BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
APRIL 22, 2024

Mayor Karrow called the meeting to order at 7:00 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

Mayor Karrow amended the agenda and add to the Executive Session an update on Captiva and Ordinance 2024-11 to follow Executive Session.

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

MAYOR'S REPORT:
Mayor Karrow reported there was a preconstruction kick off meeting for the new Police building on April 16, 2024 with Nela, PS&S and Flemington Borough. Nela picked up three set of signed and sealed drawings for permitting and are currently submitting submittals to PS&S for review as they await permits. Mike Campion, the DPW Supervisor is working on getting the survey done of the property for the easement on Rt. 12.

Mayor Karrow also reported the Borough was approved for a grant in the amount of $1.425 million from FEMA HUD for Academy Street, the Parking Committee met and all received assignments and the Shade Tree is looking to amend the tree Ordinance.

WORKSESSION – I-BANK application for PFA treatment at borough wells

Terry Vogt and Mark Hubal went over the funding for PFAS.

COUNCIL MEMBER REPORTS

COUNCIL PRESIDENT LONG:
Council President Long reported that the Borough OEM reported they have been storm and disaster free for two weeks.

COUNCIL VICE PRESIDENT ROSETTI:
Council Vice President Rosetti reported Shade Tree will hold their Arbor Day tree planting on April 26, 2024 at RFIS, they will also plant a Holly tree dedicated to Edna Pedrick on May 11, 2024 and Council President Rosetti thanked everyone who attended the cleanup for Earth Day on April 21, 2024 at Tuccamirigan Park.

COUNCILMAN LEVITT:
Councilman Levitt reported the HPC reviewed five applications, HPC was happy to see 1 Church Street being preserved at Liberty Village and HPC is still looking for volunteers for the House Tours.

Councilman Levitt also reported he was a site leader for the Raritan Headwaters Stream Cleanup at the old Agway site. They cleaned up 850 pieces of trash and he thanked DPW for picking up the trash bags. Councilman Levitt stated Tuccamirgan Park looks great after the cleanup.

COUNCILMAN PARKER:
Councilman Parker reported he attended the preconstruction meeting for the new Police building.

Councilman Parker also reported Officer Saleeba helped a person with mental health issues and received an thank you email from this person so Councilman Parker would like to honor Officer Saleeba at the next Council meeting.

COUNCILWOMAN FUSARO:
Councilwoman Fusaro reported the Planning Board approved Golden Heart Homes on 47 Maple Ave and Burkett's Appliance was approved to change to mix use apartments.

COUNCILWOMAN ENGELHARDT:
Councilwoman Engelhardt reported the Fleming House will hold Mother's Day afternoon tea on May 11, 2024 to honor Edna Pedrick, 525 students, teachers and chaperones have attended the Fleming House tours in four days, the fireworks will be held on July 3, 2024 and Councilwoman Engelhardt thanked the volunteers who helped cleanup Tuccamirgan Park on April 21, 2024.

PUBLIC COMMENTS – SESSION I:
Robin Lapidus from FCP stated the FCP had their first successful Sip and Stroll for 2024.

CONSENT AGENDA:

1. RESOLUTION 2024-71 – RESOLUTION APPROVING TYLER GILMARTIN AS A SOCIAL MEMBER OF THE FLEMINGTON BOROUGH FIRE DEPARTMENT

WHEREAS, Tyler Gilmartin has applied to be a social member of the Flemington Borough Fire Department, and

WHEREAS, Mr. Gilmartin has provided the required application,

NOW, THEREFORE, BE IT REOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey that Mr. Gilmartin is approved to be a social member of the Flemington Borough Fire Department.

2. RESOLUTION 2024-72 - RESOLUTION APPROVING FIREWORKS ON JULY 3, 2024 WITH A RAIN DATE OF JULY 5, 2024, AUTHORIZING ROAD CLOSURES AND WAIVING THE PERMIT FEE

WHEREAS, the Flemington Parks and Recreation Committee has requested permission to hold fireworks on July 3, 2024 with a rain date of July 5, 2024 at the Reading Fleming Intermediate School (RFIS); and

WHEREAS, the fireworks organizers have requested the fee for the permit be waived; and

WHEREAS, the fireworks organizers have requested that the RFIS property be closed, along with Allen Street from Court Street to Youngs Drive, Capner Street from the Borough line to Abbott Court and Court Street from Allen Street to Park Avenue from 6:00pm to 10:00pm; and

WHEREAS, the Flemington Borough Police Department has reviewed and approved the request for the street closures; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the request submitted by the fireworks organizers to hold the fireworks on July 3, 2024 with a rain date of July 5, 2024 at RFIS is hereby approved and the permit fee is waived; and

BE IF FURTHER RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the RFIS property and street closures requested are approved.

BE IT FURTHER RESOLVED, that Borough officials and representatives as needed are authorized to sign documents to support the fireworks display described above.

3. RESOLUTION 2024-73 - RESOLUTION REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR POLICE K9 DONATIONS AND FEES REQUIRED BY NJS 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, NJS 40A:5-29 et seq. provides for receipt of Police K9 funds by the municipality to provide for the operating costs to administer this act, and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Police K9 are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Police K9 Trust Fund.
2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

4. RESOLUTION 2024-74 - RESOLUTION REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR HISTORIC PRESERVATION COMMISSION DONATIONS AND FEES REQUIRED BY NJS 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, NJS 40A:5-29 et seq. provides for receipt of Historic Preservation Commission funds by the municipality to provide for the operating costs to administer this act, and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Historic Preservation Commission are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Historic Preservation Commission Trust Fund.
2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

5. RESOLUTION 2024-75 - RESOLUTION REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR COUNCIL ON AFFORDABLE HOUSING FEES REQUIRED BY NJSA40A: 12A-3 ET SEQ.

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, NJSA 40A:12A-3 et seq. provides for receipt of Council on Affordable Housing funds by the municipality to provide for the operating costs to administer this act, and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Council on Affordable Housing are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Council on Affordable Housing Trust Fund.
2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

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

Motion carried.

INTRODUCTION OF ORDINANCE:

6. ORDINANCE 2024-08 - AN ORDINANCE CREATING CHAPTER 9C, ENTITLED PRIVATELY-OWNED SALT STORAGE

WHEREAS, the Borough of Flemington desires to update its regulations for privately owned salt storage in accordance with NJDEP requirements; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Flemington desire to create a new Chapter 9C, entitled "Privately-Owned Salt Storage" and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 9C of the Municipal Code of the Borough of Flemington, County of Hunterdon, State of New Jersey is created pursuant to the provisions hereof:

Section I

Chapter 9C, entitled "Privately-Owned Salt Storage" is hereby created and shall read as follows:

9C-1. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough of Flemington to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

9C-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

C. "Storm drain inlet" means the point of entry into the storm sewer system.

D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;

3. The structure shall be erected on an impermeable slab;

4. The structure cannot be open sided; and

5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

F. "Resident" means a person who resides on a residential property where de-icing material is stored.

9C-3. Deicing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;

3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;

4. Loose materials shall be covered as follows:

i. The cover shall be waterproof, impermeable, and flexible;

ii. The cover shall extend to the base of the pile(s);

iii. The cover shall be free from holes or tears;

iv. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and

v. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

1. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

E. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

9C-4. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

9C-5. Enforcement:

This ordinance shall be enforced by any municipal officials with jurisdiction during the course of ordinary enforcement duties.

9C-6. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Any person who fails to complete corrective action, shall, upon conviction, be punished either by imprisonment in the County jail for a term not exceeding ninety (90) days or by a fine not exceeding one thousand five hundred ($1,500) dollars or five hundred ($500.00) dollars for a first offense, one thousand ($1,000.00) dollars for a second offense, and one thousand five hundred ($1,500.00) dollars for a third offense and every offense thereafter, or both, in the discretion of the Court..

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

A ***MOTION*** was made by Council President Long to introduce the Ordinance, second by Councilwoman Engelhardt and on Roll Call the following was recorded:

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

Motion carried.

Public Hearing will be held May 13, 2024.

7. ORDINANCE 2024-09 - AN ORDINANCE REPEALING AND REPLACING CHAPTER 21, ENTITLED "STORMWATER MANAGEMENT"

This Ordinance amends the Borough of Flemington's current Stormwater Management Ordinance which was adopted pursuant to the requirements in N.J.A.C. 7:8. The State of New Jersey Department of Environmental Protection amended its Stormwater Management rules and municipalities are required to amend their Stormwater Control Ordinances to align with the updated Stormwater

Management Rules at N.J.A.C. 7:8. This ordinance amends Flemington's ordinance in compliance with State requirements. The purpose of this ordinance is to update minimum stormwater management requirements and controls in accordance with State law.

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

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

Motion carried.

The public hearing will be held May 13, 2024

8. ORDINANCE 2024-10 - AN ORDINANCE AMENDING CHAPTER TWENTY-FIVE (COLLECTION OF SOLID WASTE) TO CLARIFY COLLECTION PROCEDURES IN AREAS IN NEED OF REDEVELOPMENT

WHEREAS, Chapter 25 of the municipal code of the Borough of Flemington provides for the collection of solid waste for certain residents and occupants as defined therein; and

WHEREAS, the Borough Council wishes to clarify Borough's collection policy as it relates to properties in Areas of Need of Redevelopment, N.J.S.A. 40A:12-A-1 et seq., associated with statutory tax abatements;

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 25 (Collection of Solid Waste) of the Municipal Code thereof is amended as follows:

SECTION I.

Section 25-2(a) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The words "resident" or "residents" shall mean and include people occupying all dwelling units in the borough except people occupying dwelling units in Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills, Regional Court Apartments **and excluding all Areas in Need of Redevelopment that include a statutory tax abatement**;

SECTION II.

Section 25-2(g) of Chapter 25 is hereby amended as follows (replacing the current "reserved" section and including all novel text):

The words "Area in Need of Redevelopment" shall mean any development project subject to a redevelopment agreement entered into with a third party by the Borough of Flemington pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.;

SECTION III.

Section 25-2(h) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The words "occupant" or "occupants" shall mean and include people living in multi-family complexes known Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills, Regional Court Apartments **but shall exclude all Areas in Need of Redevelopment that include a statutory tax abatement**;

SECTION IV.

Section 25-2(i) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The word "owners" shall mean and include for Flemington Arms. Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms. Prospect Hills, Regional Court Apartments, the persons, firms, corporations, partnerships or entities vested with legal title to the land upon which such multifamily complexes are located**, but shall exclude all such persons, firms, corporations, partnerships, or entities vested with legal title to land upon which resides an Areas in Need of Redevelopment that include a statutory tax abatement**;

SECTION V.

Section 25-2(p) of Chapter 25 is hereby created and inserted into the code (all text novel):

The words "statutory tax abatement" shall mean any tax abatement agreement executed between the Borough of Flemington and a third party pursuant to the New Jersey Long-Term Tax Exemption Law and/or the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21.1, or any other tax abatement statute applicable to redevelopment projects in the State of New Jersey;

SECTION VI.

Section 25-7 of Chapter 25 is hereby amended as follows (replacing the current "reserved" section and including all novel text):

25-7 REDEVELOPMENT AREAS

a. All Areas in Need of Redevelopment that include a statutory tax abatement are specifically excluded from the provisions of this chapter. The Borough will not collect waste, garbage, ash, trash, or rubbish from any property in which a statutory tax abatement is operative.

b. Section 25-9(g) of this Chapter concerning the timing of waste collection shall specifically apply to all Areas in Need of Redevelopment that include a statutory tax abatement.

SECTION VII.

Section 25-9(g) of Chapter 25 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

No waste collection shall occur within the Borough of Flemington except as provided by § 25-3, or for nonresidential or other waste collection which is not covered by § 25-3 at any time except within the hours of 7:00 a.m. and 4:00 p.m. prevailing time Monday through Friday, or between 8:00 a.m. and 5:00 p.m. on Saturdays, Sundays and holidays. **This provision shall specifically apply to all Areas in Need of Redevelopment that include a statutory tax abatement.**

SECTION VIII. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION IX. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION X. This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

A ***MOTION*** was made by Council President Long to introduce the Ordinance, seconded by Councilman Parker, and on Roll Call the following was recorded:

Councilwoman Engelhardt	Abstain
Councilwoman Fusaro	Yes
Councilman Levitt	No
Council President Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

The public hearing will be held May 13, 2024

Ordinance 2024-11 vote was moved to after Executive Session.

PUBLIC HEARING:

10. ORDINANCE 2024-03 - CALENDAR YEAR 2024 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)

A ***MOTION*** was made by Council President Long to open the Public Hearing, second by Councilman Parker with a vote of all ayes.

There being no one from the public who wished to speak, Mayor Karrow closed the public hearing.

A ***MOTION*** was made by Council President Long to close the Public Hearing, second by Councilwoman Engelhardt with a vote of all ayes.

A ***MOTION*** was made by Council President Long to adopt the Ordinance, second by Councilman Parker and on Roll Call the following was recorded:

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

Motion carried.

11. ORDINANCE 2024-07 - AN ORDINANCE AMENDING CHAPTERS FOUR (LICENSING), TWELVE (LAND DEVELOPMENT DEFINITIONS) AND TWENTY-SIX (ZONING) TO CLARIFY "COTTAGE FOOD" ESTABLISHMENTS AS A PERMITTED USE IN THE BOROUGH OF FLEMINGTON

A ***MOTION*** was made by Council President Long to open the Public Hearing, second by Councilwoman Engelhardt with a vote of all ayes.

There being no one from the public who wished to speak, Mayor Karrow closed the public hearing.

A ***MOTION*** was made by Council President Long to close the Public Hearing, second by Councilwoman Engelhardt with a vote of all ayes.

A ***MOTION*** was made by Council President Long to adopt the Ordinance, second by Councilman Parker and on Roll Call the following was recorded:

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

Motion carried.

12. 2024 BUDGET

CFO, Bill Hance explained the amended Budget.

A ***MOTION*** was made by Council President Long to open the Public Hearing for the budget, second by Councilman Parker with a vote of all ayes.

There being no one from the public who wished to speak, Mayor Karrow closed the public hearing for the budget.

A ***MOTION*** was made by Council President Long to close the Public Hearing for the budget, second by Councilman Parker with a vote of all ayes.

A ***MOTION*** was made by Council President Long to amend the budget, second by Councilwoman Fusaro and on Roll Call the following was recorded:

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

Motion carried.

Mayor Karrow read budget points for the 2024 budget.

REGULAR AGENDA:

13. RESOLUTION 2024-76 - RESOLUTION AUTHORIZING THE BOROUGH OF FLEMINGTON TO ENTER INTO A WATER RESERVATION AGREEMENT WITH BSD HOMES FLEMINGTON, LLC PURSUANT TO CHAPTER 11-2.6

WHEREAS, BSD Flemington Apartments, LLC (the "Developer") is the developer of property known as the Spice Factory located at 70 Church Street, Block 39, Lots 3 & 4 (the "Property")

WHEREAS, the Developer received preliminary and final site plan approval from the Borough Planning Board (the "Board") as more specifically defined in Developer's Planning Board Application No.: 2023-01, (the "Project"); and

WHEREAS, Phase II of the Project will include installing a 73-unit, 5-story apartment complex, 174 LF of 4" DIP domestic water line, 174 LF of 6" DIP fire service SVC line, 167 LF of 6" PVC, sanitary SVC, and 2 water meters.; and

WHEREAS, the Developer has submitted a request for water allocation – Form A Application for Phase II of the Project, dated August 14, 2023; and

WHEREAS, the Borough of Flemington Water Utility has reviewed the application and determined, subject to comments in a review letter dated November 8, 2023, that the application is complete; and

WHEREAS, Section 11-2.6 of the Borough's ordinance requires the Developer to enter in a water reservation agreement with the Borough before a reservation can be made; and

WHEREAS, the Borough Attorney has prepared a form of agreement which is appended to this resolution.

BE IT THEREFORE RESOLVED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that the Mayor is hereby authorized to execute the above-referenced water reservation agreement.

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

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

Motion carried.

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

APPROVAL TO PAY THE BILLS:

AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF $1,565,182.05

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
Council President 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. NEGOTIATIONS – LIBERTY VILLAGE, CARDINAL AND CAPTIVA
2. POTENTIAL LITAGATION – PERSONNEL MATTER

- 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 Councilwoman Engelhardt with a vote of all ayes.

RETURN FROM EXECUTIVE SESSION:

9. ORDINANCE 2024-11 - AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO CLARIFY PROVISIONS THEREOF RELATED TO THE CHIEF FINANCIAL OFFICER, TREASURER, DEPUTY TREASURER, AND TAX/UTILITY COLLECTOR

A ***MOTION*** was made by Councilwoman Engelhardt to introduce the Ordinance, second by Council President Long and on Roll Call the following was recorded:

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

Motion carried.

Public Hearing will be held May 13, 2024.

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

Mareia Karrow, Mayor

Adopted: June 10, 2024