BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
MAY 13, 2024

Mayor Karrow called the meeting to order at 7:01 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'S REPORT:
Mayor Karrow reported there will be an Ordinance for introduction at the June 10, 2024 Council meeting on Bicycles riding on Main Street and the second Council meeting in May has been cancelled.

COUNCIL MEMBER REPORTS

COUNCIL PRESIDENT LONG:
Council President Long reported that the Borough OEM reported that Hurricane season has started for 2024.

COUNCIL VICE PRESIDENT ROSETTI:
Council Vice President Rosetti reported Shade Tree held their Arbor Day tree planting on April 26, 2024 at RFIS and they will also plant a Holly tree dedicated to Edna Pedrick on May 11, 2024.

COUNCILMAN LEVITT:
Councilman Levitt reported the flemingtonhpc.co, website is no longer up and now redirects to a page on the main Borough website. The HPC is working on a form for submitting HPC's applications online and the next HPC meeting will be held on May 15, 2024.

Councilman Levitt also thanked the Society of Neighbors for cleaning up Park Ave.and reminded everyone that tickets are still available for the House Tours.

Councilman Levitt also reported he attended the Samuel Fleming House event on May 11, 2024 and made his mother a nice flower pot and was given a tour.

COUNCILMAN PARKER:
Councilman Parker honored Officer Saleeba for helping a person with mental health issues and Councilman Parker read the email from the person.

COUNCILWOMAN FUSARO:
Councilwoman Fusaro reported the Planning Board approved 153 Broad Street.

COUNCILWOMAN ENGELHARDT:
Councilwoman Engelhardt thanked everyone who attended the Fleming House Mother's Day afternoon tea on May 11, 2024 to honor Edna Pedrick and the fireworks will be held on July 3, 2024.

PUBLIC COMMENTS – SESSION I:
Robin Lapidus from FCP reminded everyone that the next Sip and Stroll will be held May 16, 2024.

Oleg Kourilovitch from Flemington Borough handed out a letter demanding that the Liberty Village Redevelopment project be place on hold.

APPROVAL OF MINUTES:

Regular Session March 11, 2024

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

Executive Session March 11, 2024

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

CONSENT AGENDA:

1. RESOLUTION 2024-78 – RESOLUTION ACCEPTING THE RESIGNATION OF REBECCA NEWMAN

WHEREAS Rebecca Newman resigned from her positions of utility clerk, tax collector, and finance assistant of the Borough of Flemington effective April 26, 2024; and

WHEREAS it has been determined that she is due the following accumulated leave pay prorated for the year:

54 Vacation Hours @ $29.89 per hour = $1,614.06

BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Chief Financial Officer be authorized to pay $1,614.06 to Rebecca Newman for the paid time off that is due on the next payroll.

A ***MOTION*** was made by Council President Long to approve the Consent Agenda, seconded 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.

2. RESOLUTION 2024-79 - CALLING FOR THE MODERNAZATION OF THE OPEN PUBLIC RECORDS ACT (OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045

The Council had a lengthy discussion about Resolution 2024-79.

A ***MOTION*** was made by Council President Long to table the Resolution, seconded by Councilman Levitt 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:

3. ORDINANCE 2024-12 - AN ORDINANCE CREATING THE "ACCESSORY BUILDINGS, STRUCTURE OR USE'" SECTION

Section 1. Section 2627E of the Code, entitled "ADDITIONAL STANDARDS APPYING TO ALL DISTRICTS" is hereby amended (additions are shown as thus; deletions are shown as ~~thus~~);

Section 2. Section 2609E of the Code, entitled "ACCESSORY BUILDINGS, STRUCTURE OR USE." is hereby created (additions are shown as thus; deletions are shown as ~~thus~~);

D. Fences and Walls. The following regulations shall apply to fences and walls:

1. Fences and walls may be placed with the finished side (without supports) located on the property line. All permitted fences shall be situated on a lot in such a manner that the finished side shall face adjacent properties.
2. No fence shall be erected of barbed wire, topped with metal spikes, broken bottles and glass, nor constructed of any material or in any manner which may be dangerous to persons or animals.
3. Fences made from discarded materials, not usually associated with fences, such as, but not limited to doors, old lumber, pallets, and the like are prohibited.
4. On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over 4 feet in height in front yard areas and 6 feet in height in side and rear yard areas except:
    a. A dog run or privacy area may have fencing a maximum of 7 feet in height provided such area is located in rear yard areas only and is set back from any lot line at least 15 feet.
    b. A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of 15 feet in height; said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in this Article.
    c. No fence shall exceed 5 feet in height in a rear yard of a reverse frontage lot.

d. On corner lots, no fences or walls may be placed within the sight triangle. Fences or walls shall not exceed 2 feet in height on corner lots in the front yard setback.

5. A private residential swimming pool area shall be surrounded by a fence at least 4 feet, but no more than 6 feet, in height.

6. Nonresidential uses may be permitted a fence of up to 8 feet in height when located behind the front yard provided the specific size, type, and location is approved by the Planning Board. Deviations from this subsection shall be considered as waivers from the Ordinance standards.

7. Every fence shall be maintained in a safe, sound, upright condition.

8. Electrically charged fences, with the exception of designed those for the purpose of containing pets (i.e. Invisible Fence), are prohibited.

Section 3. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Flemington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to 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 June 10, 2024.

4. ORDINANCE 2024-13 - 2024 SALARY ORDINANCE (AN ORDINANCE TO FIX AND DETERMINE THE MINIMUM AND MAXIMUM BASE SALARIES OF THE MAYOR, COUNCIL AND NON-UNION EMPLOYEES IF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY)

BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:
The minimum and maximum base salaries and compensation of the following non-union employees shall be paid on a yearly basis.

Title	Minimum Salary	Maximum Salary
Mayor	$6,000	$8,000
Council Member	$4,500	$6,500
Borough Clerk	$70,000	$100,000
Deputy Clerk / TACO	$60,000	$80,000
Chief Financial Officer	$30,000	$55,000
Tax Collector	$20,000	$30,000
Tax Assessor	$25,000	$40,000
Deputy Treasurer	$45,000	$70,000
Construction Official / Building Sub-Code Inspector	$45,000	$70,000
Fire Sub-Code Inspector	$10,000	$20,000
Plumbing Sub-Code Inspector	$10,000	$20,000
Electric Sub-Code Inspector	$10,000	$20,000
Certified Zoning Officer	$40 per hour	$55 per hour
Planning Board Secretary	$15,000	$30,000
Office of Emergency Management	$2,000	$5,000
Department of Public Works Director / Recycling Coordinator	$110,000	$135,000
Library Director	$65,000	$80,000
Librarian	$40,000	$55,000
Library Aide	$15 per hour	$20 per hour
Fire Marshal	$40,000	$55,000
Fire Prevention Inspector	$20 per hour	$25 per hour
Right to Know Officer	$2,500	$2,500
Housing Official / Inspector	$40 per hour	$60 per hour
Crossing Guard	$16 per hour	$35 per hour
Police Secretary	$15 per hour	$25 per hour
Administrative Assistant	$15 per hour	$30 per hour
Casual Employees	$15 per hour	$30 per hour
Special Police Officer: Class III	$33 per hour	$40 per hour
Police Chief	$150,000	$185,000

A ***MOTION*** was made by Council President Long to introduce the Ordinance, seconded by Counciman 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.

The public hearing will be held June 10, 2024

PUBLIC HEARING:

5. ORDINANCE 2024-01 - AN ORDINANCE OF THE BOROUGH OF FLEMINGTON ADOPTING THE "LIBERTY VILLAGE PHASE 1 REDEVELOPMENT PLAN", DATED JANUARY 23, 2024, AND RESCINDING THE "LIBERTY VILLAGE REDEVELOPMENT PLAN, FLEMINGTON BOROUGH", DATED NOVEMBER 18, 2021, AS AMENDED, IN ACCORDANCE WITH THE LOCAL REDEVLOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-7

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 Fusaro with a vote of all ayes.

A ***MOTION*** was made by Council President Long to adopt 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.

6. ORDINANCE 2024-06 - Ordinance of the Borough of Flemington Approving Long Term Tax Exemptions for, and the Execution of Financial Agreements With, (i) HBC Liberty Townhomes Urban Renewal LLC, (ii) HBC Liberty Veterans Urban Renewal LLC and (iii) HBC Liberty Commercial Urban Renewal LLC, in Connection With a Redevelopment Project to be Undertaken by such Entities, and Affiliates, and Authorizing Pledge Agreements and Other Documents in Connection with the Issuance By the Borough of its Redevelopment Area Bonds in an Amount Not to Exceed $500,000 to Finance a Portion of the Costs of Such Redevelopment Project, and Determining Various Other Matters in Connection Therewith.

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

Alex Kourilvotich from Flemington Borough demanded again that the Liberty Village Redevelopment project be placed on hold.

Mayor Karrow closed the public hearing.

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

A ***MOTION*** was made by Council President Long to adopt the Ordinance, second by Councilman Levitt 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.

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

A ***MOTION*** was made by Council President Long to open the Public Hearing, second by Councilman Levitt 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 a adopt the Ordinance, second by Councilman Levitt 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.

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

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

A ***MOTION*** was made by Council President Long to adopt the Ordinance, second by Councilman Levitt 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.

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

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

A ***MOTION*** was made by Council President Long to adopt the Ordinance, second by Councilman Levitt 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.

10. 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 Council President Long to open the Public Hearing, second by Councilwoman Fusaro 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 Levitt with a vote of all ayes.

A ***MOTION*** was made by Council President Long to adopt the Ordinance, second by Councilman Levitt 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.

REGULAR AGENDA:

11. RESOLUTION 2024-80 - RESOLUTION 2024-80 - RESOLUTION OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO $1,400,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH OF FLEMINGTON IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK

WHEREAS, the Borough of Flemington (the "Local Unit"), in the County of Hunterdon, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install a project consisting of the removal and replacement of sanitary sewer main, including the removal and replacement of existing sanitary sewer manholes, laterals and cleanout assemblies, and all other work necessary, incidental or appurtenant thereto (the "Project"), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program (the "New Jersey Water Bank") of the New Jersey Infrastructure Bank (the "I-Bank");

WHEREAS, the Local Unit has determined to temporarily finance the acquisition, construction, renovation or installation of the Project prior to the closing with respect to the New Jersey Water Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the "Construction Loan") to the Local Unit, pursuant to the Water Bank Construction Financing Program of the I-Bank (the "Construction Financing Program");

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the "Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank" in an aggregate principal amount of up to $1,400,000 (the "Note");

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award of the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #2023-34 of the Local Unit, which bond ordinance is entitled "BOND ORDINANCE PROVIDING FOR MAIN STREET SEWER REPLACEMENT PROJECT, APPROPRIATING $1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,400,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY" and was finally adopted by the Local Unit at a meeting duly called and held on December 11, 2023, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

(a) the principal amount of the Note to be issued shall be an amount up to $1,400,000;
(b) the maturity of the Note shall be as determined by the I-Bank;
(c) the interest rate of the Note shall be as determined by the I-Bank;
(d) the purchase price for the Note shall be par;
(e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
(f) the Note shall be issued in a single denomination and shall be numbered "NJWB-CFP-24-1";
(g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and

(h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 6. The law firm of Dilworth Paxson LLP is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

Section 7. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to Dilworth Paxson LLP, bond counsel to the Local Unit, David E. Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

A ***MOTION*** was made by Council President Long to approve the Resolution, second by Councilman Parker 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. RESOLUTION 2024-81 - RESOLUTION OF THE BOROUGH OF FLEMINGTON DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE NEW JERSEY WATER BANK

WHEREAS, the Borough of Flemington, in the County of Hunterdon, New Jersey (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in **Exhibit A** attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Infrastructure Bank (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is $1,400,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 1.150-2 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

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.

13. RESOLUTION 2024-82 - AWARD OF CONTRACT TO CHARLES MANN GENERAL CONTRACTING 625 COUNTY ROAD 513, PITTSTOWN, NJ 08867) FOR BASEMENT RENOVATIONS TO THE FLEMINGTON PUBLIC LIBRARY

Resolution was tabled to June 10, 2024 due to no certification of funds.

14. RESOLUTION 2024-83 – Resolution of the Borough of Flemington Authorizing the Execution and Delivery of an Amended and Restated Redevelopment Agreement with HBC Liberty Village Urban Renewal LLC in Connection with a Redevelopment Project to be Constructed on Certain Properties within the Borough Commonly Known as Liberty Village and Identified as Block 35, Lots 31, 53, 54, 69, 70, 71 and a portion of Lot 22, and Determining Various Other Matters in Connection Therewith, Including the Appointment of D.R. Horton New Jersey, Inc. and Wheatsworth Properties, LLC as Production Partners for Certain Portions of the Redevelopment Project.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq, as amended and supplemented (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to Resolution No. 2021-15 adopted on October 12, 2021, the Borough Council designated the Liberty Village Redevelopment Area, identified as Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 and 71 in the Borough of Flemington Tax Map (the "Liberty Village Redevelopment Area"), as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, pursuant to Ordinance No. 2021-28 finally adopted on December 13, 2021, the Borough Council adopted the "Liberty Village Redevelopment Plan, Flemington Borough" dated November 18, 2021, with non-substantive revisions reflected in an updated plan dated December 5, 2021 (the "2021 Liberty Village Redevelopment Plan"), to govern the redevelopment of the Liberty Village Redevelopment Area; and

WHEREAS, by Resolution No. 2022-48 adopted on January 24, 2022, the Borough Council authorized the execution and delivery of a Conditional Redeveloper Designation and Interim Cost Agreement with HBC Liberty Village Urban Renewal LLC (formerly known as HBC Liberty Village, LLC) (the "Redeveloper"), conditionally designating the Redeveloper as the redeveloper of the Liberty Village Redevelopment Area, on the condition that a redevelopment agreement be negotiated and executed within one hundred eighty (180) days, as the same may be extended by the Borough in its sole discretion; and

WHEREAS, by Resolution No. 2022-148 adopted on June 13, 2022, the Borough Council authorized the execution and delivery of a Redevelopment Agreement with the Redeveloper (the "Original Redevelopment Agreement"), which Original Redevelopment Agreement was subsequently executed and delivered by the Borough and the Redeveloper; and

WHEREAS, the Original Redevelopment Agreement contemplated a two-phase redevelopment of the Liberty Village Redevelopment Area, with an initial "Phase I" to consist generally of the construction of approximately one hundred sixty (160) for-sale stacked townhomes and related improvements on a portion of the Liberty Village Redevelopment Area consisting generally of Block 35, Lots 31, 53, 54, 69, 70 and 71 (collectively, the "Former Phase I Site"), and a subsequent "Phase II" to consist generally of the construction of approximately two hundred twenty-five (225) residential rental apartment units and related improvements on a portion of the Liberty Village Redevelopment Area consisting generally of Block 35, Lots 22, 23, 24 and 25 (collectively, the "Former Phase II Site"); and

WHEREAS, during the course of designing the Phase I project, the need arose to make certain changes to the Original Redevelopment Agreement, including substantial modifications to the proposed redevelopment of the Former Phase I Site and the removal of all provisions of the Original

Redevelopment Agreement pertaining to the Former Phase II Site except for the construction of a detention basin on a portion of Block 35, Lot 22; and

WHEREAS, the Borough and the Redeveloper have agreed to amend and restate the Original Redevelopment Agreement such that (i) any and all prior agreements between the Borough and the Redeveloper contained in the Original Redevelopment Agreement in respect of the Former Phase I Site shall be superseded in their entirety by the provisions of the proposed amended and restated Redevelopment Agreement (as hereinafter defined) and (ii) any and all prior agreements between the Borough and the Redeveloper contained in the Original Redevelopment Agreement in respect of the Former Phase II Site and the redevelopment thereof shall be null and void; and

WHEREAS, the proposed Redevelopment Agreement contemplates the redevelopment of the Former Phase I Site and a portion of Block 35, Lot 22 (collectively, the "Project Site"), by the Redeveloper and its Production Partners (as defined therein), through implementation of a new redevelopment project (the "Redevelopment Project") consisting generally of (i) the construction of one hundred eleven (111) for-sale townhomes to be located in twenty-one three-story structures, of which seven (7) townhomes shall meet the affordability requirements contained in the Redevelopment Agreement, together with related improvements (collectively, the "Townhomes Component"), (ii) the construction of twelve (12) rental housing units to be located in two three-story buildings each containing not less than six (6) two-bedroom apartments, all of which shall meet the affordability requirements contained in the Redevelopment Agreement and will be owned by or leased to a veterans' housing provider, together with related improvements (collectively, the "Veterans' Component"), and (iii) the substantial renovation of the existing building located at One Church Street, together with related improvements (collectively, the "Commercial Component"), all as more fully described in the proposed Redevelopment Agreement; and

WHEREAS, the Redevelopment Project also includes the construction (where appropriate) and/or donation to the Borough of the Well Access Easement, the Well Expansion Land, the Brown Street Park, the Brown Street Detention Basin and the Allies Building (as each such term is defined in the Redevelopment Agreement), as well as certain cash donations to the Borough; and

WHEREAS, a draft "Liberty Village Phase 1 Redevelopment Plan", dated March 1, 2024 (the "Liberty Village Phase 1 Redevelopment Plan"), was prepared by the Borough's Planning Consultant, Kyle + McManus Associates, in consultation with the Mayor and Borough Council and the Borough's staff and consultants; and

WHEREAS, the Liberty Village Phase 1 Redevelopment Plan shall govern a portion of the Liberty Village Redevelopment Area consisting of Block 35, Lots 31, 53, 54, 69, 70 and 71 and a portion of Lot 22, as described therein; and

WHEREAS, by Resolution adopted on March 5, 2024, the Borough referred the proposed Liberty Village Phase 1 Redevelopment Plan to the Borough Planning Board (the "Board") in accordance with the provisions of the Redevelopment Law, specifically N.J.S.A. 40A:12A-7(e), for the purpose of obtaining a report of the Board containing its recommendations concerning the Liberty

Village Phase 1 Redevelopment Plan, including an identification of any provisions which are inconsistent with the Borough Master Plan and recommendations regarding these inconsistencies, and any other matters as the Board deems appropriate concerning the proposed Liberty Village Phase 1 Redevelopment Plan; and

WHEREAS, the Board has transmitted its report and recommendations to the Borough Council; and

WHEREAS, following receipt of the Board's report, the Borough Council has adopted, or expects to adopt at this meeting, an ordinance approving the Liberty Village Phase 1 Redevelopment Plan, with or without any changes as recommended by the Board; and

WHEREAS, upon adoption of said ordinance, the Liberty Village Phase 1 Redevelopment Plan shall supersede and replace, in its entirety, the 2021 Liberty Village Redevelopment Plan, which 2021 Liberty Village Redevelopment Plan shall be thereby rescinded; and

WHEREAS, the Borough may adopt one or more subsequent redevelopment plans to govern the portions of the Liberty Village Redevelopment Area not governed by the Liberty Village Phase 1 Redevelopment Plan; and

WHEREAS, the Redevelopment Project is consistent with, and will be implemented in furtherance of, the Liberty Village Phase 1 Redevelopment Plan; and

WHEREAS, in accordance with Section 5.1(d) of the proposed Amended and Restated Redevelopment Agreement, (i) D.R. Horton New Jersey, Inc., an affiliate of D.R. Horton, Inc. ("D.R. Horton New Jersey"), has submitted an application to the Borough to serve as a Production Partner (as defined in the Amended and Restated Redevelopment Agreement) in respect of the Townhomes Component and (ii) Wheatsworth Properties, LLC, an affiliate of Nouvelle, LLC ("Wheatsworth Properties"), has submitted an application to the Borough to serve as a Production Partner in respect of the Veterans' Component; and

WHEREAS, the Borough Council has determined that each of D.R. Horton New Jersey and Wheatsworth Properties has the requisite experience and capabilities to serve as Production Partners for their respective portions of the Redevelopment Project;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

Section 1. The Amended and Restated Redevelopment Agreement (the "Redevelopment Agreement"), in substantially the form presented to this meeting and on file in the office of the Borough Clerk, is hereby approved. The Mayor and the Business Administrator of the Borough (each, an "Authorized Officer") are each hereby authorized to execute and deliver, on the Borough's behalf, a

Redevelopment Agreement with the Redeveloper in substantially such form, with such changes as the Authorized Officers shall determine, in consultation with the Borough Attorney or his designee, such determination to be conclusively evidenced by their execution of such Redevelopment Agreement. The Borough Clerk is hereby authorized and directed to attest to the execution of the Redevelopment Agreement by the Authorized Officers of the Borough as determined hereunder and to affix the corporate seal of the Borough thereto.

Section 2. The applications heretofore submitted by D.R. Horton New Jersey and Wheatsworth Properties to serve as Production Partners of the Redeveloper are hereby approved. D.R. Horton New Jersey (or any single-purpose entity controlled by D.R. Horton, Inc. or D.R. Horton New Jersey having sufficient capital resources to undertake the Townhomes Component) is hereby appointed to serve as Production Partner in respect of the Townhomes Component, and Wheatsworth Properties (or any single-purpose entity controlled by Nouvelle, LLC or Wheatsworth Properties having sufficient capital resources to undertake the Veterans' Component) is hereby appointed to serve as Production Partner in respect of the Veterans' Component. The Authorized Officers are each hereby authorized to execute and deliver, on the Borough's behalf, such agreements, documents and instruments as may be necessary or useful in connection with such designations.

Section 3. An executed copy of the Redevelopment Agreement shall be certified by the Borough Clerk and filed with the Office of the Borough Clerk.

Section 4. The Authorized Officers of the Borough are hereby further severally authorized and directed to (i) execute and deliver, and the Borough Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the Borough to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the Borough Clerk, as applicable, in their respective sole discretion, after consulting with the Borough's Redevelopment Counsel, to be executed in connection with the execution and delivery of the Redevelopment Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 5. This resolution shall take effect upon final passage in accordance with the laws of the State of New Jersey.

A ***MOTION*** was made by Council President Long to approve the Resolution, second by Councilman Parker 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.

15. RESOLUTION 2024-84 - RESOLUTION APPROVING THE HIRING OF CONSTANCE LUDDEN AS THE FLEMINGTON BOROUGH TAX COLLECTOR

WHEREAS, there is a vacancy in the position of Tax Collector for the Borough of Flemington and the Borough is presently in need of a Tax Collector; and,

WHEREAS, the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey have reviewed the credentials of Constance Ludden and find her to be suitable to fill the position of Borough Tax Collector and Constance Ludden having met all the requirements to receive a Tax Collector Certificate and otherwise being qualified for such position; and,

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:9-145.8, the Mayor and Council authorize the appointment of Constance Ludden to the position of Tax Collector with the express understanding that the duties of Constance Ludden include collection of utility payments for the Borough; and,

WHEREAS, the appointment of Constance Ludden shall be for a term of four years beginning May 1, 2024 with an annual salary of $25,000. It is further understood and agreed that the position will require a minimum of 10 hours per week.

BE IT FURTHER RESOLVED, that the appointment is pending a successful background check and surety bond.

A ***MOTION*** was made by Council President Long to approve the Resolution, second by Councilman Parker 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.

16. RESOLUTION 2024-85 - RESOLUTION APPROVING THE HIRING OF ERIK MICKELSEN AND JOSE NIEVES AS HOUSING OFFICIAL/INSPECTOR FOR 2024

WHEREAS, Flemington Borough requires Housing Official/Inspector of registered multi-family residence in the borough, and

WHEREAS, the Fire Marshal is recommending the hiring of Erik Mickelsen and Jose Nieves as Housing Official/Inspector to conduct inspections in the Borough at a rate of 80% of the fees the Borough receives for inspections of registered multi-family residences and $50.00 per hour with a two-hour minimum for complaint responses to the Borough and any actions needed; and

WHEREAS, Mr. Erik Mickelsen and Mr. Jose Nieves are fully certified by the State of New Jersey as Housing Official/Inspector.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington authorize the hiring of Erik Mickelsen and Jose Nieves as Housing Official/Inspector, at a rate of 80% of the fees the Borough receives for inspections of registered multi-family residences and $50.00 per hour with a two-hour minimum for complaint responses to the Borough and any actions needed.

A ***MOTION*** was made by Councilwoman Fusaro 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.

17. PROCLAMATION – DIY 10TH ANNIVERSARY

Councilman Parker read the Proclamation.

WHEREAS, Flemington DIY has been a vital and influential all volunteer arts organization in our community for the past decade; and

WHEREAS, Flemington DIY has demonstrated an unwavering commitment to the arts, music, theater, diversity, and the empowerment of our youth; and

WHEREAS, Flemington DIY has provided a safe and inclusive space for individuals of all backgrounds to express themselves and explore their creative passions; and

WHEREAS, Flemington DIY has fostered a sense of community and collaboration, bringing together artists, musicians, and performers to create transformative experiences for the residents of Flemington; and

WHEREAS, Flemington DIY has consistently supported and showcased local talent, nurturing and promoting the artistic endeavors of our community members; and

WHEREAS, Flemington DIY has actively encouraged and facilitated the participation of young people in artistic and cultural activities, fostering their personal growth and development; and

WHEREAS, Flemington DIY has been a catalyst for positive change, inspiring creativity, and encouraging dialogue on important social issues within our community; and

WHEREAS, Flemington DIY has been a beacon of artistic expression, enriching the cultural fabric of our town and attracting visitors from near and far; and

WHEREAS, Flemington DIY's dedication, resilience, and impact on the local arts scene deserve recognition and celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Flemington Borough Council hereby honors Flemington DIY on their 10th anniversary for their outstanding contributions to the arts, music, theater, diversity, and youth in our community.

BE IT FURTHER RESOLVED, that the Flemington Borough Council commends Flemington DIY for their unwavering commitment to fostering creativity, inclusivity, and community engagement.

BE IT FURTHER RESOLVED, that the Flemington Borough Council expresses its deepest gratitude to Flemington DIY for their tireless efforts in enriching the lives of our residents through their dedication to the arts.

BE IT FURTHER RESOLVED, that this resolution be presented to Flemington DIY in recognition of their 10th anniversary, as a token of our appreciation and admiration for their significant contributions to our community.

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

APPROVAL TO PAY THE BILLS:

AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF $848,885.89

A ***MOTION*** was made by Council President Long to pay the bills. This Motion was seconded by Councilman Parker 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.

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: July 15, 2024