouraged by the progress, and he spoke about issues in his neighborhood.

In an email to Council, Kevin Hoffman, a former Flemington resident who now lives in Florida, wrote of his memories of downtown Flemington and said they're in his mind, not in a building. He said it's time for change to save the downtown area from ruin. The full text of the email is attached.

In an email to Council, Rich Cornelison, 134 South Main St., said the tug of war to revitalize Main Street has to stop. He noted the compromises made by the redeveloper and said a vote not to move forward is a death knoll to those who want to invest in Flemington. The full text of the email is attached.

Edward L. Dwyer sent Council an email criticizing the Mayor's reaction on social media to comments that were expressed after she commented about the 911

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ceremony at the historic courthouse. He asked the Council to censure her. The full text of the email is attached.

#### V. Approval of Minutes

Motion To: **Approve Minutes: August 24, 2020 Regular Council Meeting**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Motion To: **Approve Minutes: August 24, 2020 Executive Session**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Motion To: **Approve Minutes: August 31, 2020 Special Meeting**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

#### VI. Courthouse Square Presentation - Redeveloper Jack Cust

Jack Cust, designated redeveloper of the Union Hotel area, showed slides of an alternative plan he's proposed for developing the area. They show a decrease in building height and density, which in turn will reduce traffic and parking needs. They also preserve the Potting Shed building (in addition to the Union Hotel facade and the Bank building), and keep the Police HQ intact. Police will be able to stay there, rent-free, as long as needed.

The presentation is attached to these minutes.

#### VII. Amended Redevelopment Plan Presentation - Borough Planner Beth McManus

Beth McManus, Borough Planner, discussed highlights of the draft 2020 Redevelopment Plan, Amendment No. 1.

She noted it's an alternative to the plan approved in 2017, and the redeveloper can go with the 2017 plan or the 2020 plan, but can't pick and choose between the two. She noted the 2020 plan only addresses differences between the 2017 version and the new version, and people should refer to the 2017 plan when they're looking at the 2020 version.

The site plans for the project must be substantially consistent with the renderings presented, she said.

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Similarities between the two versions include multifamily housing, restaurants, art galleries, hotel, office space; keeping the Union Hotel facade; the plaza area; having a parking garage (though reduced in scope), and having a pickup/drop-off spot on Bloomfield Avenue. Differences include no building on the east side of Spring Street, where the Flemington Furs building is. That will instead be surface parking. It retains the police building and a small parking lot there, and retains the Potting Shed building.

The biggest difference is the building height, she said, dropping 30 feet.

**VIII. Q&A about Courthouse Square**

Christine Baxavane, 65 Broad St., asked how many cars will park in the lot where Flemington Furs is, and if there would be screening from residences in the area. Mr. Cust said the lot would hold 60 to 70 cars, and engineers are drawing up plans to screen properties on the south and east property lines.

Lois Stewart, Flemington, asked about the number of parking spaces in each lot and the elevation on Spring Street, expressing concern about the height.

Joanne Braun, 77 Jefferson Court, Raritan Twp., asked about greenery and trees, the entrance for the parking garage, and if the SHPO requirements have all been met. Ms. McManus noted there will be street trees along Spring Street; the main entrance to the garage is on Spring Street. Mr. Cust said all the follow-up documentation has been turned into SHPO and he's awaiting a response.

Charles Pettebone, 3 1/2 Lloyd Ave., said the new version sounds like a great plan and he's glad they're planning to keep the police in the downtown area.

Rich Cornelison, 134 Main St. property owner, said it's a great compromise. This is a walkable community that will have wide appeal.

Robert Shore, 47 Broad St., said the new plan exceeds his expectations. He asked if there will be sufficient return on investment to keep this viable, and asked about construction materials. Mr. Cust said the margin is thinner, but fortunately interest rates are low now. The design phase is underway, and they're looking at materials now.

**Regular Agenda**

1. ORDINANCE 2020-16: AN ORDINANCE TO AMEND AND SUPPLEMENT THE "2017 UNION HOTEL REDEVELOPMENT PLAN" AS ADOPTED BY ORDINANCE 2017-206 OF THE BOROUGH OF FLEMINGTON

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/29/2020 7:30 PM</b>
<b>MOVER:</b>	Michael Harris, Council Member	
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President	
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

This ordinance will be referred to the Planning Board for a consistency review. A public hearing is set for September 29, 2020, at 7:30 p.m.

2. ORDINANCE 2020-17: BOND ORDINANCE PROVIDING FOR PHASE I OF WATER UTILITY AND SEWER UTILITY IMPROVEMENTS ASSOCIATED WITH THE UNION HOTEL REDEVELOPMENT PROJECT, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$250,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/29/2020 7:30 PM</b>
<b>MOVER:</b>	Michael Harris, Council Member	
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President	
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

Mayor Driver said the original plan called for the developer to contribute \$2 million toward infrastructure and \$1 million toward a well. In negotiations and after consulting with Water/Sewer, officials have determined the Borough should take care of infrastructure it needs to address at the same time the hotel project is underway. Mr. Cust will contribute \$3 million, and the Borough will contribute \$3 million. She noted some pipes under Main Street are 100 years old. Doing the project this way minimizes the length of time the streets are open and messy. This ordinance addresses engineering, easement costs, etc., to start. A public hearing will be held September 29, 2020, at 7:30 p.m.

3. RESOLUTION 2020-160: ESTABLISHING A COMMUNITY GARDEN PLANNING COMMITTEE

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jessica Hand, Council Member
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

#### IX. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

Robin Lapidus, executive director of the FCP, thanked the Council for moving forward, and said businesses in the area are very excited about the project getting underway.

#### X. Attorney's Report

Attorney St. Angelo asked Ms. Hand to keep her in the loop on the community garden plans. Since Green Acres funding was used to create the park, specific steps have to be taken.

For the next meeting, there will likely be an escrow agreement presented regarding the development and the Borough Engineer's expenses.

The sale of 144 Main St. is moving along; she anticipates the prospective buyers will be doing their studies in the next few days.

XI. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$418,449.55**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Vice President
<b>SECONDER:</b>	Caitlin Giles-McCormick, Council President
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

XII. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

None needed.

XIII. Adjournment

Before adjournment, Mayor Driver said a special executive session may be needed before the Sept. 29 Council meeting, once the Redevelopment Agreement is finalized.

Motion To: **Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jeremy Long, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

The meeting adjourned at 9:32 p.m.

Attest: \_\_\_\_\_  
Sallie Graziano, Borough Clerk

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/14/20 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**INTRODUCED**

**ORDINANCE 2020-16**

DOC ID: 3298

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**An Ordinance to Amend and Supplement the “2017 Union Hotel Redevelopment Plan” as Adopted by Ordinance 2017-206 of the Borough of Flemington**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “Act”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Borough Council designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the “Initial Redevelopment Area”), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”); and

**WHEREAS**, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

**WHEREAS**, pursuant to Borough Council Resolution 2014-44, adopted February 10, 2014, the Borough Council designated the area south of the Union Hotel property, inclusive of properties located at 78 Main Street, 80 Main Street, 82 Main Street, 90-100 Main Street, 104 Main Street, 110 Main Street, 7 Spring Street, 19 Spring Street, 3 Chorister Place and 6 Chorister Place, identified on the Borough Tax Map as Block 22 Lots 5, 6, 7, 8, 9, 10 and 12 and Block 23, Lots 1 and 7 as an area in need of redevelopment pursuant to the Redevelopment Law (such properties, together with the Initial Redevelopment Area, is the “2014 Redevelopment Area”) and, subsequently, on March 7, 2014, the Borough enacted an ordinance adopting a redevelopment plan for the Redevelopment Area (the “2014 Redevelopment Plan”); and

**WHEREAS**, on July 10, 2017, the Borough Council via Resolution 217-130, designated Block 22, Lots 13 and 14 (23 Bloomfield Avenue and 21 Bloomfield Avenue) and Block 24, Lots 1, 2, 3 and 5 (2 Spring Street, 8 Spring Street, 12 Spring Street) (the “Study Area”) to be included in the “Union Hotel Redevelopment Area” (2014 Redevelopment Area and Study Area collectively referred to herein as the “Redevelopment Area”); and

**WHEREAS**, on December 11, 2017 the Borough Council adopted Ordinance 2017-206 approving the 2017 Union Hotel Redevelopment Plan dated October 19, 2017; and

**WHEREAS**, the Borough Council has determined that the effective Redevelopment of the Redevelopment Area would be stimulated by amendment of the 2017 Union Hotel Redevelopment Plan as set forth in the attachment to this Ordinance entitled “Union Hotel Redevelopment Plan Amendment #1”; and

**WHEREAS**, the Borough Council desires to amend the 2017 Union Hotel Redevelopment Plan and to provide notice thereof in accordance with law.

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

Section 1. The 2017 Union Hotel Redevelopment Plan be and hereby is amended to include the terms and provisions contained in the Attachment to this Ordinance entitled "Union Hotel Redevelopment Plan Amendment #1".

Section 2. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any party thereof, other than the part so held unenforceable or invalid.

Section 3. This ordinance shall take effect upon final passage, publication, and filing with the Office of the Clerk of Hunterdon County, all as required by law.

Introduced: September 14, 2020

Adopted:

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/29/2020 7:30 PM</b>
<b>MOVER:</b>	Michael Harris, Council Member	
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President	
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/14/20 07:30 PM  
Department: Clerk of the Borough  
Category: Bond Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**INTRODUCED**

**ORDINANCE 2020-17**

DOC ID: 3300

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**Bond Ordinance Providing for Phase I of Water Utility and Sewer Utility Improvements Associated with the Union Hotel Redevelopment Project, by and in the Borough of Flemington, in the County of Hunterdon, State of New Jersey; Appropriating \$500,000 Therefor and Authorizing the Issuance of \$250,000 in Bonds or Notes to Finance the Cost Thereof**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough") as water utility and sewer utility improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$500,000 (\$250,000 Water Utility appropriation and \$250,000 Sewer Utility appropriation) said sum being inclusive of a \$250,000 aggregate amount of a contribution expected to be received from the redeveloper for the Union Hotel Redevelopment Project (the "Contribution"). Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Water Utility and Sewer Utility of the Borough are each self-liquidating.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$500,000 appropriation not provided for by application hereunder of said Contribution, negotiable bonds of the Water Utility and Sewer Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$250,000 (\$125,000 for the Water Utility and \$125,000 for the Sewer Utility) pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$250,000 (pursuant to the aforementioned utility split) are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are Phase I of Water Utility and Sewer Utility Improvements associated with the Union Hotel Redevelopment Project including, but not limited to, as applicable, engineering and design work, preparation of plans and specifications, permits, bid documents, inspection and contract administration; and also including all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$250,000 (\$125,000 for the Water Utility and \$125,000 for the Sewer Utility).

(c) The aggregate estimated cost of said improvements or purposes is \$500,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Contribution.

**SECTION 4.** Except for the Contribution, in the event the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity make a contribution or grant in aid, as applicable, to the Borough for the improvements or purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. Except for the Contribution, in the event, however, that any amount so contributed or granted, as applicable, by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the

Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Water Utility and the Sewer Utility of the Borough is each hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Water Utility and the Sewer Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the

Borough may lawfully undertake as a general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$250,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**

**DATED: September 14, 2020**

\_\_\_\_\_  
**SALLIE GRAZIANO,**  
Borough Clerk

**ADOPTED ON SECOND READING**

**DATED:**

\_\_\_\_\_  
**SALLIE GRAZIANO,**  
Borough Clerk

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020**

\_\_\_\_\_  
**BETSY DRIVER,**  
Mayor

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/29/2020 7:30 PM</b>
<b>MOVER:</b>	Michael Harris, Council Member	
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President	
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/14/20 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**RESOLUTION 2020-159**

DOC ID: 3299

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**Retiring into Executive Session for the Purpose of Obtaining  
Legal Advice Regarding the Courthouse Square Project**

WHEREAS, the Common Council of the Borough of Flemington desires to obtain legal advice related to the Courthouse Square Project; and

WHEREAS, due to ongoing litigation the Borough is involved with, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7), which cites:

pending or anticipated litigation or contract negotiation other than in subsection B. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public, given the ongoing lawsuits and their unknown duration;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-started purpose.

Adopted: September 14, 2020

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

<b>RESULT:</b>	<b>ADOPTED [5 TO 0]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Harris, Long, Runion, Tilly
<b>AWAY:</b>	Jessica Hand