BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
MARCH 11, 2024

Mayor Karrow called the meeting to order at 5:32 p.m. announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

SALUTE TO THE FLAG

Mayor Karrow stated a notice was provided as required. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

ATTENDANCE ROLL CALL:

Councilwoman Susan Engelhardt	Present
Councilwoman Adrienne Fusaro	Present
Councilman Trent Levitt	Present
Councilman Jeremy Long	Present
Councilman Tony Parker	Present
Councilwoman Elizabeth Rosetti	Present
Mayor Marcia Karrow	Present

Also Present:
Carla Conner, Borough Clerk
Chris Corsini, Borough Attorney

PRESENTATION: 2024 BUDGET:

Mayor Karrow went over all the projects that are due in 2024 and 2025 plus the debt that will be due in 2024. Council President Long asked Mr. Hance, the Borough CFO if the Borough has paid down debt in an aggressive or non-aggressive way. Mr. Hance answered it was the most aggressive the Borough has ever done. Council Vice President Rosetti asked why does the Borough needs an aggressive tax increase even though the Borough is taking in more taxes than the last two years. Mr. Hance explained what the extra money received is going to such as the Police Station's sally port and projects including new borough development projects and equipment purchases. Councilwoman Engelhardt asked how the budget has changed once Mr. Hance cut the budget. Mr. Hance explained what was cut. Councilman Parker stated the Council needs to stop negotiating the budget and listen to the CFO. Councilwoman Fusaro suggested to cut the Council's salary. Council agreed to introduced the budget to the residents at a 2.5% increase.

MAYOR'S REPORT:
Mayor Karrow reported that Morris County is having a regional meeting on April 23, 2024 on filming in your Municipality. Councilman Parker offered to attend the meeting. Mayor Karrow report the Hunterdon County Library is offering free glasses to the public to watch the solar eclipse on April 8, 2024.

COUNCIL MEMBER REPORTS

COUNCIL PRESIDENT LONG:
Council President Long reported with any power outages in the Borough, residents must report it to JCP&L. OEM will be putting out emergency planning in the future, the Fire Department meeting will be held on March 12, 2024, the Fire Department annual flower sale will be held March 28, 29 and 30, 2024 and there were 20 fire calls for the month of February.

COUNCIL VICE PRESIDENT ROSETTI:
Council Vice President Rosetti reported a Shade Tree meeting will be held on March 13. 2024.

COUNCILWOMAN ENGELHARDT:
Councilwoman Engelhardt reported the open house at the Fleming Museum was a success. is looking for volunteers or Board members.

COUNCILWOMAN FUSARO:
Councilwoman Fusaro reported the library will be holding a workshop for children on March 16, 2024.

COUNCILMAN LEVITT:
Councilman Levitt reported Animal Control Solutions had four reports for the month of February, Raritan Headwaters stream cleanup will be held on April 20, 2024. Councilman Levitt will be organizing the Bioblitz and he is looking for taxonomic experts. Historic Preservation Commission's next meeting will be held on March 20, 2024.

COUNCILMAN PARKER:
Councilman Parker reported he is changing the structure of the PD and Police promotions will be happening soon. Councilman Parker also reported he attended the first meeting for the Arts Committee as Chairperson.

PUBLIC COMMENTS – SESSION I:

Tony Previtt from Flemington Borough stated in likes the fact that the Borough would merge with Raritan Township to save money.

Robin Lapidus, from FCP showed the Easter sign for the businesses in the FCP. The Easter event will be held March 30, 2024. Ms, Lapidus discussed new businesses in the FCP and the upcoming events.

APPROVAL OF MINUTES:

Regular Session January 8, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilwoman Fusaro with a vote of all ayes.

Regular Session January 22, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilman Parker with a vote of all ayes.

Executive Session January 22, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilman Parker with a vote of all ayes.

CONSENT AGENDA:

1. RESOLUTION 2024-49 – RESOLUTION APPROVING TAXI LICENSES FOR 2024

WHEREAS, Ordinance 2017-3 sets eligibility criteria for obtaining a Taxi Owner's License in Flemington Borough, including vehicle insurance and registration, vehicle inspection, criminal background checks, and driver's license history and provides for 10 licenses to be issued; and

WHEREAS, Ordinance 2018-21 describes the renewal process for Taxi Owner's Licenses; and

WHEREAS, the following company have met the renewal criteria and submitted all necessary fees for renewal of Taxi Owner's Licenses in 2024:

Arturo's Taxi Service 24-28

Badlani Prakash, License 24-33

Cosmos Taxi Service, License 24-30

Damas Taxi, License 24-01

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby approve the renewal of the

above-listed Taxi Owner's Licenses, which will be effective from January 1, 2024 through December 31, 2024.

2. RESOLUTION 2024-50 - RESOLUTION AUTHORIZING THE APPOINTMENT OF JUDGE CHARLES CARRO AS THE RARITAN TOWNSHIP SHARED MUNICIPAL COURT JUDGE FOR A THREE-YEAR TERM

WHEREAS, the appointment of Judge Charles Carro of the Raritan Township Municipal Court expires on March 7, 2024; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Flemington, County of Hunterdon, to appoint Judge Charles Carro for a three-year term effective March 7, 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby appoints Judge Charles Carro to the position of Shared Court Judge effective March 7, 2024 through March 7, 2027.

A ***MOTION*** was made by Council President Long to approve the Consent Agenda, seconded by Councilwoman Engelhardt and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Councilman Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

REGULAR AGENDA:

3. RESOLUTION 2024-51- RESOLUTION BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FLEMINGTON RECOGNIZING WOMEN'S HISTORY MONTH

WHEREAS, National Women's History Month recognizes and spreads awareness of the importance of women in the history of the United States; and

WHEREAS, throughout the history of the United States, whether in the home, in the workplace, in schools, in the courts, or during wartime, women have fought for themselves, their families, and all people of the United States; and

WHEREAS, even from the early days of the history of the United States, Abigail Adams urged her husband to ``Remember the Ladies'' when representatives met for the Continental Congress in 1776; and

WHEREAS, women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in the United States; and

WHEREAS, women led the efforts to secure suffrage and equal opportunities for women, and also served in the abolitionist movement, the emancipation movement, labor movements, civil rights movements, and other causes to create a more fair and just society for all; and

WHEREAS, suffragists wrote, marched, were arrested, and ultimately succeeded in achieving: and

(1) the ratification of the 19th Amendment to the Constitution of the United States, which provides, ``The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex''; and

(2) the enactment of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), which extended the protection of the right to vote to women of color and language minorities; and

WHEREAS, women have been and continue to be leaders in the forefront of social change efforts, business, science, government, math, art, literature, music, film, athletics, and other fields; and

WHEREAS, women now represent approximately half of the workforce of the United States; and

WHEREAS, women once were routinely barred from attending medical schools in the United States, but now are enrolling in medical schools in the United States at higher numbers than men; and

WHEREAS, women previously were turned away from law school, but now represent approximately half of law students in the United States; and

WHEREAS, since the American Revolution, women have been vital to the mission of the Armed Forces, with more than 200,000 women serving on active duty and 2,000,000 women veterans representing every branch of service; and

WHEREAS, more than 10,000,000 women own businesses in the United States; and

WHEREAS, Jeannette Rankin of Montana was the first woman elected to the House of Representatives in 1916 and Hattie Wyatt Caraway of Arkansas was the first woman elected to the United States Senate in 1932; and

WHEREAS, Margaret Chase Smith of Maine was the first woman to serve in both Houses of Congress; and

WHEREAS, in 2023, a record total of 154 women are serving in Congress, including 129 women in the House of Representatives and 25 women in the Senate; and

WHEREAS, President Jimmy Carter recognized March 2 through March 8, 1980, as ``National Women's History Week''; and

WHEREAS, in 1987, a bipartisan group of Senators introduced the first joint resolution to pass Congress designating Women's History Month''; and

WHEREAS, in 1987, President Ronald Reagan issued a Presidential proclamation proclaiming March 1987 as ``Women's History Month''; and

WHEREAS, in 2020, Congress passed the Smithsonian American Women's History Museum Act (20 U.S.C. 80t et seq.) to establish a national women's history museum on or near the National Mall in Washington, DC; and

WHEREAS, despite the advancements of women in the United States, much remains to be done to ensure that women realize their full potential as equal members of society in the United States:

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

(1) designates March 2024 as ``National Women's History Month'';

(2) recognizes the celebration of National Women's History Month as a time to reflect on the many notable contributions that women have made to the United States; and

(3) urges the people of the United States to observe National Women's History Month with appropriate programs and activities.

A ***MOTION*** was made by Council President Long to approve the Resolution, seconded by Councilwoman Engelhardt and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Councilman Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

4. ORDINANCE 2024-02 - AN ORDINANCE AMENDING CHAPTER 35 ENTITLED "TAXATION" OF CODE OF THE BOROUGH OF FLEMINGTON TO IMPOSE A MUNICIPAL OCCUPANCY TAX OF 3% ON HOTELS, MOTELS AND OTHER TRANSIENT ACCOMMODATIONS

WHEREAS, on August 9, 2019, pursuant to N.J.S.A. 40:48F-1, the State of New Jersey enacted legislation authorizing municipalities to impose a municipal occupancy tax of not to exceed 3% for the rental of hotel and motel rooms and other transient accommodations; and

WHEREAS, the Borough Council of the Borough of Flemington has evaluated the applicable municipal occupancy tax regulations and has determined that it is appropriate, and in the best interests of the Borough, that the Borough of Flemington impose a municipal occupancy tax of 3% on all hotel, motel, and other transient accommodations rentals in accordance with the provisions of N.J.S.A. 40:48F-1 et seq.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Chapter 35, Taxation, of the Code of the Borough of Flemington, be and hereby is amended as follows:

Section 1. Chapter 35, Taxation, Article II, Municipal Occupancy Tax, is hereby enacted as follows:

§ 35-6 Purpose; Statutory Authority.

It is the purpose of this section to implement the provisions of P.L. 2003, c. 114, as amended by P.L. 2018, c. 49,[1], which authorizes the governing body of a municipality to adopt an Ordinance imposing a tax at a uniform percentage rate not to exceed 3% on charges of rent for every occupancy of a room or rooms in a hotel, motel, or transient accommodation subject to taxation pursuant to Subsection (d) of N.J.S.A. 54:32B-3, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel or motel room or transient accommodation.

§ 35-7 Definitions.

The definitions set forth within N.J.S.A. 54:32B-2 are incorporated herein by reference.

§ 35-8 Tax imposed.

There is hereby established a hotel and motel and transient accommodation municipal occupancy tax in the Borough of Flemington which shall be fixed at a uniform percentage rate of 3% on charges of rent for every occupancy of a hotel or motel room or transient accommodation in the Borough of Flemington that is subject to taxation pursuant to Subsection (d) of Section 3 of P.L.1966, c. 30, N.J.S.A. 54:32B-3 (sales tax).

§ 35-9 Tax is in addition to other taxes and fees.

The hotel and motel room and transient accommodation occupancy tax shall be in addition to any other tax or fee imposed pursuant to state statute or local ordinance or resolution by

any governmental entity upon the occupancy of a hotel or motel room or transient accommodation.

§ 35-10 Exemptions.

The hotel and motel room and transient accommodation municipal occupancy tax authorized herein shall not be imposed on the rent collected in connection with the occupancy of a hotel, motel, or transient accommodation if the purchaser, user or consumer is an entity exempt from the tax imposed on an occupancy under the Sales and Use Tax Act pursuant to Subsection (a) of Section 9 of P.L.1966,c. 30 (N.J.S.A. 54:32B- 9). Furthermore, a "transient accommodation" subject to this tax shall include those entities defined as "transient accommodations" and rentals which are obtained through a "transient space marketplace" as set forth within N.J.S.A.40:48E-2 and shall not include those entities which are specifically excluded by definition.

§ 35-11 Regulations pertaining to vendors; violations and penalties.

In accordance with the requirements of P.L. 2003, c. 114:

A. All taxes imposed by this article shall be paid by the purchaser.

B. A vendor shall not assume or absorb any tax imposed by this article.

A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor, that the tax will not be separately charged and stated to the customer, or that the tax will be refunded to the customer.

Each assumption or absorption by a vendor of the tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day that the representation or advertisement continues shall be deemed a separate offense.

The penalty for violation of the foregoing provisions shall be as set forth in Chapter 1, Section 1-5, Violations and Penalties, for each offense.

§ 35-12 Collection of Tax.

The tax imposed by this article shall be collected on behalf of the Borough by the person collecting the rent from the hotel or motel or transient accommodation customer. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent and payable at the same time; provided that the Chief Financial Officer of the Borough shall be joined as a party in any action or proceeding brought to collect the tax.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. A copy of this Ordinance shall be transmitted upon adoption or amendment to the New Jersey Division of Taxation, Office of Legislative Analysis, P.O. Box 240, Trenton, New Jersey 08695-0240. The tax provisions of this Ordinance shall take effect on the first day of the first full month following 90 days after the Division has received the adopted Ordinance.

A ***MOTION*** was made by Councilwoman Fusaro to introudce the Ordinance, seconded by Council President Long and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Councilman Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

Public Hearing will be held on March 25, 2024.

PUBLIC COMMENTS – SESSION II:
There was no public comment.

APPROVAL TO PAY THE BILLS:

AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF $211,554.80

A ***MOTION*** was made by Council President Long to pay the bills. This Motion was seconded by Councilwoman Engelhardt and on Roll Call vote the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Councilman Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

The general nature of the subject to be discussed in this session is as follows:

1. CONTRACT NEGOTIATIONS – LIBERT VILLAGE
2. CONTRACT NEGOTIATIONS – POLICE BUILDING
3. CONTRACT NEGOTIATIONS – POLICE BUILDING EASEMENT
    - It is unknown precisely when the matters discussed in this session will be disclosed to the public.
    - Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.

The Mayor and Council entered into Executive Session and a ***MOTION*** was made by Council President Long, seconded by Councilman Parker with a vote of all ayes.

ADJOURNMENT:

A ***MOTION*** was made by Council President Long to adjourn the meeting. and was seconded by Councilman Parker with a vote of all ayes.

ATTEST:

Carla Conner, Borough Clerk

Marcia Karrow, Mayor

Adopted: May 13, 2024