



Mayor and Common Council Borough of Flemington

February 22, 2021

Online during COVID-19 Emergency

Work Session (7:00 PM)

Present: Mayor Driver; Council Members Hand, Tilly, Giles-McCormick, Runion, Long; Attorney Cushing; Engineer Martucci. Absent: Council Member Johnston. Mayor Driver and Attorney Cushing discussed the option of using voice votes for routine votes. Attorney Cushing advised that roll call votes are required for financial matters. Discussion followed on how the process will work.

Mayor Driver asked Council to review the memo the Borough Attorney sent out in January about recreational marijuana legislation. The Governor signed the legislation and there have been interest shown in opening dispensaries in Flemington. Council members should be thinking about if and where that might be appropriate. Attorney Cushing said a seminar is planned in March regarding land use issues including marijuana sales.

Ms. Hand discussed having a sign erected at Tuccamirgan Park regarding a public hearing on March 22 for a change in use to allow a community garden there.

Mr. Long discussed bylaws and if voice voting should be addressed in them. Attorney Cushing said the bylaws don't need to be that specific; anything financial would have to have a roll call vote.

Ms. Giles-McCormick said she's working on an article for the website about vacancies on committees.

Ms. Tilly said with Mr. Johnston ill, she would be willing to participate in the budget workshop set for Thursday on the Fire Marshall, Property Maintenance and Code Enforcement budgets.

There was discussion about selecting Community Yard Sale days and a spring Cleanup Day.

Engineer Martucci gave an overview of the stormwater control ordinance update. It's mandated by new regulations adopted by the DEP. More specific stormwater controls are spelled about for major developments. The changes will only affect applications that are submitted after March 2. Mayor Driver said it's important that this ordinance be adopted to keep in line with state regulations; it can be amended in the future if needed.

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	Late	7:55 PM
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

I. OEM Report- Cpl. Brian McNally

Cpl. McNally was not in attendance and this report was postponed.

I. Appointments

Mayor Driver thanked Mr. Slaughter and Ms. Fisher for volunteering their efforts.

1. APPOINTMENT OF RICHARD SLAUGHTER TO THE HISTORIC PRESERVATION COMMISSION
2. REAPPOINTMENT OF LIZ FISHER TO LIBRARY BOARD

III. Mayor's Report

Mayor Driver recapped the discussion at the work session.

She noted the Courthouse Square project goes before the Planning Board Tuesday for final site plan approval. It will be online only. Borough Hall won't be open for people to watch the online meeting; the Planning Board attorney said the board can't open Borough Hall for some reviews and not others, and the Mayor said it would be too expensive to staff Borough Hall for all the meetings. Also, holding the meetings at the historic courthouse isn't an effective option either, due to the indoor gathering limits and the cost of renting the facility. People can participate in the online meetings by computer or phone.

The State Historic Preservation Office will likely give approval for the sale of the Bank building, 90-100 Main, any day, now that conditions have all been met. The sale agreement was already approved by Council; once the sale goes through, there will likely be decisions to make on improvements needed at the Police Station, including a roof, to keep the building usable for police.

IV. Council Members' Reports

Council Vice President Long

Planning Board - on Feb 9 they discussed a resolution on a public commenting policy. They decided they have no interest in an application at the former Garden Shed, for Pleasant Run Structures. Tomorrow reviews are planned for the Courthouse Square project and a proposal for 91 Main St.; all documents are listed on the website.

Police - There were 15 investigations of domestic disputes. On Jan. 25, the AT&T store was burglarized and \$20,000 of merchandise was stolen. An arrest was made regarding luring a minor; Mr. Long urged parents to be aware of their children's social media activity, particularly how many and what kind of platforms they're using.

The Hunterdon County Communications Center reported that last year Flemington Borough had the 2nd highest number of calls in the county, over 31,000.

Council Member Hand

The Community Garden public hearing on change of use at Tuccamirgan Park will be held at the March 22 Council meeting.

Last week she and Mr. Johnston met with the former citizens' group. The Citizens Committee has determined its focus for 2021 will be youth, seniors, renters, mental health, and single dads.

Council Member Tilly

Fire Dept. - In January there were 12 incidents, all in the Borough. They spent 41 hours and 15 minutes in service, and 50 hours in training.

DPW - met Feb. 11 and discussed the garbage contract. She said the Borough has no plans to discontinue garbage pickup.

She attended budget hearings on 2/11 for Police and 2/18 for Fire, OEM and Rescue Squad.

HPC - They met 2/17 and reviewed 2 application and considered 2 Planning Board referrals, for Courthouse Square, and 91 Main St.

Library Board - They met Feb. 19.

Council Member Runion

Environmental Commission - They met last week and reviewed the 91 Main St. and Courthouse Square projects; he forwarded the commission's views to Planning Board Chairman Doshna over the weekend. The Env. Comm. has

completed 20 points worth of action items toward Sustainable Jersey certification.

Council President Giles-McCormick

Samuel Fleming House - The board met last week. She thanked DPW for their help with small repairs needed at the museum. They're discussing the possibility of having an event in May, around Mother's Day.

Beautification - A cleanup day is being planned, likely in late April or early May.

FCP - She thanked executive director Lapidus and the FCP board for their efforts to promote businesses, and said we're starting to see it pay off. There will be a March Easter egg hunt promo. Spring Restaurant Week will be different this year.

Opportunity Zone - The firm reviewing all the comments made at the recent meeting on Flemington's future is finalizing its recommendations and report, which will be released in March. The FCP is reserving funds to address some of the recommendations.

Council Member Johnston

Absent. Mr. Johnston, who is feeling poorly, joined the meeting following the first public comments section.

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

Richard Slaughter, 6 Elwood Ave., said he appreciates the opportunity to join the HPC and learning how things work in the Borough.

Robin Lapidus, executive director of the FCP, thanked the Borough for removing snow from the business district; it made a huge difference in the capacity to do business.

VI. Approval of Minutes

Motion To: **Approve Minutes: February 8, 2021 Regular Council Meeting**

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

Consent Agenda

Mayor Driver asked that Resolution 2021-62 be removed from the Consent Agenda.

Motion: Giles McCormick Second: Long Voice Vote: All Aye

1. RESOLUTION 2021-61: AUTHORIZING AN OFF-PREMISES DRAW RAFFLE FOR THE FLEMINGTON FIRE DEPARTMENT ON JULY 3, 2021
2. RESOLUTION 2021-66: AUTHORIZING SUBMISSION OF A RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Regular Agenda

1. RESOLUTION 2021-62: REFUNDING A TAX OVERPAYMENT FOR VARIOUS PROPERTIES AT LIBERTY VILLAGE

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

2. ORDINANCE 2021-5: ORDINANCE TO REPEAL AND REPLACE CHAPTER 21 OF THE CODE OF THE BOROUGH OF FLEMINGTON ENTITLED "STORMWATER CONTROL," TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULES AT N.J.A.C. 7:8, ADOPTED MARCH 2, 2020

Engineer Martucci gave a brief overview. In 2004 the DEP started regulating waters exiting from storm drains, and issuing permits. Regulation required municipal ordinances to control stormwater. Rules for the ordinances were updated in March 2020, based on more green infrastructure. The proposed changes are in keeping with the updated rules.

RESULT:	INTRODUCED [UNANIMOUS]	Next: 3/8/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Caitlin Giles-McCormick, Council President	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

3. RESOLUTION 2021-63: AUTHORIZING ROBERT MARTUCCI, P.E. TO SUBMIT AN APPLICATION TO THE STATE HISTORIC PRESERVATION OFFICE FOR THE HOTEL REDEVELOPMENT AREA WATER AND SEWER IMPROVEMENT PROJECT

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

4. RESOLUTION 2021-64: ACCEPTING THE RETIREMENT OF MUNICIPAL COURT ADMINISTRATOR SUSAN FLEMING EFFECTIVE MAY 1, 2021, AND AUTHORIZING THE SEARCH FOR A REPLACEMENT

Mayor Driver said she has spoken to our municipal judge about reaching out to other courts for possible shared service arrangements, but the Flemington court is very busy and a shared service may not be possible.

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

5. RESOLUTION 2021-65: TERMINATING A PROFESSIONAL SERVICES CONTRACT

RESULT:	TABLED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice 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

No report.

IX. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$2,167,061.56**

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

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:	Jessica Hand, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

The meeting was adjourned at 8:12 p.m.

Attest: *Sallie Graziano*
Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3429

ADOPTED

RESOLUTION 2021-61

Authorizing an Off-Premises Draw Raffle for the Flemington Fire Department on July 3, 2021

WHEREAS an application has been received by the Borough of Flemington to grant an Off-Premises Draw Raffle License; and

WHEREAS no objection has been 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 that an Off-Premises Raffle License be granted:

TO: Flemington Fire Department

BENEFIT: subsidizing the budget

DATE: July 3, 2021

LOCATION: 38 Park Avenue, Flemington, N.J.

TIME: 5:00 P.M.

Adopted: February 22, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

ADOPTED

RESOLUTION 2021-62

DOC ID: 3427

Refunding a Tax Overpayment for Various Properties at Liberty Village

WHEREAS, Namdar/Liberty Realty Outlet LLC has purchased Liberty Village; and

WHEREAS, the former owner filed a tax appeal and was successful; and

WHEREAS, many of the properties had credit balances; and

WHEREAS, the tax collector had gone over these credit balances at length verbally and via email; and

WHEREAS, a check for \$26,675.24 was sent for the full amount of first quarter taxes billed prior to the appeal; and

WHEREAS, Namdar asked that the check be cashed and all tax payments made for the 1st and 2nd quarter of 2021 as they could not send a replacement check prior to the due date; and

WHEREAS, the payments were made in the following manner:

Block 35 Lot 25	\$245.42, 2nd quarter
Block 35 Lot 54	\$818.34, 1st & 2nd quarter
Block 35 Lot 53	\$2,170.35, 1st & 2nd quarter
Block 35 Lot 23	\$462.35, 1st and 2nd quarter
Block 35 Lot 69	\$4,293.96, 1st & 2nd quarter
Block 35 Lot 24	\$301.46, 2nd quarter

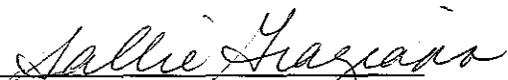
for a total amount of \$8,291.88; and

WHEREAS, this left a remaining amount of \$18,383.36 of additional funds that they requested be refunded.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that a refund be authorized in the amount of \$18,383.36 made payable to Liberty Realty Outlet, LLC.

Adopted: February 22, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3430

ADOPTED

RESOLUTION 2021-63

**Authorizing Robert Martucci, P.E. to Submit an Application to
the State Historic Preservation Office for the Hotel
Redevelopment Area Water and Sewer Improvement Project**

BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON

WHEREAS, the Borough of Flemington has employed the services of Robert Martucci, P.E. of Martucci Engineering LLC, for the preparation of construction documents for the Hotel Redevelopment Area Water and Sewer Improvement Project; and

WHEREAS, these plans require approval by the State Historic Preservation Office;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington hereby authorize Robert Martucci, P.E., to submit the application for the Hotel Redevelopment Area Water and Sewer Improvement Project and fully supports the application being made to the State Historic Preservation Office for approval.

Adopted: February 22, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

CLERK'S CERTIFICATION

I, Sallie Graziano, Borough Clerk of the Borough of Flemington in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on February 22, 2021 by the Mayor and Council of the Borough of Flemington in the County of Hunterdon in the State of New Jersey.


Sallie Graziano, RMC, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-64

DOC ID: 3428

**Accepting the Retirement of Municipal Court Administrator
Susan Fleming Effective May 1, 2021, and Authorizing the
Search for a Replacement**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Borough of Flemington has received notice that Court Administrator Susan Fleming plans to retire effective May 1, 2021; and

WHEREAS, the Borough of Flemington accepts this retirement; and

WHEREAS, this retirement leaves a vacancy in the Flemington Municipal Court.

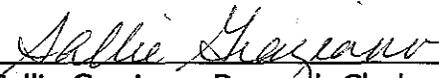
NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the retirement of Court Administrator Susan Fleming is hereby accepted and the Flemington Borough Municipal Court is hereby authorized to begin the process of seeking a replacement to fill the vacancy left by Court Administrator Susan Fleming effective immediately.

Adopted: February 22, 2021

Attest:



Betsy Driver, Mayor



Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3431

TABLED

RESOLUTION 2021-65

Terminating a Professional Services Contract

Borough of Flemington, County of Hunterdon

WHEREAS, the Borough of Flemington (the "Borough") owns property known as 144 Main Street and identified as Block 38, Lot 1.01 on the Tax Maps of the Borough of Flemington, County of Hunterdon, State of New Jersey (the "Property"); and

WHEREAS, the Property is subject to certain contamination issues; and

WHEREAS, the Borough by Resolution 2016-2000, dated December 12, 2016, engaged Environmental Management Associates, Inc ("EMA") through an eight- year professional services contract ("Contract") to serve as a Licensed Site Remediation Professional to evaluate the contamination and remediation of hazardous substances associated with the Property's former use as a gas station; and

WHEREAS, the Borough no longer requires the services of EMA; and

WHEREAS, Section 1.11 of the Contract permits termination of the Contract upon notice by the Borough to EMA, and professional services contracts are normally for a one-year period, not eight years;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Borough hereby terminates EMA effective upon the date of the notice from the Clerk to EMA of the adoption of this Resolution.

BE IT FURTHER RESOLVED, that EMA shall submit invoices for any services incurred prior to the effective date of this Resolution in accordance with the terms of the Contract.

Adopted:

Attest:


Sallie Graziano, Borough Clerk

Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-66

DOC ID: 3433

Authorizing Submission of a Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations imposed on municipalities contain certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to express the efforts undertaken by the Borough of Flemington to comply with the requirements contained in the Recycling Act and recycling regulations; and

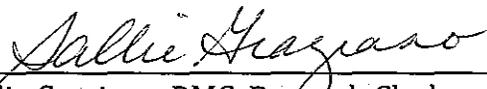
WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

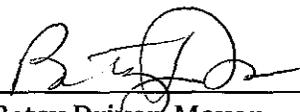
NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Michael Campion to oversee that the application is properly filed, and

BE IT FURTHER RESOLVED that any monies received from the recycling tonnage grant be deposited in a trust fund to be used solely for the purposes of recycling.

Adopted: Feb. 22, 2021

Attest:


Sallie Graziano, RMC, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3436

TABLED

ORDINANCE 2021-5

Ordinance to Repeal and Replace Chapter 21 of the Code of the Borough of Flemington Entitled "Stormwater Control," to Reflect Amendments to the New Jersey Stormwater Management Rules at N.J.A.C. 7:8, Adopted March 2, 2020

Borough of Flemington, County of Hunterdon

WHEREAS, the Borough of Flemington has a Stormwater Management Ordinance that codifies the stormwater management rules contained in N.J.A.C. 7:8 in furtherance of its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Control Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

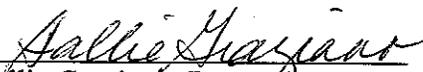
WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Chapter 21 of the Code of the Borough of Flemington, entitled "Stormwater Management," is repealed and replaced as shown in the attached document.

Introduced: February 22, 2021

Adopted:

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	INTRODUCED [UNANIMOUS]	Public Hearing: 3/8/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Caitlin Giles-McCormick, Council President	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	