

Mayor and Common Council Borough of Flemington

April 26, 2021

Online during COVID-19 Emergency

Call to Order

Mayor Driver called the meeting to order at 6:30 p.m.

1. Motion To: **Amend Resolution 2021-95**

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

Executive Session (6:30 PM)

1. RESOLUTION 2021-95: ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING THE COURTHOUSE SQUARE PROJECT AND THE POTENTIAL SALE OF BOROUGH PROPERTY AT 144 MAIN ST.

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

Executive session started at 6:30 p.m. Minutes kept separately. Executive session ended at 7:21 p.m. Council returned to open session. No action was taken. Council adjourned until the start of the regular meeting at 7:30 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	6:46 PM
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Absent	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

I. OEM Report

Cpl. McNally said Hunterdon County is back in the moderate range for Covid exposure, and vaccines are now available to anyone age 16 and older. Children ages 16-17 have to get the Pfizer vaccine, which is available through ShopRite and CVS.

The Borough is now in Stage 3 of reopening; Borough Hall is now open by appointment. He anticipates returning to full in-person service in early May. Meetings must still be held virtually due to the small size of the meeting space available.

He summarized new executive orders by the Governor that increase the limits for outdoor and large-venue gatherings.

OEM is having discussions with the VFW about having the Memorial Day parade, and the FCP is planning some events for this summer.

II. Mayor's Report

Mayor Driver summarized the topics discussed in Executive Session - legal advice regarding the sale of Borough property at 144 Main St., and legal advice regarding a settlement offer over litigation by the Friends of Historic Flemington regarding the Courthouse Square project. No action was or will be taken tonight.

The Reopening Committee met last week, as Cpl. McNally summarized. She welcomed Attorney St. Angelo back.

III. Council Members' Reports

Council President Giles-McCormick

Ms. Giles-McCormick summarized activities planned at the Samuel Fleming House museum and events in town this weekend including a townwide yard sale, sidewalk sales and the Hunterdon Art Tour.

Opportunity Zone - The final report is near; housing will be part of it too.

Council Member Hand

The last Community Garden class was well attended. An upcoming class on weeds will be held at Tuccamirgin Park and online on May 15. The committee meets next Tuesday.

Council Member Johnston

Nothing to report.

Council Vice President Long

Planning Board - It reviewed the amended stormwater management ordinance. A hearing on 91 Main St. continues tomorrow, and there will be a completeness hearing on Captiva's plans for the Global Ag property.

Police - Mr. Long made a statement about the Chauvin verdict in the death of George Floyd, saying attention is being paid to policing, and he reached out to Chief Rotella and other officers about the verdict. He said there's an opportunity here to address the topic of mental health and building an infrastructure to help police handle mental health issues, and invited people to join the Citizens Working Group to discuss this topic.

Council Member Runion

Absent.

Council Member Tilly

The HPC met on 4/21 and looked at several projects.

The Reopening Committee met on 4/20, focusing on Borough Hall.

The FCP reviewed the Community Action Plan.

The library is planning renovations in the children's area; there's a resolution on the agenda tonight for that.

Fire Department officers meet tomorrow.

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

No comments.

V. Approval of Minutes

Motion To: **Approve Minutes: April 12, 2021 Regular Council Meeting**

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

Motion To: **Approve Minutes: April 12, 2021 exec. session 1**

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

Motion To: **Approve Minutes: April 12, 2021 exec. session II**

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

Consent Agenda

Moved by: Hand Seconded by: Johnston All present voted yes to adopt.

1. RESOLUTION 2021-96: DECLARING APRIL 30 AS ARBOR DAY IN THE BOROUGH OF FLEMINGTON
2. RESOLUTION 2021-97: RECOGNIZING MAY AS MENTAL HEALTH AWARENESS MONTH

Regular Agenda

1. ORDINANCE 2021-9: ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE BOROUGH OF FLEMINGTON ENTITLED "STORMWATER MANAGEMENT"

Motion to open public hearing: Tilly, seconded by Long. All voted yes to open hearing. Hearing opened at 8:00 p.m. No public comments. Motion to close public hearing: Tilly, seconded by Hand. All voted yes to close hearing. Hearing closed at 8:02 p.m.
 No Council discussion.

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

2. ORDINANCE 2021-11: SECOND READING: AN ORDINANCE AMENDING CHAPTER 11 TITLED UTILITIES IN THE CODE OF THE BOROUGH OF FLEMINGTON

Motion to open public hearing: Tilly, seconded by Hand. All voted yes to open public hearing. Hearing opened at 8:03 p.m. No public comments. Motion to close public hearing: Giles-McCormick, seconded by Hand. All voted yes to close public hearing. Hearing closed at 8:04 p.m.
 No Council comments.

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

3. ORDINANCE 2021-10: CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A:4-45.14)

Motion to open public hearing: Tilly, seconded by Hand. All voted yes to open public hearing. Hearing opened at 8:06 p.m. No public comments. Motion to

close public hearing: Tilly, seconded by Hand. All voted yes to close public hearing. Hearing closed at 8:07 p.m.
No Council discussion.

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

4. RESOLUTION 2021-98: AUTHORIZING THE MAYOR TO SIGN DOCUMENTS FOR SUBMISSION TO THE STATE DEP REGARDING THE BOROUGH-OWNED PROPERTY AT 144 MAIN STREET, BLOCK 38, LOT 1.01

Mayor Driver said this concerns a heating oil tank that was removed from the property.

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

5. RESOLUTION 2021-99: APPOINTING AN INTERIM MUNICIPAL COURT ADMINISTRATOR

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

6. RESOLUTION 2021-100: APPOINTING BOROUGH RESIDENT MATT HENLEY TO A VACANT POSITION ON THE SHADE TREE COMMISSION

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

7. RESOLUTION 2021-101: APPOINTING SSP ARCHITECTURAL GROUP THE ARCHITECT FOR DESIGN SERVICES FOR THE FLEMINGTON BOROUGH PROJECT ENTITLED "FLEMINGTON PUBLIC LIBRARY INTERIOR IMPROVEMENTS"

Ms. Tilly said this involves painting and wiring in the children's area, fixing a bathroom leak upstairs, carpeting, and water and asbestos cleanup in the basement, along with partitioning for storage.

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

8. RESOLUTION 2021-102: STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION URBAN PARKS INITIATIVE ENABLING RESOLUTION

Mayor Driver said this would provide funds for Tuccamirgan Park - fixing up the trails, playground and adding lighting.

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

9. RESOLUTION 2021-103: AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO CONGRESSMAN MALINOWSKI'S "COMMUNITY FUNDING PROGRAM" FOR DEVELOPMENT OF POTABLE WATER WELLS WITHIN THE BOROUGH OF FLEMINGTON

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

10. RESOLUTION 2021-104: RESOLUTION TO RETROACTIVELY CORRECT AND AMEND RESOLUTION 2014-44 TO CORRECT A SCRIVENER'S ERROR REGARDING THE INCLUSION OF BLOCK 22 LOT 12 IN THE DESIGNATION OF CERTAIN AREAS AS AN AREA IN NEED OF REDEVELOPMENT

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

11. RESOLUTION 2021-105: DECONTAMINATION AT 144 MAIN ST.

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

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

No comments.

- VII. Attorney's Report

Nothing additional to report.

- VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$42,791.36**

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

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

The meeting adjourned at 8:24 p.m.

Attest: Sallie Graziano
Sallie Graziano, Borough Clerk

Approved by Council 5/10/2021

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

DOC ID: 3476

ADOPTED

RESOLUTION 2021-95

Entering into Executive Session for the Purpose of Obtaining Legal Advice Regarding the Courthouse Square Project and the Potential Sale of Borough Property at 144 Main St.

WHEREAS, the Common Council of the Borough of Flemington desires to obtain legal advice on matters related to the Courthouse Square Project and the potential sale of Borough property at 144 Main St.; and

WHEREAS, due to ongoing litigation over the Courthouse Square project and contract negotiations for the sale of the 144 Main St. property, 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 his ethical duties as a lawyer; and

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

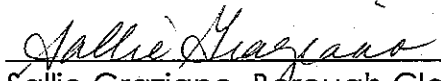
NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-started purpose.

Adopted: April 26, 2021

Attest:



Betsy Driver, Mayor



Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors: Council Member Christopher Runion

DOC ID: 3475

ADOPTED

RESOLUTION 2021-96

Declaring April 30 as Arbor Day in the Borough of Flemington

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

Whereas, Arbor Day is now observed throughout the nation and the world; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

Whereas, trees in our borough increase property values, enhance the economic vitality of business areas, and beautify our community; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.


Now, Therefore, Be It Resolved that the Mayor and Council of the Borough of Flemington declare April 30 as Arbor Day in the Borough of Flemington; and

Be It Further Resolved that the Mayor and Council encourage all residents to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Adopted: April 26, 2021

Attest:


Betsy Driver, Mayor


Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-97

DOC ID: 3477

Recognizing May as Mental Health Awareness Month

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, with effective treatment, people with mental health conditions can recover and lead full, productive lives; and

WHEREAS, all citizens share the burden of mental health problems and have a responsibility to promote mental health awareness and support prevention efforts; and

WHEREAS, the John Santos Charitable Organization works to promote awareness of mental health issues such as depression and suicide, including hosting suicide loss grief support groups at Safe Harbor Center, 171 Main St. (second floor) in Flemington; and

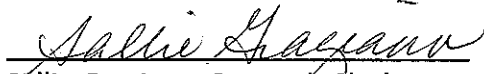
WHEREAS, the John Santos Charitable Organization intends to tie red ribbons of hope on trees along Main Street one week during the month of May, to bring awareness to mental health support efforts;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that May be recognized as Mental Health Awareness Month in Flemington; and

BE IT FURTHER RESOLVED that the Mayor and Council support the John Santos Charitable Organization's efforts to raised awareness about mental health problems.

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-98

DOC ID: 3472

Authorizing the Mayor to Sign Documents for Submission to the State DEP Regarding the Borough-Owned Property at 144 Main Street, Block 38, Lot 1.01

WHEREAS, 144 Main St., Block 38, Lot 1.01 ("Property") is owned by the Borough; and

WHEREAS, oil tanks were discovered on the Property after the Borough purchased it; and

WHEREAS, both tanks were removed and area around the oil heat tank area was cleaned up by Simple Tank Services, LLC; and

WHEREAS, in order to secure approval from the DEP that the heating oil tank has been properly removed and cleaned up, Simple Tank Services, LLC of Plainfield, NJ was engaged to remove and validate that the removal and any necessary soil or other contaminated areas were properly inspected and processed; and

WHEREAS, upon removal and remediation of an underground heating oil tank from the Property by Simple Tank Services, it prepared the attached Unregulated Heating Oil Tank (UHOT) System report ("UHOT Report") for submission to the DEP documenting the action it took and the certification to the DEP that the tank was property removed and any necessary remediation was done; and

WHEREAS submission of the UHOT Report requires signature of the Owner of the Property; and


WHEREAS the Mayor is the proper official on behalf of the Borough to execute said report based on the information contained therein prepared by Simple Tank Services, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Council and Mayor of the Borough of Flemington, County of Hunterdon, that the Mayor is authorized to sign the attached UHOT Report for submission to the DEP regarding the property at 144 Main Street.

BE IT FURTHER RESOLVED that the Borough is relying on the information submitted by Simple Tank Services, LLC of Plainfield, NJ in authorizing the Mayor's signature on the referenced report.

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3478

ADOPTED

RESOLUTION 2021-99

Appointing Olivia Barrick as Interim Municipal Court Administrator

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Susan Fleming, Court Administrator, is retiring effective May 1, 2021; and

WHEREAS, the position of Court Administrator needs to be filled; and

WHEREAS, the Borough accepted applications and a five-person panel comprised of Borough and Court officials interviewed several candidates; and

WHEREAS, pursuant to the recommendation of the interview panel, Assignment Judge Thomas Miller met with candidate Olivia Barrick and has approved her selection as recommended by the panel; and

WHEREAS, Ms. Barrick is currently considered an interim Municipal Court Administrator pursuant to N.J.S.A. 2B:12-11(e) since she does not hold a municipal court administrator certificate; and

WHEREAS, the statute allows the governing body to appoint a person as a Municipal Court Administrator who is not a certified Municipal Court Administrator on an interim basis, for a period not to exceed one year commencing on the date of the appointment; and

WHEREAS, the statute further states, "Any person so appointed may, in consultation with the judge of the municipal court, be reappointed as a municipal court administrator, on an interim basis, for two subsequent one-year terms. The municipal court administrator appointed on an interim basis may be reappointed for a fourth and, if necessary, a fifth additional one-year term, provided the municipal court administrator is currently enrolled in the certification program and needs additional time to complete that program."

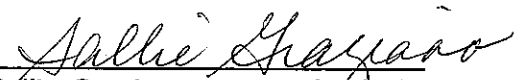
NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Olivia Barrick be appointed as the interim Court Administrator for Flemington Municipal Court effective May 10, 2021 through May 9, 2022, at an annual salary of \$55,000.00.

BE IT FURTHER RESOLVED that Ms. Barrick's salary be increased by \$2,000 upon proof of completion of her certification as a court administrator.

Adopted: April 26, 2021

Attest:


Betsy Driver, Mayor


Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3479

ADOPTED

RESOLUTION 2021-100

**Appointing Borough Resident Matt Henley to a Vacant
Position on the Shade Tree Commission**

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS the Flemington Shade Tree Commission has a vacant regular seat; and

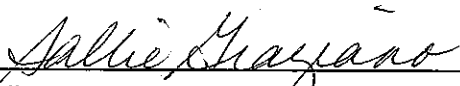
WHEREAS Borough resident Matt Henley would like to join the commission; and

WHEREAS the Shade Tree Commission has recommended Mr. Henley's appointment;

THEREFORE, BE IT RESOLVED that Borough resident Matt Henley is appointed to a regular seat on the Shade Tree Commission, which term expires on December 21, 2022.

Adopted: April 26, 2021

Attest:


Sallie Graziano, RMC, Municipal Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-101

DOC ID: 3480

Appointing SSP Architectural Group the Architect for Design Services for the Flemington Borough Project Entitled "Flemington Public Library Interior Improvements"

WHEREAS, the Borough of Flemington Public Library is in need of improvements to the Library's Basement, First Floor and Second Floor; and

WHEREAS, The Borough of Flemington consulted with SSP Architectural Group to identify these areas and provide a cost estimate for Design Bidding and Construction Services for Survey, Detailed Plans and Specifications Bid Documents and Construction Observation for the proposed work; and

WHEREAS, SSP Architectural Group has provided a detailed breakdown for these services as noted in the attached proposal; and


WHEREAS, the Borough wishes to retain SSP Architectural Group to serve as "Project Architect" for the design services as noted in the attached proposal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington, Hunterdon County, State of New Jersey, that:

1. SSP Architectural Group is hereby authorized to serve as Project Architects for the purpose of completing the Design Bidding and Construction Services for the Borough of Flemington Library as noted in its proposal dated April 19, 2021; and
2. Payment for the service contemplated herein is not to exceed \$92,500.00
3. Payment for these services shall be made from the Library Bequest.

Adopted: April 26, 2021

Attest:



Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano, Municipal Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey do hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Flemington Borough Council at the Council meeting held on Monday, April 26, 2021.


Sallie Graziano, RMC
Municipal Clerk

4/27/2021
Date of Certification



PROPOSAL FOR ARCHITECTURAL SERVICES
Flemington Public Library
Interior Renovations

19 April 2021
Via e-mail

Mike Campion
Director of Public Works
38 Park Ave
Flemington, NJ 08822

Shawn Armington
Director of Library
118 Main Street
Flemington, NJ 08822

Gentlemen:

It was good that we were able to meet to discuss the potential improvements at the Flemington Library. SSP Architects is glad we are able to continue our partnership with the Borough of Flemington and the Flemington Public Library, especially as we work on continuing the interior renovations started during the first phase.

Project Understanding / Scope of Services

On March 18, 2021, we met to discuss interior improvements to the Flemington Public Library. Based on our conversation, we understand the Library has received a substantial bequest to use towards improving the library. While at the Library, we covered a number of areas to be included in this project.

The first scope centers around improving the basement environment. SSP understands the Library has been trying to accomplish this for the past few years. Based on our walkthrough with our Environmental Engineer and the age of the building, we anticipate several systems and components contain asbestos throughout the basement. Mold is also visible on exterior walls and floor joists. In addition to abatement and remediation efforts, SSP will look to address water infiltration on the interior side of foundation walls and address the ventilation and dehumidification of the space to help alleviate mold growth. Lastly, the basement will be refinished with flooring, ceiling, and wall partitions.

Under the earlier Phase 1 Interior Alterations Project, SSP and the Library discussed the potential of moving the circulation desk to better provide supervision of the Children's Library Section. Based on our discussion, SSP understands the Library has decided to leave the existing circulation desk where it exists. To provide proper supervision in the Children's Area, the second scope of work is to design a new circulation desk, complete with power and data at the Children's Area.

The third aspect of this project is to renovate the second-floor meeting space. Based on our walkthrough, the second-floor area is a community space that either houses Library functions or is rented to outside groups. In addition to reviewing interior finishes, SSP and our MEP Engineer will assess the heating and ventilation systems to help improve the indoor air quality of the space and meet minimum required levels, as we understand the space gets very cold in the winter months. In addition to the Community Room, this scope would include the entry stairwell.

The fourth project component would include renovation of the second-floor single-occupant toilet room, which currently leaks and causes damage to the first floor. To correct this, we anticipate replacing the fixtures and portions of piping. While this is completed, it makes sense to renovate the full bathroom.



With our knowledge of the building and our ongoing discussions, the SSP Team recommends the following services:

Survey and Schematic Design – all scopes (SD)

- Perform a full building survey;
- Prepare background drawings for use in the Design and Construction Documents;
- Perform hazardous material sampling and testing (by our Environmental Engineer);
- Prepare a report of findings of hazardous material testing;
- Perform a Kick-Off Meeting with the Flemington Library and Borough Liaison;
- Prepare Schematic Design Documents showing all four scopes defined above;
- Meet with Flemington Library and Borough Liaison up to two (2) times in person and one (1) additional time virtually to review scope;
- Prepare schematic cost estimate for review and comparison to budget;
- Prepare final Schematic Design Documents for review by Owner to finalize the scope of work to completed during DD / CD Phase.

Design Development & Construction Docs – Basement Renovations & Abatement (CD-A)

- Prepare abatement and remediation specifications and protocols (by our Environmental Engineer);
- Develop Plans and cost estimate for review with the Owner;
- Meet with the Flemington Library and Liaison 1 (One) time to review scope;
- Prepare documents for Public Bidding;

Design Development & Construction Docs – New Circulation Desk, Community Room Renovations, and Toilet Room Renovations (CD-B to D)

- Develop Plans and cost estimate for review with the Owner;
- Meet with the Flemington Library and Liaison 1 (One) time to review scope;
- Prepare documents for Public Bidding;

Bidding (BID)

- Assist the Borough in developing a schedule and advertisement for public bidding.
- Attend a public pre-bidder meeting at the project site to review scope of work and contractual items.
- Facilitate distribution of electronic bidding documents through Newforma Management Software.
- Receive and respond to bidder RFI's through public addenda.
- Attend a public bid opening and assist in reviewing bids.

Construction Administration (CA)

- Conduct a construction kick-off and site logistics meeting with the contractor to establish areas of project staging, areas of storage, security and protective safety measures, detail the work schedule, etc.
- Perform biweekly construction meetings with the Library, Borough Liaison, Contractors, and other stakeholders to review schedule, logistics, progress of work, etc.
- Review shop drawings and submittals, answer questions (RFI'S) submitted by the contractor, and assist in evaluating and processing job payment applications.
- Develop a project Punchlist to record areas of work or work items not thoroughly completed or acceptable to job completion. Provide a final inspection to confirm Punchlist items have been addressed by the contractor.

Project Closeout (CO)

- Assist with project closeout at completion of all contracted work.

Exceptions: The costs above do not include the following:

- Renderings
- Attendance at public board meetings other than those listed above (i.e. council, planning, etc.)
- Physical or destructive testing (i.e. borings, thermal scans, roofing cores, radon, etc.) beyond testing noted above.
- Design and documentation of work outside the original defined scope.

Proposed Schedule

SSP Architects anticipates being able to meet the following schedule.

- Survey – 1 to 2 weeks from Notice to Proceed
- Kick Off Meeting – 1 to 2 weeks from Notice to Proceed
- Schematic Design Documents – 4 to 5 weeks from Kickoff Meeting
- Design Development – 2 to 3 weeks from Notice to Proceed
- Construction Documentation – 2 to 3 weeks from receipt of approved Design Development Documents
- Bidding – 4 to 5 weeks from formal Issuance of Bids
- Construction – 3 to 4 months

Proposed Team

To deliver the scope of services and deliverable outlined above, SSP has teamed with two of our regular engineering partners. **Engineering Driven Design P.C.** will provide mechanical, electrical, and plumbing engineering services. Engineering Driven Design has extensive experience with the mechanical, electrical, and plumbing systems required in Libraries. In addition, they are consulting alongside SSP in the Borough for the Programming and Feasibility of the Flemington Police Department.

For the environmental engineering consultation, SSP will be working with **Whitman Consulting Engineers** who has a long history of providing efficient, cost-effective, and practice design solutions.

Proposed Fee

For the Interior Alterations at the Flemington Library scope of work outlined above, SSP Architects proposes a Base Fee for schematic design, development and administration of drawings for Basement Renovations of a **total fixed fee of \$ 71,300**. If we move forward with the first and second floor renovation as outlined above, SSP Architects propose an addition **fixed fee of \$ 21,200**; plus approved reimbursable expenses such as printing and postage. The fee breakdown is proposed as follows:

BASE SCOPE A - SCHEMATIC DESIGN + BASEMENT RENOVATION				
PHASE	ARCHITECTURAL (SSP)	ENVIRON. (WHITMAN)	MEP (EDD)	TOTAL
Survey & Schematic Design (SD)	\$ 6,800	\$ 6,200	\$ 4,500	\$17,500
Design Development & Construction Docs - Basement Renovations (CD-A)	\$ 5,500	\$ 8,000	\$ 2,500	\$15,900
Bidding (BID)	\$ 2,400	0	\$ 500	\$ 2,900
Construction Administration - Basement Renovations (CA-A)	\$ 4,800	\$ 28,200	\$ 500	\$33,900
Closeout (CO)	\$ 1,400	---	---	\$ 1,400
SUBTOTAL	\$ 20,900	\$ 42,400	\$ 8,000	\$ 71,300

BASE SCOPE B TO D - FIRST + SECOND FLOOR RENOVATION				
PHASE	ARCHITECTURAL (SSP)	ENVIRON. (WHITMAN)	MEP (EDD)	TOTAL
Design Development & Construction Docs - Community Room Renovations, Circulation Desk, and Toilet Room Renovations (CD-B to D)	\$ 8,000	---	\$ 3,700	\$11,700
Construction Administration - Toilet Room Renovations (CA-D)	\$ 7,500	---	\$ 2,000	\$ 9,500
SUBTOTAL	\$ 15,500	---	\$ 5,700	\$ 21,200

We understand the Library and Borough have had sights on this project for some time, and it is exciting that you are able to advance this work to improve the quality of space and service you offer to the community. Together, we will get you there.

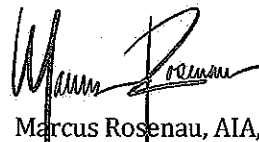
If you have any questions or wish to discuss the numbers as we have outlined them, please feel free to give us a call.

SSP Architects



Adam Finkle, AIA
Architect

c: Scott Mihalick, Dana Miller, Tammy Stouchko - SSP



Marcus Rosenau, AIA, LEED AP
Principal

ARCHITECTURAL HOURLY RATES

Effective: January 1, 2021 through December 31, 2021

Principal	\$200.00
Associate	\$145.00
Architect / Project Manager	\$130.00
Project Coordinator	\$ 90.00
Designer	\$ 75.00
Drafter	\$ 75.00
Administrative Support	\$ 55.00

REIMBURSABLE EXPENSE POLICY:

Reimbursable expenses are in addition to our fees for Basic Services and shall include any and all fees paid for securing reviews, inspections and/or approval of projects by authorities having jurisdiction over the project. Reimbursable expenses shall also include copy work, prints, photographic or digital copies, printing, reproductions, plots, standard form master documents, bid documents, postage, handling and delivery services related to the distribution of design and bidding documents.

Any other expenses not specifically listed but intended to be handled as a reimbursable charge shall be submitted to and authorized by the client in advance of incurring the charge.

All reimbursable expenses will be subject to an 8% mark-up that will be added to the direct invoiced costs for all products and services.

For Additional Services for consultants a 15% mark-up will be added to the direct invoiced costs.

*Rates are amended annually in December

Revised: December 9, 2020

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3481

ADOPTED

RESOLUTION 2021-102

**State of New Jersey Department of Environmental Protection
Urban Parks Initiative Enabling Resolution**

Flemington Borough, Hunterdon County

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), is providing grants through the Urban Parks initiative; and

WHEREAS, the Borough of Flemington desires to further the public interest by obtaining grant funding in the amount of \$500,000.00 from the State to fund the following project: Tuccamirgin Park Recreation Improvements at a cost of \$500,000.00;

NOW, THEREFORE, the governing body resolves that Robert Martucci, P.E. or the successor to the office of Borough Engineer is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

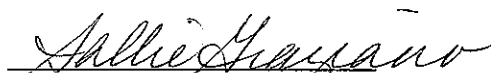
WHEREAS, the applicant is willing to use the State's funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington:

1. That the Borough Engineer of the above-named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Tuccamirgin Park Recreation Improvements;
2. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk



Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano do hereby certify that the foregoing is a true copy of a resolution adopted by the Council of the Borough of Flemington at a meeting held on the 26th day of April, 2021.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 27th day of April 2021.


Sallie Graziano, RMC, Borough Clerk

**Engineer's Estimate of Probable Construction Costs
for
Tuccamirigin Park Recreation Improvements
Borough of Flemington, Hunterdon County, New Jersey**

Approximate Estimate of Construction Costs for
Grant Application

ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1.	Site Clearing and Mobilization	1 l.s.	##### l.s.	34,000.00
2.	Prep and Pave Trail 8' Wide	15,000 s.f.	15.00 sf	225,000.00
3.	Lights	30 ea	1,500.00 ea	45,000.00
4.	Basketball Court	1 ls	##### ls	75,000.00
5.	Pavillian Upgrades	1 ls	##### ls	15,000.00
6.	Electical Work	1 ls	##### ls	50,000.00
7.				

Subtotal 444,000.00

Professional Services 56,000

Total 500,000.00

Prepared by:
Martucci Engineering, LLC
49 East Main Street
Flemington, New Jersey 08822

Robert Martucci, P.E. N.J. Lic. Number GE 47775
April 21, 2021

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3482

ADOPTED

RESOLUTION 2021-103

**Authorizing Submission of a Grant Application to
Congressman Malinowski's "Community Funding Program"
for Development of Potable Water Wells Within the Borough
of Flemington**

Flemington Borough, Hunterdon County

WHEREAS, the Borough Water Department in the Borough of Flemington currently has requests for new water service connections from Redevelopment Projects; and

WHEREAS, there exists a need for construction of potable water wells within the Borough of Flemington's Water and Sewer Service area in order to maintain sustainability and resiliency to the system; and

WHEREAS, the Borough Engineer has determined the amount of the funds needed to design, permit and construct these wells; and

WHEREAS, the total project cost for these improvements is anticipated to be \$4,500,000.00 and the Borough intends submit an application for a grant to Congressman Malinowski's "Community Funding Grant Program" for the funding; and

WHEREAS, the Borough Engineer has prepared a Grant Application for submission to the Congressman's Program; and


WHEREAS, the Borough of Flemington Council must authorize the filing of the "Community Funding Grant Program" application.

NOW, THEREFORE, BE IT RESOLVED by the Flemington Borough Common Council that:

1. The Borough of Flemington Council approves submission of the complete grant application for the Community Funding Grant Program; and
2. The Mayor and Clerk are hereby authorized to sign the application package on behalf of the Borough of Flemington and to undertake any and all action necessary to submit the same.

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-104

DOC ID: 3474

Resolution to Retroactively Correct and Amend Resolution 2014-44 to Correct a Scrivener's Error Regarding the Inclusion of Block 22 Lot 12 in the Designation of Certain Areas as an Area in Need of Redevelopment

WHEREAS, pursuant to Resolution 2013-132, adopted August 12, 2013, the Council of the Borough of Flemington ("Council") directed the Planning Board of the Borough of Flemington to undertake a preliminary investigation to determine whether the following parcels of property located south of the Union Hotel qualify 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"):

<u>Block</u>	<u>Lot</u>
22	5, 6, 7, 8, 9, 10 and 12
23	1 and 7

(the "Study Area"); and

WHEREAS, the Planning Board retained the services of Clark Caton Hintz, a professional planning and architectural firm ("CCH") to assist in conducting the necessary investigation and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, CCH conducted such investigation and prepared a report of its investigation entitled "Preliminary Investigation For An Area In Need of Redevelopment," dated November 26, 2013 (the "Redevelopment Investigation Report"), and

WHEREAS, the Redevelopment Investigation Report concluded that the Study Area exhibited conditions which conformed with several of the redevelopment criterion under Section 5 of the Redevelopment Law; and

WHEREAS, the Planning Board held a duly noticed public hearing regarding the preliminary investigation of the Study Area on December 16, 2013 at which time it heard a presentation by Carl E. Hintz, ASLA, CLA, PP, AICP of CCH ("Hintz") with regard to the Redevelopment Investigation Report, as well as comments from members of the public in attendance relative thereto; and

WHEREAS, at the conclusion of the meeting on December 16, 2013, the Board voted to confirm the Redevelopment Investigation Report of CCH and to recommend that the Study Area be declared an area in need of redevelopment; and

WHEREAS, on January 28, 2014, the Planning Board adopted Resolution PB 2014-5 which correctly recommended that the Study Area previously defined within Council Resolution 2013-132, the Redevelopment Investigation Report and testimony from Hintz as Block 22, Lots 5, 6, 7, 8, 9, 10 and 12 and Block 23, Lots 1 and 7, be declared an area in need of redevelopment, but incorrectly referenced Block 22, Lot 12, as Block 22, Lot 2 therein; and

WHEREAS, on February 10, 2014 the Council reviewed the Resolution of the Planning Board and accepted the Board's recommendations and adopted Resolution 2014-44

designating the Study Area as an area in need of redevelopment, but, similar to the Planning Board, incorrectly referenced Block 22, Lot 12 as Block 22, Lot 2, therein; and

WHEREAS, on April 13, 2021, the Planning Board reviewed its Resolution PB 2014-5 and adopted Resolution PB- 2021-07 which found the inclusion of Block 22, Lot 2 rather than Block 22, Lot 12 to be a scrivener’s error and retroactively amended Resolution PB 2014-5 to correctly designate the Study Area by removing all references to Block 22, Lot 2 and replacing them with references to Block 22, Lot 12.

WHEREAS, the Council has reviewed Council Resolution 2013-132, the Redevelopment Investigation Report, and the minutes of the Planning Board’s December 16, 2013 meeting, which include the testimony of Hintz, all of which refer to and recommend the inclusion of Block 22, Lot 12 in the Study Area and none of which ever mention Block 22, Lot 2, as well as Resolution PB 2021-07 which retroactively amended Resolution PB 2014-5 to correctly designate the Study Area by removing all references to Block 22, Lot 2 and replacing them with references to Block 22, Lot 12; and; and


WHEREAS, based upon its review of the above, it is clear that Council Resolution 2014-44 inadvertently referenced Block 22, Lot 2 as opposed to Block 22, Lot 12 as being part of the Study Area and that it was the intention of the Council to designate the entirety of the Study Area as contained in Council Resolution 2013-132, the Redevelopment Investigation Report and the testimony of Hintz, all of which recommended Block 22, Lot 12 and not Block 22, Lot 2, be deemed an area in need of redevelopment; and

WHEREAS, as a result, the Council hereby concludes that the omission of Block 22, Lot 12 and the inclusion of Block 22, Lot 2 in Council Resolution 2014-44 was a scrivener’s error and desires to retroactively amend Council Resolution 2014-44 to correct the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that Resolution 2014-44 be and is hereby retroactively amended to correctly designate the Study Area by removing all references to Block 22, Lot 2 and replacing them with references to Block 22, Lot 12, which change is deemed to be a correction of a scrivener’s error so that Resolution 2014-44 accurately reflect the intention of the Council to designate Block 22, Lot 12 as an area in need of redevelopment in accordance with Council Resolution 2013-132, the Redevelopment Investigation Report, the testimony of Hintz and the minutes from the December 16, 2013 Planning Board meeting and Resolution PB 2021-07.

Adopted: April 26, 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, Tilly
ABSENT:	Christopher Runion

CLERK'S CERTIFICATION

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on April 26, 2021.

Sallie Graziano

Sallie Graziano, Borough Clerk

4/27/2021

Date of certification

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

ORDINANCE 2021-9

DOC ID: 3464

**Ordinance to Amend Chapter 21 of the Code of the Borough
of Flemington Entitled "Stormwater Management"**

FLEMINGTON BOROUGH, HUNTERDON COUNTY

WHEREAS, the Borough of Flemington, at its regular meeting of March 8, 2021 adopted a revised Stormwater Control Ordinance to align with the updated Stormwater Management Rules at N.J.A.C. 7:8; and

WHEREAS, it has been brought to the attention of the Borough of Flemington by the Hunterdon County Department of Planning and Land Use that some minor amendments are required in the Borough's ordinance.


NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY THAT CHAPTER 21 OF THE CODE OF THE BOROUGH OF FLEMINGTON, ENTITLED, "STORMWATER MANAGEMENT" IS AMENDED AS FOLLOWS:


1. Section 21.4. "Design and Performance Standards for Stormwater Management Measures" shall be amended by deleting the first sentence of subparagraph M. in its entirety and replacing it with the following sentence, "Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Hunterdon County Clerk's Office."
2. Section 21.4 "Design and Performance Standards for Stormwater Management Measures" shall be further amended by deleting the entirety of subparagraph N and replacing it with the following, "N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §21.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Hunterdon County Clerk's Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
3. Section 21.9, "Requirements for a Site Development Stormwater Plan" shall be amended by deleting subparagraph (3) in its entirety and replacing it with the following, "3. The applicant shall submit 25 copies of the materials listed in the checklist for site development stormwater plans in accordance with §21.9.C of this ordinance.
4. Section 21.11, "Penalties" shall be deleted in its entirety and replaced by the following, Section 21.11, "Penalties" Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the maximum penalties permitted by law.
5. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.
6. 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.
7. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced: April 12, 2021

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 2925

ADOPTED

ORDINANCE 2021-10

Calendar Year 2021 Ordinance to Exceed the Municipal Budget Cost of Living Allowance and to Establish a Cap Bank When the COLA is Equal to or Less Than 2.5 Percent (N.J.S.A. 40A:4-45.14)

Borough of Flemington
County of Hunterdon

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2021 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5% and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Flemington in the County of Hunterdon finds it advisable and necessary to increase its 2021 budget by more than 2.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$119,929.15 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2021 budget year, the final appropriations of the Borough of Flemington shall, in accordance with this ordinance and N. J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$167,900.81 and that the 2021 municipal budget for the Borough of Flemington be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

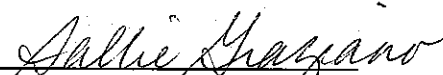
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: April 12, 2021

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano, Municipal Clerk, hereby certify that this ordinance was duly introduced by the Borough of Flemington at a meeting held on April 12, 2021, and that a public hearing was held on April 26, 2021, following which this ordinance was adopted by Borough Council at that same meeting. This ordinance has not been amended or repealed; it remains in full force and effect as of the date I have subscribed my signature.

Sallie Graziano 4/27/2021
Sallie Graziano, RMC, Municipal Clerk Date

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/26/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano
Initiator: Rebecca Newman
Sponsors:

ADOPTED

ORDINANCE 2021-11

DOC ID: 3452

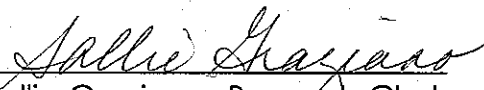
**An Ordinance Amending Chapter 11 Titled Utilities in the
Code of the Borough of Flemington**

BE IT ORDAINED that Chapter 11 titled Utilities in the Code of the Borough of Flemington be amended as shown in the attached document.

Introduced: April 12, 2021

Adopted: April 26, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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