



Mayor and Common Council Borough of Flemington

January 11, 2021

Online during COVID-19 Emergency

Call to Order

Mayor Driver called the meeting to order at 6:30 p.m. All Council members were present.

Executive Session (6:30 PM)

1. RESOLUTION 2021-36: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING THE RARITAN TOWNSHIP MUNICIPAL UTILITY AUTHORITY AND THE COURTHOUSE SQUARE PROJECT

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

Minutes kept separately. Executive session ended at 7:27 p.m.

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	
Malik Johnston	Council Member	Present	
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

I. OEM Coordinator's Report - Cpl. Brian McNally

Cpl. McNally said we're still in a local emergency due to COVID-19. In the last 3 days, the Borough has had an increase of 13 cases. Barley Sheaf School is closed for 2 weeks- but Flemington children don't attend that school. Regarding vaccinations, people designated in category 1A and partial 1B are able to be vaccinated now. He and the Mayor recorded a presentation on vaccination and self-testing, which can be viewed on the Borough's Facebook page.

II. Mayor's Report

During an executive session earlier this evening Council discussed the Courthouse Square project and the RTMUA. Both discussions are being addressed by resolutions on the agenda that will be taken up later tonight. There is a sidewalk protective structure in front of the Union Hotel now. She called for a moment of silence for Officer Siknik, who was murdered during the assault on the U.S. Capitol. She then expressed her horror at the assault and said elected officials take an oath to uphold the Constitution. She said the insurrection and violence is a threat to our democracy. The Mayor noted that tonight is Borough Attorney Tara St. Angelo's last meeting for a while - she's going on maternity leave. Her associate Richard Cushing will serve in her stead.

III. Council Members' Reports

Council Member Hand

She and Mr. Long have been working on the Citizens Working Group report. She'll have information about the Community Garden at the next meeting.

Council Member Runion

The Environmental Commission's first meeting of the year, originally planned for Martin Luther King Jr. Day, will be rescheduled.

Council Vice President Long

At last week's Planning Board reorganization, Jeff Doshna was named the new chair. Susan Englehardt remains the vice chair. The Working Group report will be provided to the Clerk shortly. He will be working with Ms. Hand and Mr. Johnston on the new Citizens' Committee, and the working group was a good lead-in for this. Mayor Driver noted Council will have to approve a resolution authorizing the Citizens' Committee.

Council President Giles-McCormick

The snowflakes will be coming down in the near future. She's looking to coordinate with the FCP about maintaining them. She passed on the FCP's thanks to residents for patronizing local businesses during the holiday season. She also urged people that, while the virus vaccine is close and everyone's tired of the restrictions, we should keep socially distancing and wearing masks.

Council Member Tilly

She's looking forward to respectful communication with each other on Council this year.

Fire - In December there were 9 calls, 75 hours of training. For 2020, there were 199 incidents, 130 of them in the Borough and the others part of the mutual aid program. Total time spent in 2020: 552 1/2 hours. In December the department

got 26 new SCBA airpicks, so firefighters have equipment that is up to the latest standard.

DPW - Crews are picking up real Christmas trees left curbside, through January. They must have no decorations, tinsel, etc. There was a small water leak on Shields Ave. that was fixed today.

Library - People are asked to continue using the drop box to return books. It's part of the COVID protocol the library is observing.

The HPC will meet on January 20.

Council Member Johnston

No report.

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

John Kendzulak, chairman of the RTMUA, urged Council to approve the resolution on tonight's agenda to file a "friend of the court" brief regarding classification of Category 1 streams that he said could place significant restrictions on the RTMUA's ability to treat in the future.

The Clerk noted there were no comments emailed to the Public Comments email, nor were any written comments received by mail.

V. Report of Citizens' Working Group - Council Vice President Long and Council Member Hand

Discussion of the report was inadvertently skipped, and will be included on the agenda for the Jan. 25 Council meeting.

VI. Approval of Minutes

Motion To: **Approve Minutes: January 4, 2021 Council Reorganization**

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

Regular Agenda

1. ORDINANCE 2021-1: CREATING THE POSITION OF BUSINESS ADMINISTRATOR IN THE BOROUGH OF FLEMINGTON

RESULT:	INTRODUCED [UNANIMOUS]	Next: 1/25/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Caitlin Giles-McCormick, Council President	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

The public hearing will be held at the January 25, 2021 Council meeting.

2. RESOLUTION 2021-33: CONFIRMING CONSISTENCY OF FLEMINGTON CENTER URBAN RENEWAL, LLC'S DECEMBER 14, 2020 DRAFT SITE PLAN/ CONCEPT PLAN SUBMISSION WITH THE REDEVELOPMENT PLAN AND REDEVELOPMENT AGREEMENT

Mayor Driver said this is the final action by Council on the Courthouse Square project. Council had a chance to look at the site plans, and this resolution will turn the project over to the Planning Board.

Mr. Long said to clarify- Council's review of the plans was basically to determine there were no big surprises; the Planning Board will get into the details. Ms. Giles-McCormick said it looks like what Council has been talking about.

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

3. RESOLUTION 2021-34: AWARDING A CONSTRUCTION CONTRACT TO DULANE CONTRACTING COMPANY FOR EXISTING WATER TANK & IMPROVEMENTS FOR THE BOROUGH OF FLEMINGTON WATER DEPARTMENT

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

4. RESOLUTION 2021-35: ADOPTING A COMMENTING POLICY FOR THE PUBLIC AT 2021 BUDGET WORKSHOP SESSIONS

The Mayor said that because the budget meetings will be held through Zoom this year, we should have a commenting policy in place.

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

5. RESOLUTION 2021-37: AUTHORIZING TERMINATION OF A SHARED SERVICE AGREEMENT WITH THE CITY OF LAMBERTVILLE FOR THE SERVICES OF A BUSINESS ADMINISTRATOR

Mayor Driver said Lambertville hasn't hired anyone yet, and it's best for the Borough to move on. Attorney St. Angelo said the agreement requires 90 days' notice of termination; she will send out that notification after passage of the resolution.

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

6. RESOLUTION 2021-38: AUTHORIZING THE FILING OF AN AMICUS BRIEF IN THE MATTER OF THE ADOPTION OF AMENDMENTS TO N.J.A.C. 7:9B, DOCKET NO. A-003545-19

Mayor Driver said this was discussed in executive session. She summarized the DEP's action regarding classifying the South Branch of the Raritan River as a Category 1 stream, and said it affects the outflow area of the RTMUA. The RTMUA is challenging this action and has asked the Borough to file a "friend of the court" brief in support of its position. If the reclassification holds, it could impact future development in the Borough and make facility upgrades very expensive.

Mr. Runion had questions for RTMUA Chairman Kendzulak and attorney Margaret Carmeli regarding standards for the quality of the water discharged into the South Branch. Ms. Carmeli said the standards would be greater with Category 1 restrictions in place.

Mr. Runion asked if the RTMUA's situation is unique; Ms. Carmeli said in the rulemaking documents, no other facilities were identified. Mr. Runion discussed the spirit of the regulations, to maintain the quality of water at least as it is now. Ms. Carmeli identified the basis for the RTMUA's appeal. Mr. Runion said Council is being asked to join in a suit without seeing any of the data. He's seen no evidence the rules are arbitrary, capricious or unreasonable, and Council should also hear from the DEP. Mayor Driver asked Mr. Runion about his efforts to educate himself on the issues. Ms. Tilly called for a vote, saying if the vote determines Council needs more information, they could pursue it at that point.

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

7. RESOLUTION 2021-39: EXTENDING THE DEADLINE FOR DOG & CAT LICENSING 60 DAYS, DURING A PUBLIC HEALTH EMERGENCY DUE TO COVID-19

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jessica Hand, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, 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

Attorney St. Angelo is tying up loose ends. She's reviewed executive session minutes for release/redaction through 2018, and will provide those to the Clerk. Other executive session minutes can be redacted as needed.

She's working with Council Member Hand on Community Garden issues. Since it's on Green Acres land, signs must be posted in the park and notices issued for public hearings.

Regarding the sale of 144 Main St., she hasn't heard anything yet from the potential buyers about tank removal.

She's working on updates to the Animal Control ordinance, to clean up some sections.

For the next meeting, she should have an agreement ready for the municipal court lease with Raritan Township.

IX. Motion To: **Amend the Agenda to Eliminate Payment of Bills**

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

The end-of-year financial close-out and start-of-the-year financial roll-over prevented preparation of a bill list for this meeting, so bills will be paid at the next Council meeting, January 25.

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

None needed.

XI. Adjournment

Motion To: **Adjourn**

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

The meeting was adjourned at 8:37 p.m.

Attest: _____
Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3403

TABLED

ORDINANCE 2021-1

Creating the Position of Business Administrator in the Borough of Flemington

WHEREAS, throughout New Jersey, the responsibilities and operations of local government have grown in complexity due not only to the increasing density of development in the State but also due to the ever-increasing rules and regulations set forth by various state and federal agencies; and

WHEREAS in order to provide assistance to elected officials in insuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization it is necessary to create the position of Borough Administrator and to assign to this position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the municipality.; and

WHEREAS, pursuant to N.J.S.A. 40A:60-7, the Mayor and Council of the Borough of Flemington may, by ordinance, create the position of Administrator; and

WHEREAS, the Mayor and Council desire to create such position and have entered into a Shared Service Agreement with the City of Lambertville for a joint administrator; and

WHEREAS, nothing herein obligates the Council to hire an Administrator and only creates the option to do so.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon as follows:

SECTION 1. The Code of the Borough of Flemington is hereby amended by adding Section ____, entitled "Business Administrator," as follows:

A. **Creation of Office of Business Administrator.** Pursuant to N.J.S.A. 40A:9-136 et seq., there is hereby created the office of the Business Administrator. The Business Administrator shall be a person qualified by education, training and experience to perform the duties of his or her office. If this position is filled on a full-time basis, this individual shall devote his or her entire time to the duties of the office and shall hold no other office nor engage in any other employment, except with the permission of the Mayor and Council. This individual shall be under the direct supervision of the Mayor and Council.

B. **Appointment.** Pursuant to N.J.S.A. 40A:60-5(g) and 40A:60-6(d), the Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council.

Pursuant to N.J.S.A. 40A: 60-6(d), if the Borough Council fails to consent to the appointment made by the Mayor within thirty (30) days after receiving the nomination, then after the expiration of thirty (30) days, the Borough Council shall appoint said Borough Administrator, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in the case of a tie.

Any vacancy which may occur in the position of Borough Administrator, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. These time constraints shall be computed from the day the vacancy occurs. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Borough Administrator.

No elected member of the governing body shall be eligible for appointment as Business Administrator during his or her term of office nor within one year after the expiration of said term.

C. Term. The term of office of the Business Administrator shall be one year. The first six months of any such appointment to the position of the Business Administrator shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Business Administrator may be removed from office by a vote of a majority of the full membership of the Mayor and Council.

D. Shared Service. Nothing herein shall prevent the Mayor and Council from entering into a share services agreement to provide the services of Business Administrator.

E. Office Hours. The hours of the Business Administrator shall be set by the Mayor and Council. The Business Administrator may be a full-time or part-time employee of the Borough.

F. Removal from office. After the probationary period, pursuant to N.J.S.A. 40A:9-138, the Business Administrator may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Business Administrator forthwith any unpaid balance of salary and the salary for the next three calendar months following the adoption of the resolution. The Business Administrator shall not obtain or be granted any rights of tenure.

G. Temporary Absence or Disability of the Business Administrator. During the absence or disability of the Business Administrator, the Mayor may appoint, subject to confirmation of the Borough Council, an appointed official or employee of the Borough to temporarily perform the duties of Business Administrator during such absence or disability. Additionally, the Mayor and Council may, by resolution, contract with another municipality or private staffing firm in order to fill this position in the case of such an absence. In the event the Business Administrator is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may appoint an appointed official or employee of the Borough to serve until the next regularly scheduled Council meeting. The absence or disability of the Business Administrator shall be limited to three continuous months, after which time the absence or disability may be deemed by resolution a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Business Administrator shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

H. Compensation. The compensation of the Business Administrator shall be as fixed in the Salary Ordinance of the Borough.

I. **Residency Requirement.** The Borough Administrator shall become a resident of the State of New Jersey within a reasonable period after his appointment and shall remain a resident of the State of New Jersey while so employed; provided, however, that the residency requirements of this subsection may be waived by the Borough Council when found to be in the best interest of the Borough.

J. **Duties and responsibilities.** The Business Administrator shall be the chief administrative officer of the Borough of Flemington and shall be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough. The Business Administrator's duties and responsibilities shall relate to the management of all the Borough's business, except those duties and responsibilities conferred upon other Borough officials by state statute, other applicable laws, rules and regulations promulgated by state, county or Borough ordinances or such duties as the Mayor and Council shall reserve or delegate onto itself or to others. The Business Administrator shall see that all ordinances, resolutions and policies of the Mayor and Council and all state and federal laws requiring municipal action are faithfully carried out by those persons responsible for doing so. For the purpose of carrying out the responsibilities of his or her office, the Business Administrator shall develop and promulgate for adoption by the Mayor and Council sound administrative, personnel and purchasing practices and procedures for all departments, offices, boards, commissions and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of Borough government.

The Business Administrator shall perform all of the duties hereinafter enumerated and such other duties as may be assigned by the Mayor and Council. In addition, the Business Administrator shall be responsible for the following enumerated duties as assigned by the Mayor and Council:

- (1) **Daily operation.** Implement all policies of the Borough necessary to carry out daily operations and activities of the Borough by correspondence, review of minutes and personal contact.
- (2) **Information and complaints.** Inform the Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.
- (3) **Public information.** Edit and compile public information for distribution to the Mayor and Council.
- (4) **Recommendations.** Continuously study all activities and operations of municipal government and recommend changes for the purpose of increasing efficiency, economy and effectiveness; recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.
- (5) **Advice.** Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.
- (6) **Reports.** Prepare and present to the Mayor and Council reports required from time to time on municipal affairs and prepare an annual report of the Business Administrator's work for the benefit of the Mayor and Council and the public.
- (7) **Attendance.** Attend all regular meetings of the Mayor and Council with the right to speak, but not to vote, on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Business Administrator. Within the discretion of Mayor and Council

and subject to any employment agreement, the Borough Administrator may be excused from certain meetings. The Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the Borough.

(8) Liaison. Serve as a liaison to all departments, advisory committees, boards, commissions and other agencies of the Borough.

(9) Borough Engineer. Consult with and act as a liaison between the Mayor and Council and the Borough Engineer regarding all operations and policy matters.

(10) Examine and inquire. Have the power to investigate, examine or inquire into the affairs or operations of any department, commission, office, board or agency of the municipal government, unless prohibited by law.

(11) Coordination of information. Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the local school system and the regional high school system. The Business Administrator shall be responsible for continuously improving communications among the various Borough personnel, departments, commissions, agencies, boards and governing bodies.

(12) Recommendation of experts and consultants. Recommend the employment of experts and consultants to perform work and render advice in connection with Borough projects.

(13) Supervision of personnel. Subject to law, supervise all personnel of the Borough through the respective department heads and direct the business activities of all Borough departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget. The Business Administrator shall have no authority over the operations of the Police Department delegated by law to the Chief of Police.

(14) Enforcement of law and contracts. Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract regulation or ordinance are faithfully kept and performed and, upon learning of any violation thereof, apprise the Mayor and Council.

(15) Safety responsibilities. Develop and implement all necessary safety instructions and training for employees, Borough personnel and Borough officials.

(16) Grants. Investigate the availability of and report to the Mayor and Council the feasibility of obtaining grants from federal, state and private sources and apply for and administer such grants as are authorized by the Mayor and Council.

(17) Other duties. The Business Administrator shall perform such additional administrative duties and functions as may be from time to time assigned by the Mayor and Council.

K. Authority of the Mayor and Council. Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Business Administrator to exercise the power and duties thereof except as authorized.

L. Nothing herein shall prohibit the Borough Administrator from holding another employment position with the Borough. However, in the event the Borough Administrator serves in multiple positions, the Mayor and Council shall by resolution (1) remove oversight of such positions from the Borough Administrator and place it in the Mayor and Council; and (2) reserve in the Mayor and Council any other duties of the Borough Administrator that reasonably present a conflict of interest.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced: January 11, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	INTRODUCED [UNANIMOUS]	Next: 1/25/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Caitlin Giles-McCormick, Council President	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-33

DOC ID: 3392

**Confirming Consistency of Flemington Center Urban
Renewal, LLC's December 14, 2020 Draft Site Plan/ Concept
Plan Submission with the Redevelopment Plan and
Redevelopment Agreement**

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 2017-130, designated additional properties for inclusion in the 2014 Redevelopment Area, comprised of Block 22, Lots 13 and 14, and Block 24, Lots 1, 2, 3 and 5 (along with the 2014 Redevelopment Area collectively referred to herein as the “**Redevelopment Area**”); and

WHEREAS, on December 11, 2017, the Borough Council adopted an ordinance approving the Union Hotel Redevelopment Area Plan (the “**Redevelopment Plan**”); and

WHEREAS, on December 12, 2017, the Borough and Flemington Center Urban Renewal, LLC (the “**Redeveloper**”) executed an Amended and Restated Redevelopment Agreement; and

WHEREAS, the Redeveloper has proposed 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 and 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 substantial economic benefit to the Borough; and

WHEREAS, on October 13, 2020, the Borough Council adopted an ordinance approving the Amended Union Hotel Redevelopment Area Plan (the "**Amended Redevelopment Plan**"); and

WHEREAS, on October 13, 2020, the Borough and Redeveloper executed a Second Amended and Restated Redevelopment Agreement (the "**Amended Redevelopment Agreement**"); and

WHEREAS, the Amended Redevelopment Agreement provides that the Redeveloper will submit certain site plan items in concept form, which the Borough shall review and advise in writing if such submission is conceptually consistent with the Amended Redevelopment Plan and the proposed development concept approved within the Amended Redevelopment Agreement; and

WHEREAS, on December 14, 2020, the Redeveloper submitted draft site plan documents containing the items required under the Amended Redevelopment Agreement (the "Conceptual Submission"); and

WHEREAS, the Borough and its professionals have reviewed the Conceptual Submission and find it includes everything required to be submitted under the Amended Redevelopment Agreement and further find the Conceptual Submission to be consistent with the Amended Redevelopment Plan and the proposed development concept approved within the Amended Redevelopment Agreement.

NOW THEREFORE, BE IT RESOLVED, that the Borough hereby confirms, pursuant to Section 3.2(c) of the Amended Redevelopment Agreement, that the Conceptual Submission is consistent with the Redevelopment Plan and the proposed development concept approved and incorporated within the Redevelopment Agreement.

Approved: January 11, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, RMC, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-34

DOC ID: 3394

Awarding a Construction Contract to Dulane Contracting Company for Existing Water Tank & Improvements for the Borough of Flemington Water Department

WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for Existing Water Tank and Improvements on December 8, 2020 as shown on the attached bid summary; and

WHEREAS, four (4) bids were received as follows:

Contractor	Base Bid
Dulane Contracting Company Gladstone, NJ	\$4,124,479.00
CMS Construction Plainfield, NJ	\$4,195,000.00
DeMaio Electrical Inc. Hillsborough, NJ	\$4,428,500.00
Pact Two, LLC Ringoes, NJ	\$4,798,000.00

WHEREAS, bids have been reviewed by the Borough Engineer, Robert Martucci, and by the Borough Attorney, Tara St. Angelo, and they have determined that the bid submitted by Dulane Contracting, P.O. Box 526, Gladstone, NJ 07934 is the lowest responsive bid for Existing Water Tank & Improvements in the amount of \$4,124,479.00 for the Base Bid and;

WHEREAS, the Borough of Flemington has sufficient funds provided by USDA for the contract work;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Contract for Existing Water Tank and Improvements be awarded to Dulane Contracting, P.O. Box 526, Gladstone, NJ 07934 for the bid in the amount of \$4,124,479.00 subject to the following conditions:

1. The Contract is awarded as a unit price bid. Contract and final payment will be based upon the actual quantities installed at the lump sum prices bid, as outlined in the Plans and Specifications prepared by Robert Martucci, P.E., Borough Engineer.
2. The Contract is subject to review and approval by the USDA.

Adopted: January 11, 2021

Attest:

Betsy Driver, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-35

DOC ID: 3397

Adopting a Commenting Policy for the Public at 2021 Budget Workshop Sessions

WHEREAS, annual budget workshop sessions held in the Borough are open to the public; and

WHEREAS, due to the COVID-19 public health emergency these workshops are being held online-only through the Zoom platform, with access information indicated on the Borough website, historicflemington.com; and

WHEREAS, the Mayor and Council wish to adopt a policy allowing for public comment at the start of each budget workshop session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that each member of the public wishing to comment at a budget workshop session be allowed to speak for up to 3 minutes at the start of each workshop held in 2021.

Adopted: January 11, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3398

ADOPTED

RESOLUTION 2021-36

Resolution to Retire into Executive Session for the Purpose of Obtaining Legal Advice Regarding the Raritan Township Municipal Utility Authority and the Courthouse Square Project

WHEREAS, the Common Council of the Borough of Flemington desires to seek legal advice regarding the Raritan Township Municipal Utility Authority and the Courthouse Square project; and

WHEREAS, an executive session for these discussions 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 her 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: January 11, 2021

Attest:

Sallie Graziano, Borough Clerk

Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-37

DOC ID: 3399

**Authorizing Termination of a Shared Service Agreement with
the City of Lambertville for the Services of a Business
Administrator**

WHEREAS, pursuant to Resolution No. 2020-158 adopted on August 31, 2020 by the Mayor and Council of the Borough of Flemington, the Borough of Flemington (the "Borough") entered into a Shared Services Agreement for the Services of a Borough Administrator (the "Agreement") with the City of Lambertville (the "City"); and,

WHEREAS, pursuant to Section 13 of the Agreement, the Borough may cancel the Agreement for any reason upon ninety (90) days' written notice; and

WHEREAS, in the four (4) months since the execution of the Agreement, the City has not hired an administrator pursuant to the Agreement; and

WHEREAS, it is in the best interests of the Borough to terminate the Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington hereby terminates the Shared Services Agreement with the City of Lambertville for the Services of a Business Administrator and authorizes the Borough Attorney to send notification to the City of Lambertville such as required by Section 13 of the Agreement.

Adopted: January 11, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-38

DOC ID: 3401

**Authorizing the Filing of an Amicus Brief in the Matter of the
Adoption of Amendments to N.J.A.C. 7:9B, Docket No. A-
003545-19**

Borough of Flemington, County of Hunterdon

WHEREAS, the Borough of Flemington discharges wastewater to the Raritan Township Municipal Utilities Authority (RTMUA) pursuant to a 2013 Wastewater Service Agreement (“the 2013 Agreement”) providing for the treatment of the Borough’s wastewater and payment to the RTMUA for such services. Pursuant to the 2013 Agreement, the RTMUA treats the wastewater from Flemington and discharges highly treated wastewater into the South Branch of the Raritan River; and

WHEREAS, the New Jersey Department of Environmental Protection adopted amendments to the Surface Water Quality Standards at N.J.A.C. 7:9B, effective April 6, 2020 (52 N.J.R. 7-11 (a)), establishing surface water quality standards for approximately 600 miles of rivers and streams and designating said waterways as Category One (C-1) waterways; and

WHEREAS, a C-1 designation means that no measurable lowering of existing water quality can occur; and

WHEREAS, included in the waterways designated as C-1, is the South Branch of the Raritan River, into which the Raritan Township Municipal Utilities Authority (RTMUA) discharges; and

WHEREAS, while the water quality of the South Branch has been enhanced through the extensive efforts of RTMUA and Flemington to discharge highly treated wastewater, any new or expanded discharge will be restricted, not just to discharges that meet surface water quality standards, but to only where it can be demonstrated that no measurable change to the existing level of water quality will result, thus requiring technology which would be costly or, at times, non-existent; and

WHEREAS, Flemington Borough strives for an exceptional quality of life for Borough residents and the community and supports many environmental initiatives and health, wellness and sustainability objectives, and Flemington is also undergoing an exciting revival, and these may be negatively impacted by significant increases in treatment fees, or restrictions on desirable growth, with little or no environmental benefit; and

WHEREAS, as a result of the designation of the South Branch of the Raritan River as C-1 waters, RTMUA and the County of Hunterdon have filed litigation opposing the designation on the grounds that NJDEP did not meet the established statutory and regulatory criteria for stream classification based upon the current quality of the South Branch, that the NJDEP erred in its evaluation of the regulatory impact of the rules by stating in both the proposal and the

adoption publications that the rule making would have little or no impact on the existing discharge from RTMUA and the Flemington community served thereby, and that the designation is arbitrary, capricious and unreasonable; and

WHEREAS, Flemington has determined that the designation of the South Branch as C-1 is arbitrary, capricious and unreasonable, and that alternative avenues exist to continue to protect and improve the environment that would not create impediments to the goals of Flemington and that would not increase the financial burden on the community, and further that Flemington desires to file as Amicus in the instant litigation representing those issues unique to Flemington.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Diane Alexander, Esq., Maraziti Falcon, LLP, Special Counsel, is hereby authorized and directed to file an Amicus Brief on behalf of Flemington Borough in the Appellate Division litigation contesting the designation of the South Branch of the Raritan River as C-1 (In The Matter of the Adoption of Amendments to N.J.A.C. 7:9B, Docket No. A-003545-19). Such legal services shall be at the rates on file with the Borough and shall not exceed \$10,000.00 without prior authorization.

Adopted: January 11, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3402

ADOPTED

RESOLUTION 2021-39

**Extending the Deadline for Dog and Cat Licensing 60 Days,
During a Public Health Emergency Due to COVID-19**

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, pursuant to Executive Order No. 103, the Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exist in the State of New Jersey; and

WHEREAS, on March 16, 2020, the Borough of Flemington (the "Borough") declared that a local public health emergency and state of emergency exist in the Borough of Flemington, which continues; and

WHEREAS, Borough Hall is currently closed to the public during this public health emergency; and

WHEREAS, the payment and processing of animal license renewals may be affected by the current state of emergency; and

WHEREAS, the Borough desires to extend the deadline for renewing animal licenses 60 days beyond the January 31, 2021 deadline, to April 1, 2021; and

WHEREAS, this does not change the requirement that dogs and cats of licensing age in the Borough have up-to-date rabies vaccinations;

NOW, THEREFORE, BE IT RESOLVED by the Council and Mayor of the Borough of Flemington, County of Hunterdon that the deadline for renewing dog and cat licenses in the Borough be extended 60 days, to April 1, 2021, during the COVID-19 public health emergency.

Adopted: January 11, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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