



Mayor and Common Council Borough of Flemington

April 11, 2022

Council Meeting Room and Online

Call to Order

Mayor Driver called the meeting to order at 7:00 p.m. and read the following statement: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of April 11, 2022 was included in a list-of-meetings notice sent to the Hunterdon County Democrat and Courier-News on Jan. 5, 2022, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough Clerk.

Executive Session (7:00 PM)

1. RESOLUTION 2022-106: ENTERING EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POSSIBLE NEGOTIATIONS ON LAND ACQUISITION

RESULT:	ADOPTED [4 TO 0]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Jessica Hand, Malik Johnston, Jeremy Long, Elizabeth Rosetti
EXCUSED:	Kimberly Tilly

The executive session started at 7 p.m. Council Member Tilly was excused. All other Council members were present, and they were joined by Council candidate Tony Parker. Attorney St. Angelo and Clerk Graziano attended. Minutes kept separately.

The session ended at 7:22 p.m. and council returned to open session. The meeting then adjourned until the start of the regular meeting at 7:30 p.m.

Regular Meeting (7:30 PM)

Mayor Driver repeated the Open Public Meetings notice. She said an executive session was held earlier and action will be taken later in this meeting.

Flag Salute

I. Consideration of Candidates to Replace Ms. Giles-McCormick

The Democratic Party nominated Jeff Doshna, Adrienne Fusaro and Tony Parker for consideration to fill the Council seat vacated by Ms. Giles-McCormick. The term will expire at the November 2022 election.

Mr. Long moved and Mr. Johnston seconded the nomination of Tony Parker for the seat. All members present voted in favor and Mr. Parker took the oath of office, then joined the Council on the dais.

Roll Call:

Attendee Name	Title	Status	Arrived
Jessica Hand	Council Vice President	Present	
Malik Johnston	Council Member	Present	
Jeremy Long	Council President	Present	
Elizabeth Rosetti	Council Member	Present	
Kimberly Tilly	Council Member	Excused	
Betsy Driver	Mayor	Present	
Tony Parker	Council Member	Present	

II. Mayor's Report

Mayor Driver discussed the budget introduction planned for later in the meeting and said while the tax rate is going down, house values have risen. She reviewed the reassessment results. A public hearing on the budget will be held at the May 9 Council meeting.

She met with Rep. Malinowski to discuss the availability of federal funds for Borough projects.

New Council Member Parker has been an alternate on the Planning Board. He will now hold the Class III Planning Board seat, as Council liaison.

Mayor Driver said the work at 78 Main is moving quickly; the back part of the building has been taken down, and borings are being drilled for the footings for the new construction.

III. Council Members' Reports

Council President Long

Following complaints about noisy vehicles, police are making some stops.

Regarding catalytic converter thefts, Mr. Long said police have asked that residents call police if they hear or see anything suspicious at night.

He outlined activities planned by the FCP and other events coming to town.

Parking signs are being redone, and he showed examples of some of the possibilities.

Council Vice President Hand

She's working on obtaining 501(c)3 status for the Community Garden. A town-wide cleanup is planned for Sunday, May 1, at 2 p.m. People should meet at the road garage located at 8 Main St. (rear). Gloves, bags, and lunch will be provided.

Council Member Johnston

Spring means foxes are becoming active. People may see more foxes around town, but they're just getting food for their young. People don't need to call animal control unless a fox looks sick or injured. He reviewed the animal licensing procedure and encouraged residents to keep their pet licenses current.

He reviewed events planned at the Samuel Fleming House, including an open house on May 7, 1-4 p.m. Outdoors yoga on Tuesdays at 6:30 p.m. starts May 10; the cost is \$5 a session. It will run until November.

Council Member Rosetti

She spoke with school Superintendent McGann regarding the district's questions about Liberty Village and school redistricting.

The Fire Marshal has asked if fireworks will be presented this year, and she's pursuing that question with school district officials, since they're held on the grounds of RFIS, where renovations have been occurring.

Council Vice President Tilly

Excused- no report.

Council Member Parker

No report.

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: March 28, 2022 Regular Council Meeting**

RESULT:	APPROVED [3 TO 0]
MOVER:	Jessica Hand, Council Vice President
SECONDER:	Jeremy Long, Council President
AYES:	Jessica Hand, Jeremy Long, Elizabeth Rosetti
ABSTAIN:	Malik Johnston, Tony Parker
EXCUSED:	Kimberly Tilly

1. Motion To: **Amend the Agenda to Include a Resolution to Hire an Appraiser, and a Resolution Authorizing the Submission of Requests for Federal Funds**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

2. RESOLUTION 2022-110: HIRING AN APPRAISER TO PERFORM AN APPRAISAL FOR A POTENTIAL LAND ACQUISITION BY THE BOROUGH OF FLEMINGTON

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

3. RESOLUTION 2022-109: AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FEDERAL FUNDS FOR MULTIPLE FLEMINGTON BOROUGH PROJECTS

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jessica Hand, Council Vice President
SECONDER:	Malik Johnston, Council Member
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

Regular Agenda

1. SECOND READING, ORDINANCE 2022-3: AN ORDINANCE AMENDING THE PRIVATE GARAGE DEFINITION IN CHAPTER 12 LAND DEVELOPMENT DEFINITIONS SECTION 1202 WORD AND TERMS DEFINED, AND THE AFFORDABLE HOUSING SET-ASIDE IN CHAPTER 26 ZONING SECTION 2635, AFFORDABLE HOUSING INCLUSIONARY ZONING SET-ASIDE

Motion to open public hearing: Hand, seconded by Long. All present voted to open the hearing. It opened at 7:59 p.m. There were no comments.
Motion to close hearing: Long, seconded by Hand. All voted to close the hearing. It closed at 8:00 p.m.
Ms. Hand asked what problem this solves. Planner McManus said it updates the ordinances to match today's land use challenges, and clarifies sections that weren't clear. For affordable housing set asides, it sets more specific parameters. Regarding garages, it allows structured parking for commercial districts as a conditional use, and requires it be wrapped with a permitted use or appropriately screened.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

2. SECOND READING, ORDINANCE 2022-4: SALARY ORDINANCE FOR 2022

Motion to open public hearing: Long, seconded by Hand. All voted yes to open the hearing. The hearing opened at 8:06 p.m.; there were no comments.
Motion to close public hearing: Long, seconded by Hand. All voted yes to close the hearing. The hearing closed at 8:07 p.m.
Mayor Driver said this includes 2% raises for borough employees not covered by a union.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jessica Hand, Council Vice President
SECONDER:	Jeremy Long, Council President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

3. FIRST READING, ORDINANCE 2022-5: CALENDAR YEAR 2022 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)

RESULT:	INTRODUCED [UNANIMOUS]	Next: 4/25/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Hand, Johnston, Long, Rosetti, Parker	
EXCUSED:	Kimberly Tilly	

CFO Hance noted this affects the appropriations cap, not the levy cap, which is more restrictive.

4. FIRST READING, ORDINANCE 2022-6: AMENDING SECTION 7-4.2 OF THE CODE OF THE BOROUGH OF FLEMINGTON REGARDING PARKING DURING SNOW EMERGENCIES

RESULT:	INTRODUCED [UNANIMOUS]	Next: 4/25/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Hand, Johnston, Long, Rosetti, Parker	
EXCUSED:	Kimberly Tilly	

Attorney St. Angelo said this cleans up the ordinance and builds in how long snow emergencies are in effect, and sets out the procedure for declaring a snow emergency.

5. FIRST READING, RESOLUTION 2022-95: ADOPTING THE 2022 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON

RESULT:	INTRODUCED [UNANIMOUS]	Next: 5/9/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Hand, Johnston, Long, Rosetti, Parker	
EXCUSED:	Kimberly Tilly	

Mayor Driver said the tax rate for this budget is \$1,004.41 per \$100,000 of valuation, down from \$1,008 last year. Housing prices have risen after staying flat for years; the price of the average house has increased \$16,458. Taxes on the average house will be \$2,975.72.

Mr. Long said pie charts giving a visual presentation of the budget will be posted on the website.

Mr. Parker asked about how assessments work in the Borough; Attorney St. Angelo said Flemington is an annual reassessment district and homes are inspected on a rolling basis, with each home being inspected once every five years.

6. RESOLUTION 2022-96: FLEMINGTON BOROUGH SELF-EXAMINATION FOR 2022 MUNICIPAL BUDGET

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeremy Long, Council President
SECONDER: Jessica Hand, Council Vice President
AYES: Hand, Johnston, Long, Rosetti, Parker
EXCUSED: Kimberly Tilly

7. RESOLUTION 2022-97: CERTIFYING COMPLIANCE WITH THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S 'ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964'

RESULT: ADOPTED [UNANIMOUS]
MOVER: Malik Johnston, Council Member
SECONDER: Jessica Hand, Council Vice President
AYES: Hand, Johnston, Long, Rosetti, Parker
EXCUSED: Kimberly Tilly

8. RESOLUTION 2022-104: AUTHORIZING THE CONVERSION OF THE BOROUGH'S SNOWFLAKE HOLIDAY LIGHTS FROM INCANDESCENT TO LED BULBS

RESULT: ADOPTED [UNANIMOUS]
MOVER: Malik Johnston, Council Member
SECONDER: Jessica Hand, Council Vice President
AYES: Hand, Johnston, Long, Rosetti, Parker
EXCUSED: Kimberly Tilly

9. RESOLUTION 2022-105: AUTHORIZING THE SUBMISSION OF DOCUMENTS TO THE NJ DEPARTMENT OF TRANSPORTATION REGARDING THE MAIN STREET IMPROVEMENT PROJECT

RESULT: ADOPTED [UNANIMOUS]
MOVER: Malik Johnston, Council Member
SECONDER: Jessica Hand, Council Vice President
AYES: Hand, Johnston, Long, Rosetti, Parker
EXCUSED: Kimberly Tilly

10. RESOLUTION 2022-107: A RESOLUTION SUPPORTING THE APPLICATION OF THE YMCA OF BUCKS AND HUNTERDON COUNTIES FOR FEDERAL GRANT MONEY FOR THE FLEMINGTON-RARITAN COMMUNITY POOL

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jeremy Long, Council President
SECONDER: Jessica Hand, Council Vice President
AYES: Hand, Johnston, Long, Rosetti, Parker
EXCUSED: Kimberly Tilly

11. RESOLUTION 2022-108: AUTHORIZING SUBMISSION OF A TREATMENT WORKS APPROVAL PERMIT APPLICATION TO THE NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE HOPEWELL AVENUE SANITARY SEWER REPLACEMENT PROJECT

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

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

No comments.

VII. Attorney's Report

Tax appeals are coming in; the deadline is May 1.

VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$1,051,632.67**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

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 Vice President
SECONDER:	Malik Johnston, Council Member
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

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

Attest: Sallie Graziano

Sallie Graziano, Borough Clerk

Approved by Council 4/25/22

2022 Municipal Budget

of the BOROUGH of FLEMINGTON County of
HUNTERDON for the fiscal year 2022.

Revenue and Appropriations Summaries

Summary of Revenues		Anticipated			
		2022		2021	
1	Surplus	370,000.00		410,000.00	
2	Total Miscellaneous Revenues	1,144,616.15		957,643.27	
3	Receipts from Delinquent Taxes	279,000.00		280,000.00	
4	a) Local Tax for Municipal Purposes	4,998,079.24		4,734,408.89	
	b) Addition to Local School District Tax				
	c) Minimum Library Tax	150,614.35		145,392.11	
	Tot Amt to be Rsd by Taxes for Sup of Muni Bnd	5,148,693.59		4,879,801.00	
	Total General Revenues	6,942,309.74		6,527,444.27	

Summary of Appropriations		2022 Budget		Final 2021 Budget	
1	Operating Expenses: Salaries & Wages	2,500,296.00		2,493,961.00	
	Other Expenses	2,624,082.15		2,294,390.27	
2	Deferred Charges & Other Appropriations	886,431.59		822,743.00	
3	Capital Improvements	77,000.00		55,000.00	
4	Debt Service (Include for School Purposes)	444,500.00		451,350.00	
5	Reserve for Uncollected Taxes	410,000.00		410,000.00	
	Total General Appropriations	6,942,309.74		6,527,444.27	
	Total Number of Employees	73		73	

2022		Utility Budget			
Dedicated					
Summary of Revenues		Anticipated			
		2022		2021	
1	Surplus	96,200.00			
2	Miscellaneous Revenues	1,434,800.00		1,611,308.38	
3	Deficit (General Budget)				

Total				
Revenues			1,531,000.00	1,611,308.38
Summary of Appropriations		2022 Budget		Final 2021 Budget
1				
Operating Expenses:	Salaries & Wages	302,000.00		290,000.00
	Other Expenses	516,500.00		475,775.00
2				
Capital Improvements		5,000.00		60,000.00
3				
Debt Service		677,500.00		674,225.00
4				
Deferred Charges & Other Appropriations		30,000.00		111,308.38
5				
Surplus (General Budget)				
Total Appropriations		1,531,000.00		1,611,308.38
Total Number of Employees		12		12

2022		Sewer		Utility Budget	
Dedicated				Anticipated	
Summary of Revenues				2022	2021
1					
Surplus				851,525.00	884,000.00
2					
Miscellaneous Revenues				1,904,600.00	1,818,000.00
3					
Deficit (General Budget)					
Total					
Revenues				2,756,125.00	2,702,000.00
Summary of Appropriations				2022 Budget	Final 2021 Budget
1					
Operating Expenses:	Salaries & Wages			600,000.00	645,000.00
	Other Expenses			1,768,250.00	1,655,000.00
2					
Capital Improvements				35,000.00	35,000.00
3					
Debt Service				188,700.00	163,000.00
4					
Deferred Charges & Other Appropriations				164,175.00	204,000.00
5					
Surplus (General Budget)					
Total Appropriations				2,756,125.00	2,702,000.00
Total Number of Employees				5	5

Balance of Outstanding Debt					
		General		Water	Sewer
Interest		149,500.00		117,000.00	6,200.00
Principal		5,894,000.00		11,303,545.10	2,940,652.36
Outstanding Balance		6,043,500.00		11,420,545.10	2,946,852.36

Tax Rate History

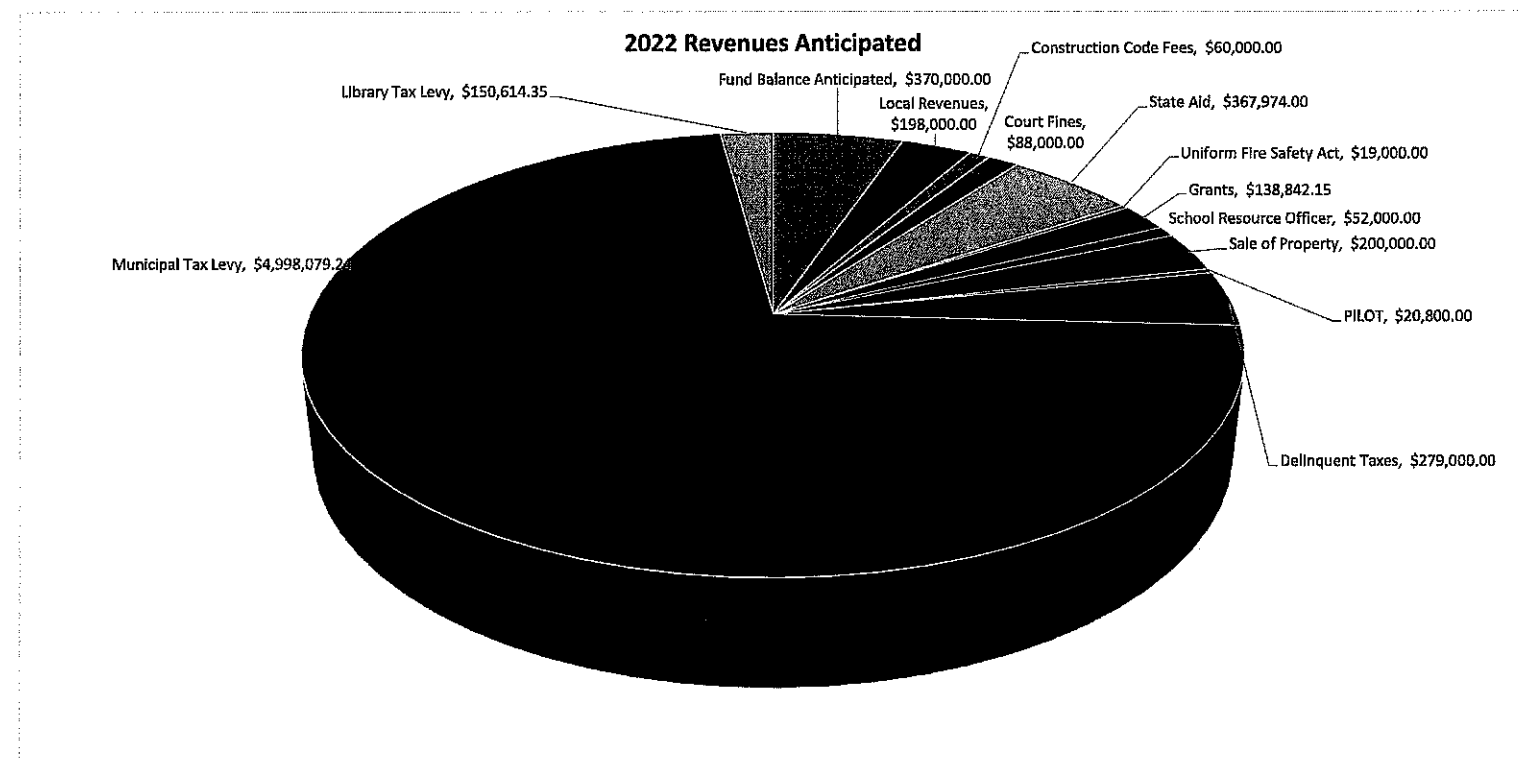
	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Average Household:	\$ 240,488	\$ 246,386	\$ 251,143	\$ 255,900	\$ 259,900	\$ 265,326	\$ 268,762	\$ 272,413	\$ 279,808	\$ 296,266
Tax Rate:	\$ 0.749	\$ 0.811	\$ 0.873	\$ 0.907	\$ 0.924	\$ 0.928	\$ 0.9640	\$ 0.981	\$ 1.008	\$ 1.004
Taxes:	\$ 1,801.26	\$ 1,997.94	\$ 2,192.48	\$ 2,319.73	\$ 2,402.05	\$ 2,462.23	\$ 2,590.87	\$ 2,671.28	\$ 2,820.58	\$ 2,975.72
Difference:		\$ 196.69	\$ 194.53	\$ 127.26	\$ 82.32	\$ 60.17	\$ 128.64	\$ 80.42	\$ 149.30	\$ 155.14

Budget Revenues Anticipated Comparison

<u>Revenue Category</u>	<u>2022</u>	<u>% of Total Budget</u>	<u>2021</u>	<u>% of Total Budget</u>	<u>\$ Change</u>	<u>% Change</u>
Fund Balance Anticipated	\$ 370,000.00	5.33%	\$ 410,000.00	6.28%	\$ (40,000.00)	-9.76%
Local Revenues	\$ 198,000.00	2.85%	\$ 200,000.00	3.06%	\$ (2,000.00)	-1.00%
Construction Code Fees	\$ 60,000.00	0.86%	\$ 84,000.00	1.29%	\$ (24,000.00)	-28.57%
Court Fines	\$ 88,000.00	1.27%	\$ 95,000.00	1.46%	\$ (7,000.00)	-7.37%
State Aid	\$ 367,974.00	5.30%	\$ 367,974.00	5.64%	\$ -	0.00%
Uniform Fire Safety Act	\$ 19,000.00	0.27%	\$ 24,000.00	0.37%	\$ (5,000.00)	-20.83%
Grants	\$ 138,842.15	2.00%	\$ 23,869.27	0.37%	\$ 114,972.88	481.68%
School Resource Officer	\$ 52,000.00	0.75%	\$ 52,000.00	0.80%	\$ -	0.00%
Sale of Property	\$ 200,000.00	2.88%	\$ 92,000.00	1.41%	\$ 108,000.00	117.39%
PILOT	\$ 20,800.00	0.30%	\$ 20,800.00	0.32%	\$ -	0.00%
Delinquent Taxes	\$ 279,000.00	4.02%	\$ 280,000.00	4.29%	\$ (1,000.00)	-0.36%
Municipal Tax Levy	\$ 4,998,079.24	71.99%	\$ 4,732,408.89	72.50%	\$ 265,670.35	5.61%
Library Tax Levy	\$ 150,614.35	2.17%	\$ 145,392.11	2.23%	\$ 5,222.24	3.59%
Totals:	\$ 6,942,309.74	100.00%	\$ 6,527,444.27	100.00%	\$ 414,865.47	6.36%

Budget Appropriation Comparison

<u>Budget Category</u>	<u>2022</u>	<u>% of Total Budget</u>	<u>2021</u>	<u>% of Total Budget</u>	<u>\$ Change</u>	<u>% Change</u>
Administration	\$758,425.00	10.92%	\$763,299.00	11.69%	-\$4,874.00	-0.64%
Insurance	\$664,000.00	9.56%	\$664,000.00	10.17%	\$0.00	0.00%
Municipal Court & Legal	\$288,100.00	4.15%	\$322,100.00	4.93%	-\$34,000.00	-10.56%
Land Use Administration	\$115,700.00	1.67%	\$65,100.00	1.00%	\$50,600.00	77.73%
Utilities	\$165,000.00	2.38%	\$165,000.00	2.53%	\$0.00	0.00%
DPW & Buildings	\$330,200.00	4.76%	\$317,136.00	4.86%	\$13,064.00	4.12%
Uniform Construction Code	\$121,540.00	1.75%	\$121,970.00	1.87%	-\$430.00	-0.35%
Debt Service	\$499,500.00	7.20%	\$488,585.00	7.49%	\$10,915.00	2.23%
Capital Improvements	\$77,000.00	1.11%	\$55,000.00	0.84%	\$22,000.00	40.00%
Pensions & Social Security	\$831,431.59	11.98%	\$785,508.00	12.03%	\$45,923.59	5.85%
Reserve for Uncollected Taxes	\$410,000.00	5.91%	\$410,000.00	6.28%	\$0.00	0.00%
Emergency Services	\$1,928,171.00	27.77%	\$1,912,477.00	29.30%	\$15,694.00	0.82%
Grants	\$282,842.15	4.07%	\$132,869.27	2.04%	\$149,972.88	112.87%
Sanitation & Recycling	\$442,400.00	6.37%	\$294,400.00	4.51%	\$148,000.00	50.27%
Health Services & Dog Regulation	\$28,000.00	0.40%	\$30,000.00	0.46%	-\$2,000.00	-6.67%
Totals:	\$6,942,309.74		\$6,527,444.27		\$414,865.47	6.36%



Council Vacancy

From: Jeffrey Doshna <doshna@gmail.com>

sent from doshna.net

Sent: Thu, Mar 24, 2022 at 3:14 pm

To: Sallie Graziano

Having been notified of the vacancy created by the resignation of Councilmember Caitlin Giles-McCormick effective March 18th, 2022, the Flemington Democratic Committee nominates the following three names pursuant to NJ §40A:16-11:

- E Anthony Parker, 56 Broad Street
- Adrienne E Fusaro, 23 Maple Avenue
- Jeffrey P Doshna, 197 Main Street

Thank you.

Jeffrey Doshna
Municipal Chair, Flemington Borough Democrats
doshna@gmail.com

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

RESOLUTION 2022-95

DOC ID: 3763

**Adopting the 2022 Municipal Budget of the Borough of
Flemington**

BE IT RESOLVED that the 2022 Municipal Budget, shown in the attached document, be adopted by the Council of the Borough of Flemington, County of Hunterdon, State of New Jersey.

Tabled: March 28, 2022
Introduced: April 11, 2022
Adopted:

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

ATTACHMENTS:

- 1009_introbudget_2022(PDF)

RESULT:	INTRODUCED [UNANIMOUS]	Next: 5/9/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Hand, Johnston, Long, Rosetti, Parker	
EXCUSED:	Kimberly Tilly	

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3775

ADOPTED

RESOLUTION 2022-96

Flemington Borough Self-Examination for 2022 Municipal Budget

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Borough of Flemington has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2022 budget year;


THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found that the budget has met the following requirements:


1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payments of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Tabled: March 28, 2022
Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

ADOPTED

RESOLUTION 2022-97

DOC ID: 3774

**Certifying Compliance with the U.S. Equal Employment
Opportunity Commission's 'Enforcement Guidance on the
Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act
of 1964'**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Tabled: March 28, 2022

Adopted: April 11, 2022

Attest:



Sallie Graziano, RMC, Borough Clerk



Betsy Driver, Mayor

CLERK'S CERTIFICATION

I hereby certify that this is a true copy of the resolution passed at the Flemington Borough Council meeting held on April 11, 2022.



Sallie Graziano, RMC, Borough Clerk

ATTACHMENTS:

- EEOC cert 2022 (DOCX)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Malik Johnston, Council Member
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and
Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act
of 1964"**

GROUP AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF HUNTERDON

We, members of the governing body of Flemington Borough, being duly sworn according to law,
upon our oath depose and say:

1. We are duly elected (or appointed) members of the Borough Council of Flemington in the county of Hunterdon;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this

12th day of April, 2022


Sallie Graziano, RMC, Borough Clerk

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

Council Member Kim Tilly is away for training as a CERT member and unavailable to sign.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2022-104

DOC ID: 3785

**Authorizing the Conversion of the Borough's Snowflake
Holiday Lights from Incandescent to LED Bulbs**

WHEREAS, the Borough's 58 snowflake holiday lights are in need of maintenance;
and

WHEREAS, the vendor who services the snowflakes, Rileigh's Outdoor Decor, has
offered to convert the decorations from incandescent lights to LED lights at a
special rate; and

WHEREAS, the vendor would perform this service for all the snowflakes for a total
cost of \$1,863.90 (including the LED lights listed for \$1.25 each and the labor);
and

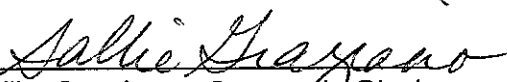
WHEREAS, each of the snowflakes has more than 100 lights, so the savings is
significant;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington
authorizes an agreement with Rileigh's Outdoor Decor to convert the Borough's
holiday snowflake lights from incandescent lights to LED lights at a total cost of
\$1,863.90.

BE IT FURTHER RESOLVED that the Mayor and other Borough officials as needed
are authorized to sign an agreement with Rileigh's Outdoor Decor regarding
these terms.

Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Malik Johnston, Council Member
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Roseetti, Parker
EXCUSED:	Kimberly Tilly

ADOPTED

RESOLUTION 2022-105

Authorizing the Submission of Documents to the NJ
Department of Transportation Regarding the Main Street
Improvement Project

WHEREAS, Flemington Borough has received \$220,000 in FY 2020 Municipal Aid funds from the NJ Department of Transportation for the Main Street and Church Street Roadway Improvement Project; and

WHEREAS, a construction contract for this project was to be awarded by November 21, 2021; and


WHEREAS, circumstances arose that prevented a construction contract from being awarded by that date;


NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington authorizes the submission of documents to the NJ Department of Transportation requesting a one-year extension of the award deadline from the original date to November 21, 2022; and

BE IT FURTHER RESOLVED that the Council of the Borough of Flemington authorizes the submission documents to the NJ Department of Transportation requesting modification to the scope of the project.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and other officials as required are authorized to sign such documents as necessary to advance these requests.

Adopted: April 11, 2022
Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Malik Johnston, Council Member
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

ADOPTED

RESOLUTION 2022-106

DOC ID: 3787

**Entering Executive Session for the Purpose of Discussing
Possible Negotiations on Land Acquisition**

WHEREAS, the Common Council of the Borough of Flemington desires to discuss and obtain attorney advice regarding possible negotiations on land acquisition; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (5), which cites:

any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed; and

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

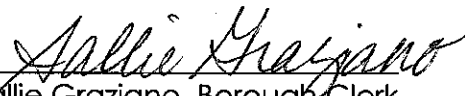
any pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public;

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

Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [4 TO 0]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Jessica Hand, Malik Johnston, Jeremy Long, Elizabeth Rosetti
EXCUSED:	Kimberly Tilly

ADOPTED

RESOLUTION 2022-107

A Resolution Supporting the Application of the YMCA of Bucks and Hunterdon Counties for Federal Grant Money for the Flemington-Raritan Community Pool

WHEREAS, the community founded the Flemington-Raritan Community Pool in 1963 to provide the residents of Flemington Borough and Raritan Township with a place for safe recreation; and

WHEREAS, thousands of residents used the Flemington-Raritan Community pool, owned by YMCA of Bucks and Hunterdon Counties, to learn to swim, for family fun, and for competitive aquatics until its closure in 2017; and

WHEREAS, community volunteers and the YMCA of Bucks and Hunterdon Counties have completed a needs assessment and environmental study to develop plans to renovate and reopen the Flemington-Raritan Community Pool; and

WHEREAS, the proposed renovation will provide the community with a modern, safe, ADA-compliant community pool; and


WHEREAS, the community has been unable to raise the necessary funds to restore this community asset that had been used by thousands; and


WHEREAS, Congressman Tom Malinowski has identified Federal funds for community projects;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington in the County of Hunterdon authorizes the Mayor to sign a letter of support for the YMCA of Bucks and Hunterdon Counties' application for Federal grant money for the Flemington-Raritan Community Pool.

Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

ADOPTED

RESOLUTION 2022-108

**Authorizing Submission of a Treatment Works Approval
Permit Application to the NJ Department of Environmental
Protection for the Hopewell Avenue Sanitary Sewer
Replacement Project**

BOROUGH OF FLEMINGTON

WHEREAS, the Borough owns and operates a sanitary sewer on Hopewell Avenue between North Main Street and East Main Street, and

WHEREAS, the Borough plans to replace a portion of that sewer due to its age and poor condition, and


WHEREAS, the replacement of the sewer requires a Treatment Works Approval (TWA) Permit from the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington formally approves the submission of the permit application for the above stated project.

BE IT FURTHER RESOLVED that the Director of Public Works and other Borough officials as necessary are hereby authorized to execute, on behalf of the Borough, any forms required as part of the permit submittal.

Adopted: April 11, 2022
Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

ADOPTED

RESOLUTION 2022-109

Authorizing the Submission of Applications for Federal Funds for Multiple Flemington Borough Projects

WHEREAS, several municipal projects are planned which could benefit from federal FY23 funding; and

WHEREAS, these projects include:

Constructing and placing into service potable water production Well Number 11;

Creation of a new Police Headquarters;

Constructing and placing into service potable water production Well Number 12;

William Street Improvement Project;

Main Street Streetscape Phase 2 project (Mine Street to Fulper Road)

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington authorizes the submission of funding requests for the above-named projects to the offices of U.S. Rep. Tom Malinowski and U.S. Sen. Corey Booker, as appropriate; and

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and other Borough officials as needed are authorized to sign documents to further such applications.

Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jessica Hand, Council Vice President
SECONDER:	Malik Johnston, Council Member
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

ADOPTED

RESOLUTION 2022-110

DOC ID: 3791

**Hiring an Appraiser to Perform an Appraisal for a Potential
Land Acquisition by the Borough of Flemington**

WHEREAS, the Borough of Flemington is in need of appraisal services for a potential land acquisition; and

WHEREAS, three quotes for this service were sought; and

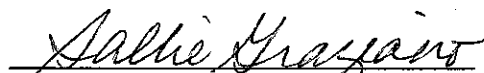
WHEREAS, the quote most advantageous to the Borough of Flemington was provided by Mick Schaible of Vanguard Appraisal Service in Stockton, NJ, in an amount estimated at \$3,000;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington authorizes the hiring of Mick Schaible of Vanguard Appraisal Service, 7 Sanford Road, Stockton, NJ 08859, to perform the needed appraisal services; and

BE IT FURTHER RESOLVED that the amount to be paid shall not exceed \$4,000.

Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

ORDINANCE 2022-3

DOC ID: 3759

An Ordinance Amending the Private Garage Definition in Chapter 12 Land Development Definitions Section 1202 Word and Terms Defined, and the Affordable Housing Set-Aside in Chapter 26 Zoning Section 2635, Affordable Housing Inclusionary Zoning Set-Aside

Borough of Flemington, Hunterdon County

WHEREAS, the Mayor and Council of the Borough of Flemington ("Borough Council") finds that there is a lack of clarity in its mandatory affordable housing set-aside ordinance; and

WHEREAS, the Mayor and Council of the Borough of Flemington ("Borough Council") finds that the regulation of "private garages" in the Borough's mixed-use and nonresidential districts is incompatible with the typical land uses and desired character in those zone districts;

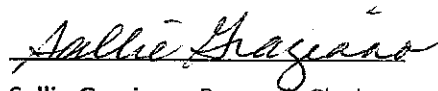
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that Chapter 12 and Chapter 26 of the Code of the Borough of Flemington (the "Code"), entitled "Land Development Definitions" and "Zoning," is hereby amended and supplemented as shown in the attached document (*additions are shown as thus; deletions are shown as thus*).

Introduced: March 14, 2022

Adopted: April 11, 2022

Attest:


Betsy Driver, Mayor


Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council President
SECONDER:	Jessica Hand, Council Vice President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

**AN ORDINANCE AMENDING THE PRIVATE GARAGE DEFINITION IN
CHAPTER 12 LAND DEVELOPMENT DEFINITIONS SECTION 1201 WORD AND TERMS DEFINED, AND
THE AFFORDABLE HOUSING SET-ASIDE IN CHAPTER 26 ZONING SECTION 2635, AFFORDABLE HOUSING
INCLUSIONARY ZONING SET-ASIDE**

WHEREAS, the Mayor and Council of the Borough of Flemington ("Borough Council") finds that there is a lack of clarity in its mandatory affordable housing set-aside ordinance; and

WHEREAS, the Mayor and Council of the Borough of Flemington ("Borough Council") finds that the regulation of "private garages" in the Borough's mixed-use and nonresidential districts is incompatible with the typical land uses and desired character in those zone districts;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that Chapter 12 and Chapter 26 of the Code of the Borough of Flemington (the "Code"), entitled "Land Development Definitions" and "Zoning," is hereby amended and supplemented as follows:

Section 1. *Chapter 12 Land Development Definitions, Section 1201 Words and Terms Defined is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);*

.....

STRUCTURED PARKING

A structure or portion thereof composed of one or more levels or floors used for the parking or storage of motor vehicles. A parking structure may be partially or totally above or below grade with those levels being either open or enclosed.

~~A structure, partially or fully above or below ground, used for the parking of motor vehicles.~~

~~A building for the storage of not more than 3 motor vehicles, with no provision for repairing, servicing, or storing such vehicles for profit. A private garage is also called a residential garage.~~

.....

Section 2. Chapter 26 Zoning, Section 2618 Transition Commercial (TC) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

- ~~4. Private garages for commercial vehicles used in conjunction with the principal use~~
- ~~5.4. Fences and walls.~~
- ~~6.5. Signs, § 2631~~
- ~~7.6. Storage and maintenance buildings~~
- ~~8.7. Solar facilities~~
- ~~9.8. Community gardening~~

- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board.

1. Structured parking meeting the following criteria:

- a. Along a public street frontage, the first floor of the parking structure shall be occupied by a permitted use or use otherwise approved by the Planning Board, except that an access driveway with a maximum width of 40 feet shall be permitted along the public street frontage.
- b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.

- ~~D.E.~~ Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all TC Districts:

.....

- ~~E. F.~~ Additional Regulations for Retail and Service Uses.

.....

Section 3. Chapter 26 Zoning, Section 2619 Community Business (CB) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

- ~~4. Private garages for commercial vehicles used in conjunction with the principal use.~~
- ~~5.4. Fences and walls.~~
- ~~6.5. Signs, § 2631~~
- ~~7.6. Storage and maintenance buildings.~~
- ~~8.7. Solar Facilities~~
- ~~9.8. Shelters and fenced enclosures for the keeping of animals on residential lots.~~
- ~~10.9. Community gardening.~~

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board.

.....

3. Structured parking meeting the following criteria:

- a. Along a public street frontage, the first floor of the parking structure shall be occupied by a permitted use or use otherwise approved by the Planning Board, except that an access driveway with a maximum width of 40 feet shall be permitted along the public street frontage.
- b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.

.....

Section 4. Chapter 26 Zoning, Section 2620 Downtown Business (DB) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

- ~~4. Private garages for commercial vehicles used in conjunction with the principal use(s).~~
- ~~5.4. Fences and walls.~~
- ~~6.5. Signs, § 2631~~
- ~~7.6. Storage and maintenance buildings~~
- ~~8.7. Solar facilities~~
- ~~9.8. Community gardening~~

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board.

.....

3. Structured parking meeting the following criteria:

- a. Along a public street frontage, the first floor of the parking structure shall occupied by a permitted use or use otherwise approved by the Planning Board, except that an access

driveway with a maximum width of 40 feet shall be permitted along the public street frontage.

- b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.
- ~~3-4.~~ Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

.....

Section 5. Chapter 26 Zoning, Section 2621 Downtown II Business (DBII) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

- C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

- ~~4. Private garages for commercial vehicles used in conjunction with the principal use(s).~~
- ~~5-4.~~ Fences and walls.
- ~~6-5.~~ Signs, § 2631
- ~~7-6.~~ Storage and maintenance buildings
- ~~8-7.~~ Solar facilities
- ~~9-8.~~ Community gardening

- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board.

.....

- 3. Structured parking meeting the following criteria:
 - a. Along a public street frontage, the first floor of the parking structure shall be occupied by a permitted use or use otherwise approved by the Planning Board, except that an access driveway with a maximum width of 40 feet shall be permitted along the public street frontage.
 - b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.
- ~~3-4.~~ Any other area, yard, height, and building coverage requirement not herein modified shall apply to any conditional use.

.....

Section 6. Chapter 26 Zoning, Section 2622 Professional Office (PO) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

C. ~~Conditional Use. Public and private nonprofit day schools~~ Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board.

1. Public and private nonprofit day school.
2. Structured parking meeting the following criteria:
 - a. Along a public street frontage, the first floor of the parking structure shall occupied by a permitted use or use otherwise approved by the Planning Board, except that an access driveway with a maximum width of 40 feet shall be permitted along the public street frontage.
 - b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.

D. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

- ~~2. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.~~
- ~~3.~~ 2. Fences and walls.
- ~~4.~~ 3. Signs, § 2631.
- ~~5.~~ 4. Storage and maintenance buildings.
- ~~6.~~ 5. Solar facilities.
- ~~7.~~ 6. Community gardening.

.....

Section 7. Chapter 26 Zoning, Section 2623 Village Artisan Shopping (VAS) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

- ~~4. Private garages for commercial vehicles used in conjunction with the principal use, excepting public works garages or yards.~~
- ~~5.~~ 4. Fences and walls.
- ~~6.~~ 5. Signs, § 2631.
- ~~7.~~ 6. Storage and maintenance buildings.

~~8.7.~~ Kiosks.

~~9.8.~~ Solar facilities.

~~10.9.~~ Community gardening.

D. Conditional Uses Permitted. Subject to the following conditions:

.....

4. Structured parking meeting the following criteria:

- a. Along a public street frontage, the first floor of the parking structure shall be occupied by a permitted use or use otherwise approved by the Planning Board, except that an access driveway with a maximum width of 40 feet shall be permitted along the public street frontage.
- b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.

.....

Section 8. Chapter 26 Zoning, Section 2624 Highway Retail (HR) District is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

C. Accessory Uses Permitted. Any of the following uses may be permitted when used in conjunction with a permitted principal use:

.....

~~3. Private garages for commercial vehicles used in conjunction with the principal use.~~

~~4.3.~~ Fences and walls.

~~5.4.~~ Signs, § 2631.

~~6.5.~~ Storage and maintenance buildings.

~~7.6.~~ Solar facilities.

~~8.7.~~ Community gardening.

D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board.

.....

5. Structured parking meeting the following criteria:

- a. Along a public street frontage, the first floor of the parking structure shall be occupied by a permitted use or use otherwise approved by the Planning Board, except that an access driveway with a maximum width of 40 feet shall be permitted along the public street frontage.
- b. Where the structured parking does not have frontage along a public street, the parking shall be screened by structural elements that are compatible with the materials and design of the building facades.

5. 6. All other parts of this Ordinance not modified herein shall apply.

.....

Section 9. Chapter 26 Zoning Section 2635 Affordable Housing Inclusionary Zoning Set-Aside Affordable Housing Development Fees is amended and supplemented as follows (additions are shown as thus; deletions are shown as ~~thus~~);

.....

- A. ~~All residential multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is "approvable," "suitable," and "developable," as defined at N.J.A.C. 5:93-1.3, at a gross residential density of 6 units to the acre, shall require that an appropriate percentage of the residential units be set aside for low- and moderate-income households.~~
- B. A. This requirement shall apply beginning with the effective date of this ordinance to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of 5 or more new residential units, whether permitted by a zoning amendment, a variance granted by the Planning Board, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.
- C. B. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the effective date of this Ordinance No. 2017-10, adopted August 14, 2017, this requirement shall only apply if the Borough permits an increase in the ~~approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Ordinance.~~ in the gross residential density to at least twice the permitted density as calculated based upon the required zone district's permitted front setback, side setback, rear setback, principal building height, floor area ratio, and impervious coverage of the zone district it is located in (excluding Section 2637).
- D. C. For inclusionary projects in which the low- and moderate-income units are to be offered for sale, the set-aside percentage should be 20 percent; for projects in which the low- and moderate-income units are to be offered for rent, the set-aside percentage should be 15 percent.
- E. D. The developer shall provide that half of the low- and moderate-income units constructed be affordable by low-income households and that the remaining half be affordable by moderate-income households. At least 13 percent of all restricted units shall be very low-income units (affordable to a household earning 30 percent or less of median income). The very low-income units shall be counted as part of the required number of low-income units within the development.
- F. E. Subdivision and site plan approval shall be denied by the board unless the developer complies with the requirements to provide low- and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The Board may impose any reasonable conditions to ensure such compliance.
- G. F. Nothing in this subsection precludes the Borough from imposing an affordable housing set aside in a development not required to have a set-aside pursuant to this subsection consistent with N.J.S.A. 52:27D-311(h) and other applicable law.

H.G. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

H.H. This requirement does not apply to any sites or specific zones otherwise identified in the Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

....

Borough of Flemington Planning/Zoning Board

38 Park Avenue
Flemington, New Jersey 08822
Phone [908] 782-8840
Fax [908] 782-0142

Chairman
Jeffrey Doshna, AICP

Secretary
Eileen Parks

March 23, 2022

Honorable Mayor & Common Council
Borough of the Flemington
38 Park Avenue
Flemington, NJ 08822

Re: **Council Ordinance 2022-03:** Amending the Private Garage Definition in Chapter 12 Land Development Definitions Section 1202 Word and Terms Defined, and the Affordable Housing Set-Aside in Chapter 26 Zoning Section 2635, Affordable Housing Inclusionary Zoning Set-Aside

Dear Honorable Mayor & Council,

The aforementioned ordinances were reviewed at the March 22, 2022 regular meeting of the Borough of Flemington Planning Board.

After discussion, the Board found Ordinance 2022-03 to be Specifically Consistent with the Master Plan. The Planning Board recommends that the Ordinance be adopted by Council as presented.

If you need anything else or have any questions, please do not hesitate to contact me.

Best Regards,



Eileen Parks
Planning Board Secretary
Borough of Flemington

cc: Kara Kaczynski, Esq. (via email only)
Robert Clerico, PE (via email only)
Elizabeth McManus, PP (via email only)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3769

ADOPTED

ORDINANCE 2022-4

Second Reading, Salary Ordinance for 2022

An ordinance to fix the rate of compensation of the Mayor, Council and non-union employees of the Borough of Flemington, County of Hunterdon, State of New Jersey.

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

Section 1: The rate of compensation of the following employees shall be on a yearly basis, payable quarterly and effective January 1, 2022:

Mayor	\$6,120
Council Member	\$4,935
Public Defender	\$9,988

Section 2: The rate of compensation of the following non-union employees shall be on a yearly basis, payable bi-weekly and effective January 1, 2022:

Borough Clerk (To include Registrar of Vital Statistics)	\$58,428
Deputy Clerk	\$26,869
Administrator / Engineer	\$120,000
Chief Financial Officer (To include Deputy Collector)	\$48,785
Tax Collector	\$22,372
Tax Assessor	\$32,684
Finance Assistant	\$19,650
Municipal Court Judge	\$26,507
**\$1,030.00 per 4th Monday Court Session	
Court Administrator	\$56,100
Court Officer (per night)	\$97
Court Night Violations Clerk	\$40,000
Construction Official / Building Sub-Code Inspector / Zoning	\$59,853
Property Maintenance Officer (per hour rate)	\$23.54
Fire Sub-Code Inspector	\$11,829
Plumbing Sub-Code Inspector	\$11,829
Electric Sub-Code Inspector	\$13,215
Fire Marshal	\$45,101
Planning Board Secretary	\$25,589
Office of Emergency Management	\$2,341
Department of Public Works Director / Recycling Coordinator	\$115,022
Library Director	\$71,138
Librarian I	\$41,479
Librarian II	\$39,422
Property Maintenance Inspector (per hour rate)	\$23.08
Fire Prevention Inspector Step I (per hour rate)	\$20.40

Fire Prevention Inspector Step II (per hour rate)	\$22.07
Right to Know Officer	\$2,500
Police Secretary (per hour rate)	\$15.24
Library Aide (per hour rate)	\$13- \$16
Adult Crossing Guards (per hour rate)	\$16 - \$27
Tax Assessor Assistant (per hour rate)	\$26.52
Parking Enforcement Officer (per hour rate)	\$15 - \$27
Special Police Officer: Class I (per hour rate)	\$13 - \$27
Casual Employees (per hour rate)	\$13 - \$58
Administrative Assistant	\$17


Section 3: The rate of compensation of the following police non-union employee shall be on a yearly basis, payable bi-weekly:

Chief of Police \$154,098

Introduced: March 28, 2022

Adopted: April 11, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jessica Hand, Council Vice President
SECONDER:	Jeremy Long, Council President
AYES:	Hand, Johnston, Long, Rosetti, Parker
EXCUSED:	Kimberly Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

INTRODUCED

ORDINANCE 2022-5

DOC ID: 3773

**Calendar Year 2022 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)**

Flemington Borough, Hunterdon County

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 2022 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%, 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 2022 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 \$49,987.41 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 2022 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 \$174,955.94 and that the 2022 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

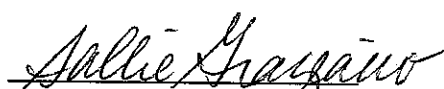
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

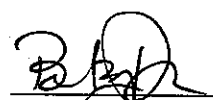
BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: April 11, 2022

Adopted:

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	INTRODUCED [UNANIMOUS]	Next: 4/25/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Hand, Johnston, Long, Rosetti, Parker	
EXCUSED:	Kimberly Tilly	

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 04/11/22 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2022-6

DOC ID: 3772

Amending Section 7-4.2 of the Code of the Borough of Flemington Regarding Parking During Snow Emergencies

WHEREAS, the Code of the Borough of Flemington prohibits parking on streets and certain parking lots during snowstorms; and

WHEREAS, the Borough Council wishes to clarify that the prohibitions are only in effect when the Borough of Flemington has declared a "snow emergency," and

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

Section 1. Section 7-4.2 of the Code of the Borough of Flemington, entitled "Parking Prohibited During State of Emergency," shall be amended as follows:

a. ***Parking During a Snow Emergency.*** ~~Streets and highways.~~

1. Whenever snow has fallen ***and the Borough of Flemington declares a snow emergency*** ~~and the accumulation is such that it covers the street or highway, an emergency shall exist and no vehicle shall be parked on any street or highway in the Borough of Flemington. The above parking prohibition shall remain in effect after the snow has ceased until the~~ ***declaration of a snow emergency is lifted*** ~~streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.~~

2. Municipal parking lots. Whenever snow has fallen and ***the Borough of Flemington declares a snow emergency*** ~~the accumulation is such that it covers any municipal parking lot, an emergency shall exist and no vehicle shall be parked in any municipal parking lot in the Borough of Flemington. The above parking prohibition shall remain in effect after the snow has ceased until the declaration of a snow emergency is lifted~~

3. Exceptions: Residential - Snow emergency parking.

(a) Any vehicle that is parked in a designated "Residential - Snow Emergency Parking" area located within a municipal parking lot.

(1) Areas #1, #2, #3, #4 and #5;

(2) Parking lot located to the rear of the Flemington Borough Hall and Fire House, 38 Park Avenue.

4. ***Declaration of a Snow Emergency.***

(a) ***When in the opinion of the Chief of Police, in consultation with the Mayor, Office of Emergency Management Coordinator, and Department of Public Works Supervisor, the actual or expected precipitation of snow will create hazardous or dangerous street and highway conditions for vehicular or pedestrian traffic, he/she may in the manner set forth herein, declare that a snow emergency exists in the Borough or in a section or sections thereof.***

(b) ***The Chief of Police shall immediately inform the public of the snow emergency by issuing a statement in a manner determined in consultation with the Mayor, Office of Emergency Management Coordinator, and Department of Public Works Supervisor.***

(c) ***The Chief of Police may declare any snow emergency route or any part of a snow emergency route to be free from the restrictions herein imposed, or the snow emergency terminated, when in his/her opinion the weather or street***

conditions warrant such a determination. The Chief of Police shall give notice of this determination in the manner provided for in paragraph b of this section.

b. Parking During a Declared Local or State Emergency Due to Snow or Hazardous Weather Conditions.

1. Whenever a state of emergency has been declared in compliance with the N.J.S.A. App. A:9-1 et seq. as a result of snow or other hazardous weather conditions, no vehicle shall be parked on any street, highway, or municipal parking lot in the Borough of Flemington.

2. Exceptions: Residential - Snow or other weather emergency parking.

(a) Any vehicle that is parked in a designated "Residential - Snow Emergency Parking" area located within a municipal parking lot.

(1) Areas #1, #2, #3, #4 and #5;

(2) Parking lot located to the rear of the Flemington Borough Hall and Fire House, 38 Park Avenue.

c. Parking During Other Declared Emergencies, Traffic Conditions, or Public Events Where Signage is Posted.

1. Upon the declaration of an emergency or other traffic condition by the Chief of Police, in consultation with the Mayor, Office of Emergency Management Coordinator, and Department of Public Works Supervisor, there shall be no parking upon streets or sections of streets where temporary "EMERGENCY-NO PARKING" signs are displayed.

2. The Chief of Police (or his/her designee), in consultation with the Mayor, Office of Emergency Management Coordinator, and Department of Public Works Supervisor chief of police, or in his absence, the ranking police officer, is authorized to declare an emergency and to direct the posting of said "EMERGENCY, NO-PARKING" signs when weather conditions, accidents, fires, or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic.

Notification that the "EMERGENCY, NO-PARKING" signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the sign.

ed. Any unoccupied vehicle parked or standing in violation of this subsection shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of removal and storage which may result from such removal, before regaining possession of the vehicle.

de. The provisions of paragraphs a, b and c shall not apply to any fire-fighting equipment, ambulance or other emergency equipment actively engaged in dealing with an emergency in the Borough.

ef. Violations and Penalties.

1. Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation or provision of this subsection or supplement thereto, shall be liable to a penalty of not more than \$500.00 or imprisonment for a term not exceeding 90 days or both.

2. In addition to any other fine or penalty that may be imposed, any unoccupied vehicle parked or standing in violation of subsections (b) or (c)

hereof (i.e. during the declaration of a local or state emergency or other traffic condition) this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police or peace officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle. This provision shall not apply if only a "Snow Emergency" pursuant to subsection (a) has been declared.

Section 2. The Chief of Police, in consultation with the Mayor, Office of Emergency Management Coordinator, and Department of Public Works Supervisor, is hereby authorized to direct the posting of signage consistent with this ordinance.

Section 3. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.


Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: April 11, 2022

Adopted:

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	INTRODUCED [UNANIMOUS]	Next: 4/25/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Hand, Johnston, Long, Rosetti, Parker	
EXCUSED:	Kimberly Tilly	