



Mayor and Common Council Borough of Flemington

September 29, 2020

Online during COVID-19 Emergency

Call to Order (6:00 PM)

Mayor Driver called the meeting to order at 6:00 p.m. Held online-only through the Zoom app, during the COVID-19 pandemic.

Executive Session (6:00 PM)

1. RESOLUTION 2020-161: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING THE COURTHOUSE SQUARE PROJECT

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Following the return to open session at 7:23 p.m., no action was taken.

Work Session (Canceled)

Regular Meeting (7:30 PM)

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

Flag Salute:

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

OEM Coordinator McNally reported that there has been an uptick in COVID-19 cases in the Borough, with 7 new cases over the last 3 weeks. OEM is working on getting FEMA reimbursement for COVID-19-related expenses, and they're working with the Police Department to plan for Halloween trick-or-treating. A survey of residents showed that 70% want to have trick-or-treating. Mayor Driver

noted that if the Governor cancels trick-or-treating, the Borough will have to comply.

Ms. Tilly noted Ms. Hand was having connectivity issues and would be rejoining the meeting shortly.

II. Mayor's Report

She thanked the Redevelopment Committee for its hard work, and noted the Redevelopment Plan amendment and the Redevelopment Agreement amendment that are both being voted on tonight. A sales agreement for 90-100 Main St. will be on the agenda for the next meeting, to be held Tuesday, Oct. 13 because of the Columbus Day holiday on Oct. 12.

Yesterday the DEP declared negotiations over an administrative consent order involving the wet weather facility at an impasse. For now, the Borough will get a new draft 5-year permit.

III. Council Members' Reports

Council President Giles-McCormick

With Halloween coming on a Saturday, she's thinking we may be able to spread things out a bit more.

She discussed events planned by the FCP including sidewalk sales and an Oktoberfest event on Oct. 10.

Ms. Hand rejoined the meeting at 7:45 p.m., along with redevelopment attorney Joseph Maraziti.

Ms. Giles-McCormick continued discussing work by the Opportunity Zone Committee, which is working with the FCP to hire a consultant to executive the grant received to organize charettes about the Borough's future.

Census - The Borough response rate has risen into the 90th percentile; people can still respond to the Census online at my2020census.gov, at least through Oct. 5.

A pumpkin event is planned at the Samuel Fleming House on Oct. 10, 1-4 p.m.

Council Member Harris

Mr. Harris discussed the DPW's efforts to clean up the curbs in the Borough. He said he's continuing to compile a list of places that need attention. He's had contact from people in Lambertville regarding the search for a shared-service business administrator.

Regarding animal control, he reminded residents about rabies shots, and advised calling the Animal Control Officer for wildlife issues.

Council Member Runion

Env. Comm. - They met 9/21. Ms. Hand gave an update on the Community Garden planning, and Mr. Harris shared that the Shade Tree commission is looking for a website update. Mr. Runion updated the committee on the status of the electric vehicle charging stations, LED lights in the borough, and

government energy aggregation. They also discussed the natural resources inventory for the Borough, which expired last year.

Council Member Hand

The Community Garden Planning Committee will meet online on Thursday at 7:30 p.m. They'll be discussing possible locations for the garden, the Sustainable Jersey outline, and who will do what. The Citizens Working Group will be meeting tomorrow.

Council Vice President Tilly

The HPC met 9/16 and discussed two roof replacements and a porch repair. The commission still needs alternates.

The Fire Dept. met 9/22; there's nothing new to report.

Redevelopment Committee meetings have continued.

The Library Board meets tomorrow. The rug has been installed, and on Oct. 5 they're scheduled to begin moving the books back in.

She asked Mr. Harris to provide the beautification list he said he's been working on, so she can follow up on it with the DPW as that department's Council liaison.

Council Member Long

The Citizens' Working Group will meet tomorrow.

Planning Board - He urged people to visit the board's website and become familiar with the work it does. The planning board is a mix of professionals, officials, and residents, and tonight we'll hold a public hearing on an ordinance to amend the plan for the hotel-area redevelopment project. The Planning Board held a meeting to review the plan on Sept. 22, and there was a place for public comment at that meeting. It's their job to recommend to Council whether the proposal is consistent with the Borough's master plan. He urged people to focus on the present moment and make sure everything gets done right.

IV. Infrastructure Update - Borough Engineer Robert Martucci

Mayor Driver gave an overview of the infrastructure situation. The original plan allowed two options for water/sewer service to the development, with one serving mainly the development, and a second addressing the aging infrastructure on Main Street.

Mr. Martucci described the challenge of providing adequate water and sewer service to the proposed redevelopment project itself, and also best serving the needs of Borough residents. He discussed the state of the infrastructure on Main Street and the concern for adequate water supply considering the size of the water main on Main Street. The sewer mains on Main Street are also in rough shape and very deep, and Mr. Martucci said it would benefit the Borough to get the sewer repairs done at the same time water mains are going in, to save on mobilization and soft costs.

The plan would have the redeveloper and Borough split the costs, with the redeveloper contributing up to \$3 million. Mr. Runion and Mr. Harris discussed the financing and timing of the work. Mr. Harris encouraged the council to consider responsible bonding to allow this type of work to continue.

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

Joanne Braun, 77 Jefferson Court, Raritan Township, asked about when to comment on the proposed plan; she was advised to discuss her thoughts during the public hearing on Ordinance 2020-16.

Lois Stewart, Flemington, asked about the townwide yard sale and commented on how some residents store their garbage.

Clerk Graziano read two emails submitted.

Robert Shore, 47 Broad St., wrote about the Mayor's comments on social media and called on Council to reprimand her.

Edward Dwyer criticized the Mayor's response on social media to her comments regarding a 9-1-1 service, and called for her censure.

Colleen Rossetti said she is discouraged by the way Council members are treating one another and asked them to be respectful.

Robert Shore, 47 Broad St., commented that disrespect among Council has gone on for years. He asked them to be diligent about how taxpayers' money is spent, and suggested trying to get multiple grants for pending projects.

Charles Pettebone, 3 1/2 Lloyd Ave., complimented the Mayor on the job she's doing.

VI. Approval of Minutes

Motion To: **Approve Minutes: Sept. 14, 2020 Regular Council Meeting**

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

Motion To: **Approve Minutes: Sept. 14, 2020 Executive Session**

RESULT:	TABLED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Consent Agenda

Moved by Tilly; Seconded by Giles-McCormick; all members voted in favor.

1. RESOLUTION 2020-162: AUTHORIZING THE RENEWAL OF CLUB LIQUOR LICENSE NUMBER 1009-31-005-001 FOR THE VETERANS OF FOREIGN WARS POST 7856 FOR THE YEAR 2020-2021

2. RESOLUTION 2020-163: AUTHORIZING THE RELEASE OF THE REMAINING BALANCE OF \$28.45 IN THE DEVELOPER'S ESCROW AND \$444.67 IN THE SITE INSPECTION ACCOUNTS FOR 41 ROUTE 31, LLC, HELD IN TRUST BY THE BOROUGH OF FLEMINGTON
3. RESOLUTION 2020-164: AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE ON BLOCK 39 LOT 6 & 7 IN THE AMOUNT OF \$10,638.99 TO MONTANUS ASSOCIATES, INC.
4. RESOLUTION 2020-165: CLOSING BOROUGH OFFICES FOR THE NOV. 3, 2020 GENERAL ELECTION

Regular Agenda

1. Motion To: **Amend Agenda to Consider Resolution 2020-166 Before Ordinance 2020-17**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christopher Runion, Council Member
SECONDER:	Jeremy Long, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

2. ORDINANCE 2020-16: AN ORDINANCE TO AMEND AND SUPPLEMENT THE "2017 UNION HOTEL REDEVELOPMENT PLAN" AS ADOPTED BY ORDINANCE 2017-17 OF THE BOROUGH OF FLEMINGTON

Motion to open public hearing: Tilly, seconded by Runion. All voted in favor of opening public hearing.

Planner Beth McManus gave an overview of the amended plan and reviewed the Planning Board's determination regarding consistency with the Master Plan. She said the Planning Board found that inconsistencies identified in the original plan are mitigated here by the fact that the building height is coming down and the Potting Shed building is being retained, showing increased efforts to bring the building height into consistency with the master plan, and also showing increased efforts to reduce the demolition of historic buildings. Given the mix, she said the Planning Board considered overall whether the proposal is consistent or not. She read from the Planning Board's letter to Council: that the consistent aspects outweigh the inconsistent aspects, citing retention of the Potting Shed building, reduction in the number of multifamily units and reduction in the maximum building height, and determining that the amended plan is substantially consistent with and designed to effectuate the master plan.

Ms. McManus noted the Planning Board made 2 additional recommendations, regarding a visual terminus at the end of Spring Street, and mention of the Borough's complete streets policy and sustainable construction. She also noted the need to include the police station parking lot in the list of areas exempted from prohibitions about surface parking.

Joanne Braun, 77 Jefferson Terrace, asked about potential future development on the lot where Flemington Furs now stands, and commented on the need for grassy areas along Spring St.

Lois Stewart, Flemington, asked for more explanation about the options for water lines, discussed parking requirements, and asked several questions that the Mayor said would be addressed in discussion about the redevelopment agreement. She said the project still isn't appropriate for the town, is not consistent with the master plan and historic preservation goals. She discussed the master plan reexamination and said while the goal of economic advancement is important, it's not more important than historic preservation. She said this plan is a step in the right direction but more negotiation is needed.

Robin Lapidus, executive director of the FCP, said addition of the plaza is something everyone will enjoy and it will enhance tourism. She said businesses have suffered from being on a Main Street that's deteriorating.

Clerk Graziano read several emails received from the public regarding the proposal. Kim Zarish-Becknell wrote of her experiences growing up in Flemington and expressed support for the project. Joe Zarish, a Flemington/Raritan Township resident, wrote that moving ahead with the proposal is in the best interest of the area. Richard Cornelison, owner of 134 Main St., wrote of the history of efforts to revitalize the hotel area, and said not moving forward would not be in the best interests of business owners, property owners and residents. Kevin Hoffman, a Florida resident, wrote of growing up in Flemington and his support for the project, saying it is necessary to save the downtown area from ruin.

Motion to close public hearing: Tilly, seconded by Hand. All voted in favor of closing the public hearing.

Attorney Andrew Brewer rejoined the online meeting as Council Discussion began, around 10:10 p.m.

Attorney St. Angelo polled Council members on conflict questions: financial relationships with Mr. Cust or his business entities, membership in the Friends of Historic Flemington, personal relationships with Mr. Cust or his business entities, personal relationships with other property owners in the redevelopment area, financial relationships with other property owners in the redevelopment area, and any financial benefit from the Friends of Historic Flemington or a person seen to have a controlling interest in that group.

Mayor Driver noted that one of her children previously worked for HealthQuest, one of Mr. Cust's businesses - ending in August 2019 and reported on her financial disclosure statement. She said she also met with the Friends of Historic Flemington prior to taking office, to give them unpaid guidance on getting press coverage for a rally. She said she received campaign donations from some members of the board of trustees for the Friends of Historic Flemington, the biggest being possibly \$200. She noted she recused herself from the Planning Board vote on the project.

Ms. Giles-McCormick said her current employer started holding an annual event at one of Mr. Cust's business entities - the Palace at Somerset Park - before she

started working there, and the annual event still takes place there. She also attended 1 meeting of the Friends of Historic Flemington group in 2017, received some emails from the group in 2017, and made some vendor recommendations when they asked her about website help.

Mr. Harris said he had an association with the Friends of Historic Flemington which has been made public. He volunteered for the group, bought mugs and shirts; his son's artwork was in a show benefiting the group. The Local Finance Board indicated to him it would be concerned if he were to be voting on giving something to the group. He said he received campaign contributions from several people in the Friends of Historic Flemington, all of which were reported.

Ms. Tilly said she is friendly with a person who works at Wiss & Co, one of Mr. Cust's business entities.

Mr. Runion said he used to be a member of HealthQuest, one of Mr. Cust's business entities, and his father still belongs to the gym. Mr. Harris said he went to the gym too.

Ms. Hand works at Tabby's Place, and said she trapped cats at HealthQuest, one of Mr. Cust's business entities.

Attorneys St. Angelo and Brewer said nothing was found that raised concerns of conflict regarding the Council vote on the redevelopment plan.

Ms. Giles-McCormick made a motion to proceed to a vote on the proposed amendment to the redevelopment plan notwithstanding inconsistencies as determined by the Planning Board, based on Planner McManus' findings that the benefits outweigh any detriments posed by inconsistencies. Mr. Harris seconded the motion. All council members voted yes to proceed with a vote on the proposed amendment.

Attorney St. Angelo advised discussing any amendments Council would like to make as a start. Ms. Giles-McCormick moved an amendment based on the first recommendation of the Planning Board, regarding a visual terminus. Mr. Long seconded the motion. All voted in favor of adding language regarding inclusion of a visual terminus.

Mr. Runion moved and Ms. Tilly seconded a motion to amend the proposal to include language regarding the Complete Streets ordinance, sustainability, and green features, as suggested by the Planning Board in its review. Discussion ensued about how such a requirement would be worded. Ms. Tilly withdrew her second on the motion. The motion died for lack of a second.

Ms. Giles-McCormick moved and Ms. Tilly seconded a motion to clarify exemptions for surface parking and loading zones near the project to include the Police parking lot at Chorister Place. All voted yes to adopt the motion.

Mr. Harris moved to table consideration of Ordinance 2020-16 and Mr. Runion seconded. They voted in favor, with the other Council members voting against. The motion to table failed 2-4.

Ms. Tilly moved to adopt Ordinance 2020-16 with the two suggested amendments and authorization to correct typographical errors. Ms. Giles-McCormick seconded.

Mr. Harris said the project is definitely better than it was, and represents a do-over for Planning Board action that sparked a lawsuit. He supports exclusion of a college right now, due to the traffic, parking and height changes that allows. He said he didn't think the financial agreement goes far enough and asked Council not to rush into a decision.

Mr. Runion asked about mandatory uses and if the developer has control over what's allowed. Ms. McManus said the developer can decide, but there are location requirements; for example, other use requirements prevent office space along Main Street. Mr. Runion also asked about parking lots for the project.

RESULT:	Amended & Adopted [5 TO 0] Final Read: 10/13/2020 7:30 PM
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSTAIN:	Michael Harris

Since this ordinance was amended at the public hearing, it will also be read by title and voted on again at the Oct. 13 Council meeting, and public comments will be allowed on the two amendments that were made.

3. RESOLUTION 2020-166: AUTHORIZING EXECUTION OF A SECOND AMENDED REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF FLEMINGTON AND FLEMINGTON CENTER URBAN RENEWAL, LLC

Mayor Driver addressed questions raised earlier:

Police Station - The Borough would have a \$1/year lease for as long as that location is needed.

Infrastructure - She asked Engineer Martucci to review the two options for servicing the development with water and sewer, and he described where the water lines would run depending on which option was used.

Liquor license - The 100-room hotel would allow another liquor license, so the liquor license Mr. Cust currently holds could be used elsewhere in the project.

Rates impact – The Mayor discussed bonding and the potential impact on water and sewer rates.

Performance bond - The borough is limited to what it can require for performance bonds on redevelopment projects. The redeveloper has agreed to provide one for demolition of 82 Main St., to guarantee creation of a plaza.

Attorney St. Angelo noted this is in addition to any statutorily required performance bonds.

Mr. Harris asked about the financial agreement. Mayor Driver said the PILOT doesn't change. Mr. Harris said there are financial implications in the redevelopment agreement. He discussed the concern about his having a potential conflict of interest regarding the Friends of Historic Flemington, and said he's had nothing to do with lawsuits involving that group. He said the

redeveloper's agreement is so favorable to him that the redeveloper has no incentive to engage in discussions. He said the Redevelopment Committee hasn't shared information with the Council, and said the Local Finance Board has found that he has no issue of conflict. Mayor Driver asked him to share that notification. Mr. Harris declined. He noted that moving forward, there is an improved project.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
NAYS:	Michael Harris

4. ORDINANCE 2020-17: SECOND READING: 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

Motion to open public hearing: Harris, seconded by Tilly. All voted yes to open the public hearing.

Lois Stewart, Flemington, asked if the funding was just preliminary, and not for actual work. Mayor Driver said half of this is coming from the redeveloper and half from the borough, and the overall cost includes this. Ms. Stewart asked about overages and who would pay. Engineer Martucci said there is no expectation of overages; they're very careful in doing estimates. He said this arrangement reflects what's in the agreement with the redeveloper.

Jack Cust, redeveloper, said his team and Borough officials have worked very hard to find the best option, and he thought it was in the best interest of the town to fix the water and sewer issues.

Motion to close public hearing: Tilly, seconded by Hand. All voted yes to close the public hearing.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

5. Motion To: **Amend Agenda to Include Resolution for Octoberfest Road Closure**

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

6. RESOLUTION 2020-170: AUTHORIZING THE CLOSURE OF PART OF STANGL ROAD FOR AN OCTOBERFEST CELEBRATION ON OCTOBER 10, 2020

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Caitlin Giles-McCormick, Council President
SECONDER: Kimberly Tilly, Council Vice President
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

7. RESOLUTION 2020-167: AUTHORIZING THE PURCHASE OF SCOTT AIR PAKS FOR THE FIRE DEPARTMENT FROM NEW JERSEY FIRE EQUIPMENT COMPANY UNDER HGACBUY CONTRACT #EE98-19, IN THE AMOUNT OF \$189,676.50

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

8. RESOLUTION 2020-168: AUTHORIZING THE PURCHASE OF PPE FOR THE FIRE DEPARTMENT FROM NORTH JERSEY FIRE AND RESCUE EQUIPMENT UNDER THE NATIONAL PURCHASING COOPERATIVE OPERATING AS HGACBUY, IN THE AMOUNT OF \$11,564.00

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Michael Harris, Council Member
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

9. RESOLUTION 2020-169: AUTHORIZING THE PURCHASE OF A CHEVROLET SILVERADO AND DUMP BODY FOR THE SEWER DEPARTMENT FROM NATIONAL AUTO FLEET GROUP UNDER SOURCEWELL CONTRACT # 120716-NAF, IN THE AMOUNT OF \$67,808.19

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

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

No comments.

VIII. Attorney's Report

New regulations have been put out about electronic meetings, and the Borough's procedures substantially conform. The annual notice needs to be amended.

Asked about the status of 144 Main St., she said she hasn't heard back from the potential buyers.

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

None needed.

X. Adjournment

Motion To: **Adjourn**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

The meeting was adjourned at 12:22 a.m.

Attest: _____
Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-170

DOC ID: 3313

**Authorizing the Closure of Part of Stangl Road for an
Octoberfest Celebration on October 10, 2020**

WHEREAS, the Flemington Community Partnership is again hosting an Octoberfest celebration, planned for October 10, 2020; and

WHEREAS, they desire to close a portion of Stangl Road - from the Lone Eagle parking area through the south end of 19 Stangl Rd - between the hours of 12:00 PM and 8:00 PM; and

WHEREAS, the Flemington Borough Police Department has reviewed and approved this request; and

WHEREAS, appropriate Police coverage has been arranged and paid for by the Flemington Community Partnership; and

WHEREAS, the Flemington Community Partnership has worked closely with the Borough of Flemington's Office of Emergency Management to ensure that all safety guidelines will be adhered to;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that approval be given for Stangl Road to be closed for Octoberfest from the Lone Eagle parking area through the south end of 19 Stangl Rd - between the hours of 12:00 PM and 8:00 PM on October 10, 2020.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-169

DOC ID: 3311

Authorizing the Purchase of a Chevrolet Silverado and Dump Body for the Sewer Department from National Auto Fleet Group Under Sourcewell Contract # 120716-NAF, in the Amount of \$67,808.19

WHEREAS, the Borough of Flemington has received a quote from National Auto Fleet Group under the Sourcewell Contract # 120716-NAF for the purchase of a Chevrolet Silverado 3500HD 4WD and Dump Body for the Sewer Department, and

WHEREAS, it has been determined by the Sewer Department that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$67,808.19 to EH National Auto Fleet Group for the purchase of the Chevrolet Silverado.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in Sewer Department Budget account 9-07-100-219.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-168

DOC ID: 3309

Authorizing the Purchase of PPE for the Fire Department from North Jersey Fire and Rescue Equipment Under the National Purchasing Cooperative Operating as HGACBUY, in the Amount of \$11,564.00

WHEREAS, the Borough of Flemington has received a quote from North Jersey Fire and Rescue Equipment under the HGACBUY Contract for the purchase of Ricochet PPE for the Fire Department, and

WHEREAS, it has been determined by the Fire Department that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$11,564.00 to North Jersey Fire and Rescue Equipment for this purchase.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in capital ordinances 2017/16.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Michael Harris, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-167

DOC ID: 3310

Authorizing the Purchase of Scott Air Paks for the Fire Department from New Jersey Fire Equipment Company Under HGACBUY Contract #EE98-19, in the Amount of \$189,676.50

WHEREAS, the Borough of Flemington has received a quote from New Jersey Fire Equipment Company under the HGACBUY Contract #EE98-19 for the purchase of Scott Air Paks for the Fire Department, and

WHEREAS, it has been determined by the Fire Department that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$189,676.50 to New Jersey Fire Equipment Company for this purchase.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in capital ordinances 2017/16, 2018/09 and 2019/18.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-166

DOC ID: 3306

Authorizing Execution of a Second Amended Redevelopment Agreement by and Between the Borough of Flemington and Flemington Center Urban Renewal, LLC

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 March 13, 2017, the Borough Council adopted Resolution 2017-65 approving and authorizing the execution of a certain redevelopment agreement between the Borough and Flemington Center Urban Renewal, LLC ("Redeveloper") dated April 12, 2017 (the "Initial Redevelopment Agreement"); and

WHEREAS, on March 13, 2017, the Borough Council, via the adoption of Resolution 2017-166, directed the Planning Board to undertake a preliminary investigation to determine whether 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") qualifies as a "Non-Condensation Redevelopment Area," pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board held a duly-noticed public hearing regarding a preliminary investigation of the Study Area on June 5, 2017, and upon conclusion of the hearing, determined that the Study Area qualifies for inclusion in a redevelopment area under Section 3 of the Redevelopment Law as necessary for the effective redevelopment of the area and, therefore, voted unanimously to recommend to the Borough Council that the Study Area be designated as an area in need of redevelopment under the Redevelopment Law; and

WHEREAS, at its regular meeting on June 27, 2017, the Planning Board adopted Resolution 2017-9, memorializing its findings and its recommendation that the Borough Council designate the Study Area as a Non-Condemnation area, pursuant to the Redevelopment Law; and

WHEREAS, on July 10, 2017, the Borough Council accepted the Planning Board's recommendation and, via Resolution 217-130, designated 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, the Borough Council thereafter authorized the preparation of an amended draft redevelopment plan for the Redevelopment Area; and

WHEREAS, on December 11, 2017 the Borough Council adopted Ordinance 2017-17 approving the Union Hotel Redevelopment Area Plan dated October 19, 2017, as amended from time to time (the "Redevelopment Plan"); and

WHEREAS, on December 11, 2017, the Borough Council adopted Resolution 2017-206 approving and authorizing the execution of a certain amended and restated redevelopment agreement between the Borough and Redeveloper dated December 12, 2017 (the "2017 Redevelopment Agreement"); and

WHEREAS, the Borough and Redeveloper have negotiated an alternate project for the portion of the Redevelopment Area including Block 22, Lots 4, 5, 6, 7, 8, 9, 10, 12, 13, and 14 and Block 24, Lots 1, 2 (which includes former Lot 3) and 5 (the "Project Area"), which reduces the size, density and traffic associated with the previously proposed project and allows the Police Building to remain, which meets the Borough's goals for the redevelopment of the Project Area and provides an economic benefit to the Borough; and

WHEREAS, N.J.S.A. 40A:12A-8 (e) and (f) authorize the Borough Council, as the redevelopment entity, to enter into contracts or agreements for the planning, construction and undertaking of development projects and redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, it is now the intention of the Borough to execute a Second Amended Redevelopment Agreement to further define and memorialize the respective obligations of the Redeveloper with regard to proceeding with the redevelopment of the Project Area, which Agreement shall restate and supersede the Initial Redevelopment Agreement and 2017 Redevelopment Agreement.

NOW, THEREFORE BE IS RESOLVED by the Borough of Flemington Council, County of Hunterdon, State of New Jersey, as follows:

1. The Mayor is hereby authorized and directed to execute the Second Amended Redevelopment Agreement by and between the Borough of Flemington and Flemington Center Urban Renewal, LLC in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Clerk's Certification

I, Sallie Graziano, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on September 29, 2020.

Sallie Graziano, RMC, Flemington Borough Clerk

RESULT:	ADOPTED [5 TO 1]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
NAYS:	Michael Harris

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-165

DOC ID: 3303

Closing Borough Offices for the Nov. 3, 2020 General Election

WHEREAS, the general election scheduled for November 3, 2020 is recognized as a state holiday; and

WHEREAS, this election is being held during the COVID-19 pandemic; and

WHEREAS, pursuant to Executive Order No. 177 the general election scheduled for Nov. 3, 2020 will be a modified vote-by-mail election, but municipalities are required to open at least one polling place to voters; and

WHEREAS, Borough Hall, at 38 Park Ave., is the designated polling place for Flemington Borough; and

WHEREAS, pursuant to Executive Order No. 173, indoor gatherings are limited to 25 percent of a room's capacity and in the case of Borough Hall, the limit for the meeting room is 12 people total; and

WHEREAS, Executive Order No. 177 requires that occupancy within all polling places be limited to a number that permits voters to maintain a distance of six feet between each other and poll workers at any time;

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the Borough of Flemington and its residents that Borough Offices be closed for regular business on Election Day, Nov. 3, 2020, so that accommodations may be made to protect public health and safety.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-164

DOC ID: 3305

Authorizing the Release of the Performance Guarantee on Block 39 Lot 6 & 7 in the Amount of \$10,638.99 to Montanus Associates, Inc.

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Montanus Associates, Inc. has completed the construction project on Block 39, Lots 6 & 7; and

WHEREAS, the Borough Engineer has reviewed the company's request for return of the performance guarantee, and agrees that release of the performance guarantee is appropriate;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the performance guarantee in account E-22397, in the amount of \$10,638.99, be released to Montanus Associates, Inc.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-163

DOC ID: 3302

**Authorizing the Release of the Remaining Balance of \$28.45
in the Developer's Escrow and \$444.67 in the Site Inspection
Accounts for 41 Route 31, LLC, Held in Trust by the Borough
of Flemington**

Flemington Borough, Hunterdon County

WHEREAS, 41 Route 31, LLC, P.O. Box 638, Martinsville, NJ 08836 has requested the release of the balance remaining in escrow account #E-2016-01 and inspection account #E-Chimney; and

WHEREAS, said application has been dismissed without prejudice and clearances have been received from the professionals involved authorizing the release of the escrow account;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey that the balance of the escrow account posted in connection with the 41 Route 31, LLC (aka Chimney Rock Inn) application in the amount of \$28.45 & \$444.67 is hereby refunded to 41 Route 31, LLC.

Adopted: September 29, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Certification

I, Sallie Graziano, Clerk of the Borough of Flemington, County of Hunterdon do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Flemington Borough Council on September 29, 2020.

Sallie Graziano, RMC, Borough Clerk

Dated: _____

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-162

DOC ID: 3304

**Authorizing the Renewal of Club Liquor License Number
1009-31-005-001 for the Veterans of Foreign Wars Post 7856
for the Year 2020-2021**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

WHEREAS, application has been received from the Veterans of Foreign Wars Post 7856 for renewal of Club Liquor License 1009-31-005-001; and

WHEREAS, said application is complete and accompanied by the required fees, affidavits, and tax clearance certificate from the New Jersey Division of Taxation; and

WHEREAS, no written objection to the renewal of this license was received by the Borough Clerk;

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

1. That the license as referenced above be renewed for the 2020-2021 license year and that the Borough Clerk be directed to forward a certified copy of this Resolution to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and;
2. That the Borough Clerk be authorized to issue the 2020-2021 license to the proper holder.
3. This Resolution shall take effect immediately.

Adopted: September 29, 2020

Attest:

By: _____
Sallie Graziano, Borough Clerk

By: _____
Betsy Driver, Mayor

CERTIFICATION

I, Sallie Graziano, Borough Clerk of the Borough of Flemington do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on September 29, 2020

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-161

DOC ID: 3308

Resolution to Retire 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 seek legal advice related to the Courthouse Square Project; and

WHEREAS, 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;

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

Adopted: September 29, 2020

Attest:

Sallie Graziano, RMC, Borough Clerk

Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Sallie Graziano

ADOPTED

Initiator: Sallie Graziano
Sponsors:

ORDINANCE 2020-17

DOC ID: 3300

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: September 29, 2020

SALLIE GRAZIANO,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2020

BETSY DRIVER,
Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Commented [SG1]:

BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, on September 14, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Hall, 38 Park Avenue, Flemington, New Jersey, on September 29, 2020 at 7:30 p.m. See the Borough's website for details as to joining the meeting remotely and/or commenting (www.historicflemington.com). During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	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
Purposes(s):	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
Appropriation:	\$500,000
Bonds/Notes	\$250,000
Authorized:	
Grants or Contributions	\$250,000 Contribution From The Redeveloper For The Union Hotel Redevelopment Project
Appropriated:	
Section 20 Costs:	\$500,000
Useful Life:	30 years

SALLIE GRAZIANO,
Borough Clerk

BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey on September 29, 2020 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: 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

Purposes(s): 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

Appropriation: \$500,000
Bonds/Notes \$250,000
Authorized:
Grants or Contributions \$250,000 Contribution From The Redeveloper For The Union Hotel Redevelopment Project
Appropriated:
Section 20 Costs: \$500,000
Useful Life: 30 years

SALLIE GRAZIANO,
Borough Clerk

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on September 14, 2020 at 7:30 p.m. through an online Zoom webinar, and that the following was the roll call:

Present: Giles-McCormick, Tilly, Hand, Harris, Long, Runion

Absent: None

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 15th day of September, 2020.

(SEAL)

**SALLIE GRAZIANO,
Borough Clerk**

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on September 29, 2020, at 7:30 p.m. through an online Zoom webinar, and that the following was the roll call:

Present: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Absent: None

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 30th day of September, 2020.

(SEAL)

SALLIE GRAZIANO,
Borough Clerk

CLERK'S CERTIFICATE

I, SALLIE GRAZIANO, DO HEREBY CERTIFY that I am the Clerk of the Borough of Flemington, in the County of Hunterdon (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such Borough, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on September 14, 2020 and finally adopted on September 29, 2020.
2. After introduction, the bond ordinance was published as required by law on _____, 2020 in _____ (the name of the newspaper).
3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal Municipal Building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.
4. After final passage, the ordinance was duly approved by the Mayor on _____, 2020 and was duly published as required by law on _____, 2020 in _____ (the name of the newspaper). No protest signed by any person against making any improvements or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.
5. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.
6. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, as applicable.
7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

Ordinance 2020-17

Meeting of September 29, 2020

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2020.

(SEAL)

SALLIE GRAZIANO,
Borough Clerk

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by William J. Hance, the Chief Financial Officer as of September 14, 2020, that such Supplemental Debt Statement was filed in my office on or by September 14, 2020 and with the Director of the Division of Local Government Services prior to September 29, 2020.

SALLIE GRAZIANO,
Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

AMENDED

ORDINANCE 2020-16

DOC ID: 3298

An Ordinance to Amend and Supplement the “2017 Union Hotel Redevelopment Plan” as Adopted by Ordinance 2017-17 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 2017-17 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 part 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

Amended and Adopted: September 29, 2020

Final Reading:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	AMENDED & ADOPTED [5 TO 0]	Next: 10/13/2020 7:30 PM
MOVER:	Kimberly Tilly, Council Vice President	
SECONDER:	Caitlin Giles-McCormick, Council President	
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly	
ABSTAIN:	Michael Harris	

Since this ordinance was amended at the public hearing, it will also be read by title and voted on again at the Oct. 13 Council meeting. Public comments will be allowed on the two amendments that were made.