

# Mayor and Common Council Borough of Flemington

June 28, 2021

Council Meeting Room and Online

## Call to Order

Mayor Driver called the meeting to order at 6:30 p.m. Roll call was taken and Council Members Giles-McCormick, Hand, Long, Runion and Tilly were present. Council Member Johnston arrived at 7:00 PM.

## Executive Session (6:30 PM)

1. RESOLUTION 2021-137: EXECUTIVE SESSION TO OBTAIN LEGAL ADVICE REGARDING RENEWAL OF THE COMCAST CABLE FRANCHISE

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

The executive session started at 6:30 p.m. and ended at 7:02 p.m. Minutes kept separately.

Upon returning to open session at 7:00 p.m., Mayor Driver requested another executive session to obtain legal advice regarding the expiring contract with Central Jersey Waste.

Motion To: **Retire into Executive Session for Legal Advice Regarding the Expiring Solid Waste Collection Contract**

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

The second executive session started at 7:02 p.m. and ended at 7:12 p.m. Minutes are kept separately.

Council returned to open session. On a motion from Giles-McCormick, seconded by Tilly, Council voted unanimously to adjourn 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	7:00 PM
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

### I. Mayor's Report

Mayor Driver announced that Leigh Smith has resigned from his position in the Property Maintenance Department. How his duties will be assigned is under review.

She attended Pride events. She also announced that a new ice cream shop has opened on Stangl Road.

144 Main St. - The closing on the sale of this Borough-owned property is expected next month.

She then called members of Girl Scout Troop 80531 forward to read a proclamation naming them good citizens.

## II. Council Members' Reports

Council Member Johnston

Mr. Johnston said he had nothing new to report.

Council Member Hand

Ms. Hand said the Community Garden committee will soon be mapping out the location of the garden in Tuccamirgan Park.

Council Vice President Long

Mr. Long said the Planning Board found that Ordinance 2021-15 is not inconsistent with the master plan. The Planning Board's next meeting is July 13. Police - With July 4th coming up, he reminded residents that with fireworks, shooting off rockets or mortars is an indictable offense. People should keep in mind that anything that goes in the air is not allowed.

Council President Giles-McCormick

Ms. Giles-McCormick discussed events being planned by the FCP, noted the 25th anniversary of We Kids, and the opening of HumDoo ice cream store.

Council Member Tilly

Ms. Tilly said the HPC met on June 16, and the OEM held an early morning meeting.

She congratulated all the graduates from Hunterdon Central Regional High School.

She said she's sorry to hear of Leigh Smith's retirement from the Property Maintenance department; as his liaison last year, she appreciated his dedication to the Borough.

Council Member Runion

Mr. Runion said the Environmental Commission met last week. He and Ms. Hand, the only attendees, talked about Sustainable Jersey efforts. They're aiming for obtaining 50 points by the end of the year.

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

No comments were made. Mayor Driver said previously someone asked her about the size of the totes, and she said that 95-gallon totes are being delivered to residents, but if you want a smaller tote, there are 65-gallon totes available.

## IV. Approval of Minutes

Motion To: **Approve Minutes: June 14, 2021 Regular Council Meeting**

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

Motion To: **Approve Minutes: June 14, 2021 Executive Session**

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

### Consent Agenda

Motion: Giles-McCormick Second: Hand Vote: All voted Aye.

1. RESOLUTION 2021-138: SUPPORTING THE APPLICATION OF THE HUNTERDON COUNTY CHAMBER OF COMMERCE FOUNDATION, SEEKING GRANT FUNDING FOR THE COMMUNITY NAVIGATOR PILOT PROGRAM
2. RESOLUTION 2021-139: APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE HUNTERDON COUNTY VOCATIONAL SCHOOL DISTRICT FOR A HEAVY EQUIPMENT PROGRAM
3. RESOLUTION 2021-140: DECLARING JUNETEENTH A FLEMINGTON BOROUGH HOLIDAY
4. RESOLUTION 2021-141: AUTHORIZING FLEMINGTON'S CONTINUED PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR CERTAIN MULTI-FAMILY DWELLINGS FOR THE PERIOD OF JULY 1, 2021, THROUGH JUNE 30, 2022

### Regular Agenda

1. SECOND READING OF ORDINANCE 2021-15: AN ORDINANCE AMENDING SECTION 2629 OF THE CODE OF THE BOROUGH OF FLEMINGTON REGARDING PARKING IN THE DOWNTOWN BUSINESS (DB) DISTRICT

Motion to open public hearing: Tilly, seconded by Long. All voted in favor of opening the hearing. The hearing opened at 7:46 p.m.

Jeffrey Doshna, 197 Main St., chair of the Planning Board, said the Planning Board was happy to see this on Council's agenda, and that it will help make sure active uses are located on ground floors in the business district.

Robin Lapidus, Exec. Director of the FCP, also supported the change in parking regulations.

Motion to close public hearing: Tilly, seconded by Giles-McCormick. All voted yes to close the public hearing. The hearing closed at 7:51 p.m.

Council discussion: Mr. Long, liaison to the Planning Board, said the Borough's master plan has substantial language about encouraging active uses, and it promotes shared parking and parking relief.

Mr. Runion asked about the wording of the Planning Board's finding as "not inconsistent." Mr. Doshna said it's based on the wording of the Municipal Land Use Law.

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

2. ORDINANCE 2021-16: AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF FLEMINGTON ENTITLED "COLLECTION OF SOLID WASTE"

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 7/12/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Jessica Hand, Council Member	
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

A public hearing will be held at the July 12, 2021 Council meeting.

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

Tony Previte, 45 N. Main St., said it was good to be face to face again. He asked about the status of the hotel renovation project and asbestos removal, the Agway project, and lighting on Main Street. Mayor Driver said asbestos removal work is being done in the hotel project area and all permits are in place for that work. They're going one building at a time. They will soon be removing the back wall of the Union Hotel. The developer of the Global Ag site has submitted a site plan to the Planning Board. A redevelopment agreement with them is not yet finalized. Regarding the Agway property where the mural wall is located, an easement held by Conrail has to be cleared. She anticipates a presentation about what's planned there.

**VI. Attorney's Report**

There was no attorney's report, as all her items were previously discussed.

**VII. Payment of the Bills**

There was no bill list for this meeting.

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

None needed.

**IX. Adjournment**

Motion To: **Adjourn**

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

The meeting adjourned at 8:06 p.m.

Attest:

*Sallie Graziano*  
Sallie Graziano, Borough Clerk

*Approved by Council July 12, 2021*

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

DOC ID: 3527

**ADOPTED**

**RESOLUTION 2021-137**

**Executive Session to Obtain Legal Advice Regarding  
Renewal of the Comcast Cable Franchise**

WHEREAS, the Common Council of the Borough of Flemington desires to obtain legal advice regarding the potential renewal of the Comcast cable franchise in the Borough; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7), which cites:

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

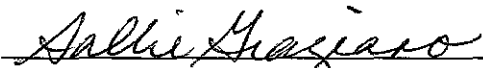
WHEREAS, the minutes of said discussion will be made available as soon as it is deemed in the public's interest to do so; and

WHEREAS, the Borough Council may take official action on the items discussed in executive session upon completion of the executive session;

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

Adopted: June 28, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

DOC ID: 3523

**ADOPTED**

**RESOLUTION 2021-138**

**Supporting the Application of the Hunterdon County Chamber of Commerce Foundation, Seeking Grant Funding for the Community Navigator Pilot Program**

**WHEREAS**, the U.S. Small Business Administration Office of Entrepreneurial Development has issued a Notice of Funding Opportunity, authorizing grants to support the Community Navigator Pilot Project FY2021; and

**WHEREAS**, the mission of the Office of Entrepreneurial Development is to help small businesses start, grow, and compete in global markets by providing quality training, counseling, and access to resources; and

**WHEREAS**, the Hunterdon County Chamber of Commerce Foundation will be submitting a grant application to help small businesses receive additional support and access to programs that can help them address issues caused by the COVID-19 pandemic; and


**WHEREAS**, the Hunterdon County Chamber of Commerce Foundation, if awarded, will strengthen outreach to underserved businesses by partnering with organizations to provide technical assistance and recovery services to small businesses and entrepreneurs in Hunterdon County; and

**WHEREAS**, the Council and the Mayor of Flemington Borough authorize the support of the application of the Hunterdon County Chamber of Commerce Foundation;

**NOW THEREFORE BE IT RESOLVED** that the Council and Mayor of the Borough of Flemington hereby endorse and support the application of the Hunterdon County Chamber of Commerce Foundation, seeking grant funding for the Community Navigator Pilot Program.

Adopted: June 28, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano

Sponsors:

DOC ID: 3524

**ADOPTED**

**RESOLUTION 2021-139**

**Approving a Memorandum of Understanding with the  
Hunterdon County Vocational School District for a Heavy  
Equipment Program**

**WHEREAS**, a Memorandum of Understanding between the Hunterdon County Vocational School District (HCVSD) and the Borough of Flemington has been proposed regarding the Borough of Flemington's lot located adjacent to HCVSD's Central campus; and

**WHEREAS**, the sole purpose of this Memorandum of Understanding is to permit HCVSD's Heavy Equipment Operator program to use the lot for students to practice their skills using heavy equipment such as backhoes, excavators, bulldozers, etc.; and

**WHEREAS**, the HCVSD will provide supervision of students by a NJDOE-certificated vocational instructor in the area of Heavy Equipment Operator while practicing their operating skills at the Borough of Flemington's lot at all times; and

**WHEREAS**, HCVSD will provide a certificate of insurance that covers HCVSD's students and staff while on the Borough of Flemington's property; and

**WHEREAS**, the Borough of Flemington will allow access to the lot adjacent to HCVSD as needed to implement the curriculum for the Heavy Equipment Operator program with 24-hour notice by HCVSD prior to use.

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council of the Borough of Flemington agrees it is in the best interest of all concerned to enter into this Memorandum of Understanding.

**BE IT FURTHER RESOLVED** that the Common Council of the Borough of Flemington authorizes the Mayor to sign the attached Memorandum of Understanding.

Adopted: June 28, 2021

Attest:

*Sallie Graziano*  
Sallie Graziano, Borough Clerk

*Betsy Driver*  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**RESOLUTION 2021-140**

DOC ID: 3526

**Declaring Juneteenth a Flemington Borough Holiday**

**WHEREAS**, President Abraham Lincoln signed the Emancipation Proclamation on September 22, 1862, declaring "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free;" and

**WHEREAS**, President Lincoln's Emancipation Proclamation became effective on January 1, 1863, thereby freeing slaves throughout much of the United States of America; and,

**WHEREAS**, Union General Gordon Granger was dispatched to Galveston, Texas to announce the surrender of Confederate General Robert E. Lee and on June 19, 1865 declared the freedom of slaves still held in the State of Texas; and

**WHEREAS**, Juneteenth, also known as Freedom Day, Jubilee Day, Liberation Day, and Emancipation Day, has been celebrated by the African-American community since 1866 and since that time has become widely recognized as an important day of commemoration and for honoring the history and contributions of African-Americans; and

**WHEREAS**, in September 2020, the New Jersey Legislature enacted Bill S19, which declares Juneteenth to be an official state holiday in New Jersey, and is celebrated on the third Friday in June; and

**WHEREAS**, on June 17, 2021, President Joe Biden signed a bill declaring Juneteenth a federal holiday; and

**WHEREAS**, while Juneteenth is a declared paid holiday for state and federal employees, there is no mandate that it be a paid holiday for local government employees; and

**WHEREAS**, the Borough Council believes that it is appropriate to declare Juneteenth to be a paid holiday for its employees so that they can celebrate Juneteenth with their families and reflect upon the sacrifices made by America's enslaved persons and their descendants in the continuous quest for human freedom and dignity; and

**WHEREAS**, the Borough Council calls upon its employees and the community at large to use Juneteenth as a day of service to benefit our fellow citizens.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Flemington declare Juneteenth to be an official holiday in the Borough of Flemington; and

**BE IT FURTHER RESOLVED**, that, beginning in 2022, the third Friday in June of each year shall be a paid holiday for Borough employees; and

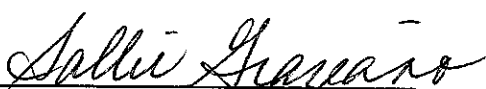
**BE IT FURTHER RESOLVED**, that Borough employees normally required to report to work on a declared Borough holiday shall do so on the third Friday in June of each year in accordance with Borough policy and any applicable collective negotiations agreements; and,

**BE IT FURTHER RESOLVED**, that the Borough's declaration that Juneteenth is a paid holiday for Borough employees shall not be deemed to create a past practice for purposes of its collective negotiation agreements and the extension of Juneteenth as a paid holiday for unionized employees shall be subject to the execution of a negotiated side letter agreement.

**BE IT FURTHER RESOLVED**, that the Borough's Labor Attorney is authorized to update the Borough Personnel Manual consistent with this Resolution and to draft side letter agreements with unionized employees consistent with this Resolution.

Adopted: June 28, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor



<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**RESOLUTION 2021-141**

DOC ID: 3515

**Authorizing Flemington's Continued Participation in the State Local Cooperative Housing Inspection Program (SLCHIP) for Certain Multi-Family Dwellings for the Period of July 1, 2021, through June 30, 2022**

**WHEREAS** the Borough of Flemington has participated in New Jersey's State Local Cooperative Housing Inspection Program (SLCHIP) since approximately 2011, and

**WHEREAS** the agreement to participate in SLCHIP must be renewed from time to time, and

**WHEREAS** Flemington has been notified by the NJ Department of Community Affairs (DCA) that the agreement is due for renewal for the period of July 1, 2021, through June 30, 2022, and

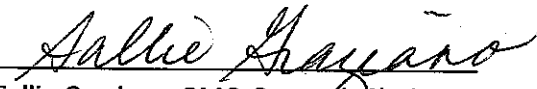
**WHEREAS** Flemington considers its participation to be beneficial and its current renewal is recommended by the borough's fire official,

**THEREFORE BE IT RESOLVED** that the mayor is authorized to sign the attached letter from the NJ DCA to confirm Flemington's continued participation in the SLCHIP program for the period of July 1, 2021, through June 30, 2022.

Adopted: June 28, 2021

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

Attest:

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

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**ORDINANCE 2021-15**

DOC ID: 3522

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**An Ordinance Amending Section 2629 of the Code of the  
Borough of Flemington Regarding Parking in the Downtown  
Business (DB) District**

**Borough of Flemington, Hunterdon County**

**WHEREAS**, The Borough seeks to encourage occupancy of existing buildings in the Downtown Business District with active uses; and

**WHEREAS**, provision of adequate parking on small lots can serve as a barrier to occupancy of existing buildings; and

**WHEREAS**, Section 2629 of the code of the Borough of Flemington includes duplicative language in Subsection F that the Borough desires to eliminate; and

**WHEREAS**, the Council introduced this ordinance on June 14, 2021; and

**WHEREAS**, the Borough Planning Board has determined that the proposed amendments are consistent with the goals and objectives of the Borough's Master Plan Reexamination adopted on August 26, 2015; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-62.1, the Council held a public hearing on this ordinance on June 28, 2021;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that Chapter 26 of the Code of the Borough of Flemington (the "Code"), entitled "Zoning," is hereby amended and supplemented as follows:

**Section 1.** Chapter 26 Zoning, Section 2629 Parking: Number of Spaces is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

A. Unchanged.

B. Unchanged.

C. *For nonresidential developments, off street parking spaces shall be provided in accordance with the following and Chapter 26, Table 26.2 in this section.*

*(1) In the Downtown Business (DB) District, off-street parking shall not be required for uses occupying existing floor area in existence as of the date of adoption of this Ordinance and that meet the following criteria:*

*a. The use is permitted in the DB district, excluding office uses (office uses are not subject to the exemption);*

*b. The use does not require a variance relief pursuant to N.J.S.A. 40:55d-70d.*

D. Unchanged.

E. Unchanged.

F. When, in the judgment of the local approving authority, on-street parking is available, then only that proportion of the parking requirement which is not available on the street shall be provided **on site or** in off-street parking facilities. A length of 23 feet per on-street parking space shall be used in calculating the number of available on-street parking spaces.

G. Shared Parking. Where an applicant persuasively demonstrates that 2 or more parking generators have complementary parking demand as demonstrated using accepted shared

parking analyses, the approving authority may permit an appropriate reduction in the required total number of parking spaces.

**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.

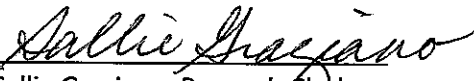
**SECTION 4.** The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION 5.** This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: June 14, 2021

Adopted: June 28, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 06/28/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**TABLED**

**ORDINANCE 2021-16**

DOC ID: 3511

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**An Ordinance to Amend Chapter 25 of the Code of the  
Borough of Flemington Entitled "Collection of Solid Waste"**

**Flemington Borough, Hunterdon County**

WHEREAS, the Borough of Flemington, at its regular meeting of June 14, 2021 authorized the execution of a contract for solid waste collection; and

WHEREAS, the Borough of Flemington intends to revise the Solid Waste Collection Ordinance in a response to increases in solid waste and recycling collection, disposal, and processing costs and to be consistent with the current contract for solid waste collection.

NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY as follows:

**SECTION 1.** CHAPTER 25 OF THE CODE OF THE BOROUGH OF FLEMINGTON, ENTITLED, "COLLECTION OF SOLID WASTE" IS AMENDED AS FOLLOWS (additions are shown as *thus*; deletions are shown as ~~thus~~):

§ 25-1 INTENT AND PURPOSE. Unchanged.

§ 25-2 DEFINITIONS. Unchanged.

§ 25-3 COLLECTION DAYS ESTABLISHED.

- a. Waste collection shall be made from residents on Thursday of each week during the hours of 7:00 a.m. and 5:00 p.m., prevailing time. When a collection day falls on a federal holiday, collections will be made on the following day. In case of an emergency such as a hurricane, snowstorm or other act of God which prevents the collection on a collection day, collections will be made on the following day.
- b. Residents shall not place garbage curbside any earlier than 3:00 p.m. the day preceding the scheduled collection.
- c. ~~Totes Can(s) and bags~~ have to be taken off the street no later than noon of the day after collection.

§ 25-4 WASTE RECEPTACLES.

- a. Residents and occupants shall place all waste *and recycling* to be collected in receptacles Flemington Borough provided Totes.
- b. ~~Residents and owners shall furnish the receptacles for the transportation of waste from dwelling units to the contractor's vehicles.~~ *The Borough shall furnish 96-gallon Totes for the transportation of waste/recycling from dwelling units to the contractor's vehicles. No other cans, bags or resident-owned receptacles will be emptied.*
- c. ~~Receptacles for residents shall be (i) of metal or plastic, sufficiently strong for the intended purpose, equipped with close fitting lids and have a capacity of not more than 30 gallons, or (ii) plastic bags designed for use in the collection and disposal of waste with a capacity of not more than 30 gallons. A receptacle used by a resident when filled shall not weigh in excess of 25 pounds and be capable of being handled by one person;~~
- d. Receptacles for occupants *of multi-family apartment buildings* shall be dumpsters which shall be watertight, constructed of metal or plastic and equipped for handling by motorized

equipment. The number of receptacles, size and placement for Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills and Regional Court Apartments shall be based on annual tonnage reports, needs of the occupants, limitations set forth by the owners of each individual complex and maximum allowable collection per the Borough of Flemington.

**§ 25-5 PLACEMENT OF WASTE FOR COLLECTION.**

- a. Waste to be collected from a resident shall be placed by such resident *along curb line and not obstructed by parked vehicles, snow, brush, leaves etc. for automatic pick up by Borough contractor* ~~on his property within three feet of the curb or street line thereof,~~ from 3:00 p.m. the day preceding collection. A resident shall remove their waste/*recycle* ~~receptacles-Totes~~ and any other trash left behind no later than 12:00 noon the day following collection.
- b. Owners shall place ~~receptacles~~ *Totes* for the collection of waste/*recycling* from occupants at such accessible locations *for automatic pickup by Borough contractor* within the multi-family complexes as directed by the sanitation commissioner of the Borough.
- c. Residents ~~shall place no more than ten cans and/or bags of garbage curbside for collection.~~ *shall not place any other cans, bags or resident-owned Totes out for pickup.*
- d. Residents shall place no more than two bulk items curbside for collection *on 4 days/year as designated by Borough Council.* ~~of Acceptable materials which~~ are the following: bicycles, nonmetal furniture [dressers, chairs, tables, sofas, beds (except steel frame beds)]; carpeting and matting (must be rolled and tied), lawn furniture, nonmetal toys, old doors, windows, screens, tools and mattresses (mattresses must be wrapped in plastic), glass tables and mirrors (must be covered in newspaper and taped to avoid breakage), single items from home repair (for example, a small vanity or single plumbing fixture). Items from construction renovations will not be collected.
- e. *Bulk items shall have stickers attached that must be purchased by the resident from either the Borough or the borough contractor. No bulk items will be collected without a purchased sticker. Stickers are available for purchase by packets of four at \$40.00 per pack.*
- f. Tenants vacating a property and/or property owners ~~with an excess of 10 bags and two bulk items shall place Borough Tote and two bulk items out on designated pickup days~~ for curbside collection *and* must make arrangements with an outside contractor to have the additional *bulk* items *or waste* removed and they shall not place these additional items curbside for regular waste collection.]

**§ 25-6 ALL WASTE TO BE COLLECTED BY CONTRACTORS.**

- a. The Borough awards contracts to contractors for the collection of waste from residents and occupants.
- b. Residents shall dispose of all waste generated by them by placing same for collection by the residential contractor in the manner and at the time herein set forth. Residents ~~shall not may~~ dispose of waste through ~~any other waste collectors except the residential contractor.~~ *or self-transport to the Hunterdon County Transfer Station.*
- c. Owners and occupants shall dispose of all waste generated by occupants by placing same for collection by the multi-family complex contractor in the manner and at the times herein set forth. Owners and occupants shall not dispose of waste through any waste collector

except the multi-family complex contractor, provided, however, an owner of a multi-family complex may, upon ten days prior written notice to the Borough Clerk, terminate collections by the multi-family complex collector.

- d. Tenants vacating a property and/or property owners with an excess of ~~10 bags~~ **waste or recycling that does not fit in the Borough provided Tote** and **an excess of** two bulk items for curbside collection must make arrangements with an outside contractor to have the additional items removed and they shall not place these additional items curbside for regular waste collection.

§ 25-7 (RESERVED)

§ 25-8 (RESERVED)

§ 25-9 PROHIBITIONS. Unchanged.

§ 25-10 SEVERABILITY. Unchanged.

§ 25-11 PENALTY.

For violation of any provision, section or subsection of this chapter, the following shall be enforced by the property maintenance inspector or police for the following offense:

- a. \$50.00 penalty for placing garbage curbside before 3:00 p.m. on the day preceding scheduled pickup.
- b. \$25.00 penalty per can/bag over the ~~ten~~ allowed. **Borough provided Tote.**
- c. \$30.00 penalty per bulk item over two allowed. **The same penalty shall apply for any bulk items left on the curb on days other than the four days per year allotted for bulk pick up.**
- d. \$25.00 penalty for not taking ~~cans and bags~~ **the Borough- provided Tote** off the street by noon of the day after collection.
- e. When a tenant/occupant and/or property owner violates the maximum allowance of ~~10 bags~~ **1 Borough-provided Tote** and two bulk items placed curbside for collection, the property owner will be fined per the above penalties; a placard will be placed on the door of the dwelling and a letter will be sent overnight delivery instructing the property owner they have 24 hours from receipt of the notice to remove all of the remaining debris. Failure to remove within the twenty-four-hour period will result in a contractor selected by the Borough of Flemington to remove the debris and all costs will become a lien on the property.

§ 25-12 SEPARATE VIOLATIONS. Unchanged.

§ 25-13 RECYCLING AND SOLID WASTE.

§ 25-13.1 Definitions. Unchanged.

§ 25-13.2 Municipal Recycling Coordinator. Unchanged.

§ 25-13.3 **Source Separation.** Unchanged.

§ 25-13.4 **Residential Dwelling Compliance Requirement.** Unchanged.

§ 25-13.5 **Residential Dwelling Complexes Compliance Requirement.** Unchanged.

§ 25-13.6 **Nonresidential Establishment Compliance Requirements.** Unchanged.

§ 25-13.7 **New Developments of Multi-Family Residential Units and Commercial, Institutional, or Industrial Properties.** Unchanged.

§ 25-13.8 **Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.** Unchanged.

§ 25-13.9 **Solid Waste Transporter Requirements.** Unchanged.

§ 25-13.10 **Proof of Provision of Solid Waste and Recycling Collection Services.** Unchanged.

§ 25-13.11 **Enforcement.** Unchanged.

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

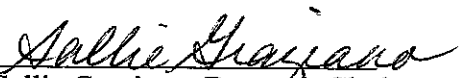
**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the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

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

Introduced: June 28, 2021

Adopted:

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 7/12/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Jessica Hand, Council Member	
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	