ORDINANCE NO. 2024-23

AN ORDINANCE OF THE BOROUGH OF FLEMINGTON ADOPTING AN AMENDED HISTORIC DISTRICT MAP TO REMOVE THE GARAGE BEHIND 8 NEW YORK, BLOCK 19, LOT 7 AVENUE AS A CONTRIBUTING STRUCTURE IN THE HISTORIC DISTRICT

WHEREAS, upon request of the property owner, the Planning Board reviewed the garage at 8 New York Avenue, Block 19, Lot 7, and determined it was not a contributing structure in the historic district, pursuant to Resolution 2024-14 adopted on August 27, 2024; and

WHEREAS, John D. S. Hatch, FAIA, LEED AP of Clarke Caton Hintz, has prepared an amended historic district map dated September 9, 2024, and attached hereto; and

WHEREAS, it is now appropriate for the Borough to adopt the above-referenced amended map.

NOW THEREFORE BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Flemington as follows:

Section I

The Historic District map dated September 9, 2024, prepared by Clarke Caton Hintz, and appended hereto, is hereby adopted.

Section II

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section IV

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

ATTEST:

Introduced: October 15, 2024

Adopted:

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Marcia A. Karrow, Mayor

_____

Carla Conner, Borough Clerk

ORDINANCE NO. 2024-21

AN ORDINANCE AMENDING CHAPTER FOUR (LICENSING) TO INSTITUTE REGULATIONS FOR ADVERTISING SIGNAGE IN CERTAIN INSTANCES

WHEREAS, the Borough Council of the Borough of Flemington desires to institute regulations for advertising signage in certain instances;

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 4 (Licensing) of the Municipal Code thereof are amended as follows:

SECTION I.

Section 4-5 of Chapter 4 is hereby amended as follows (section is presently designated as "Reserved" and all text is novel):

4-5.1 License Required.

A license shall be required for the posting of advertising signage in the manner provided herein.

4-5.2 Signage for Events Requiring Municipal Permitting.

For signage advertising an event requiring permitting pursuant to any provision of the municipal code of the Borough of Flemington, the fee for said signage shall be assessed and included in the applicable permit and shall be subject to the following regulations:

a. Each applicant shall be permitted a total of fifteen (15) event signs with the exception of street festivals which shall be permitted a total of forty (40) event signs.

b. Event signage permitted under this section may be deployed fourteen (14) days prior to the scheduled date of the event and shall be removed within three (3) days after the conclusion of the event.

4-5.3 Signage for Events Not Requiring Municipal Permitting.

a. For signage advertising an event that does not require a permit pursuant to any other provision of the municipal code of the Borough of Flemington, a permit from the Borough shall be required under this section.

b. The fee for said permit shall be $25 dollars for a non-profit organization and $50 for a for-profit organization. No fee shall be required for signage that shall be exclusively displayed on private property.

c. Each applicant shall be permitted a total of ten (10) signs per permit issued.

d. Event signage permitted under this section may be deployed fourteen (14) days prior to the scheduled date of the event and shall be removed within three (3) days after the conclusion of the event, with the exception of grand opening-type business signage which shall be permitted up to sixty (60) days prior to the anticipated grand opening date of the applying business.

4-5.4 Other Signage Provisions Incorporated by Reference

Regulations related to signage found in other provision of the municipal code of the Borough of Flemington, including but not limited to regulations contained in Chapter 26 thereof, are incorporated by reference herein and may be subject to any regulation hereof.

4-5.5 Violations.

a. Any individual or organization that fails to obtain a license permit pursuant to the terms hereof shall, for a first offense, shall pay the license fee plus court cost, and for a second or subsequent offense pay the license fee plus a fine of $100.00 plus court costs.

b. Notwithstanding Paragraph a) of this subsection, any individual or organization that fails to comply with any provision hereof shall be assessed a penalty equal to $10 per day per sign until the violation is corrected.

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

ATTEST:

Introduced: September 23, 2024

Adopted:

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Marcia A. Karrow, Mayor

_____

Carla Conner, Borough Clerk

ORDINANCE NO. 2024-22

AN ORDINANCE AMENDING CHAPTER TWENTY-SIX (ZONING) SECTION 2631 (SIGNS) TO AMEND THE REGULATIONS FOR TEMPORARY SIGNAGE

WHEREAS, the Borough Council of the Borough of Flemington desires to amend the regulations found in the Borough's zoning ordinance concerning temporary signage;

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 26 (Zoning), Section 2631 (Signs), of the Municipal Code thereof are amended as follows:

SECTION I.

Subsection A (Signs – Permitted in All Districts) of Section 2631 (Signs) of Chapter 26 (zoning) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

The following signs are permitted in all districts in the Borough:

a. A non-illuminated nameplate, with the name of the principal occupant and the street number and name of a private dwelling or both, with an area of not more than 144 square inches.

b. A sign, illuminated or not, for a church, educational institution or public or quasi-public building or use, with an area of not more than 16 square feet.

c. The following non-illuminated temporary signs:

(1) A single sign pertaining to the lease or sale of the premises upon which it is placed, with an area of not more than 8 square feet; provided, that such sign shall be removed within ~~7~~ **14** days after the consummation of a lease or sale of the premises.

(2) Signs for a building, premises or part thereof, under construction or renovation, with the street number of a building and the name of the architect, engineer, landscaper, the general contractor and subcontractors, and the project title during construction on the premises. Such signs shall be located at the principal entrance and within the street line and lot lines of the premises and shall be removed within ~~7~~ **14** days after the completion of the construction work. The total area of such signs on a lot shall not exceed 8 square feet.

(3) Signs announcing or advertising any political, educational, religious, **non-profit** or like campaign, drive or event; provided that the total area of all such signs on a lot shall not exceed 8 square feet**, provided that said sign shall not be posted more than two (2) weeks prior to the drive or event and shall be removed not**

later than three (3) days after the drive or event's conclusion. Political signs shall be exempt from the foregoing temporal requirements.

(4) Temporary banners.
The zoning officer may issue a permit for a banner that meets the following conditions:

(a) (Reserved);

(b) Promotes a one-time event such as a grand opening, holiday sale, or fund raising event;

(c) Will be used for no more than 14 days;

(d) Will be used (1) at the standard location across Main Street between the Historic Courthouse and the Union Hotel or (2) at the location of the business or event being advertised and up to three additional locations in the Borough, providing that the requesting party provides written permission from the owner of any location other than his or her own where the banner is to be placed.

(5) Default Banner.

A banner (designated by the FCP or its equivalent and reviewed/approved by the SRC) may be displayed across Main Street at a location(s) approved by the Council, provided the structural stability has been confirmed by the Construction Official, for the first available one-week period every month when no other banner has been approved pursuant to Subsection A1c(4) above and, in the discretion of the Zoning Officer, it is safe to display it.

Requests for other banners shall be submitted to Borough Council for approval.

The zoning officer at his sole discretion may refer a banner request that meets the conditions listed above to Council for approval regarding concerns of colors, size, public safety, or frequency of placement.

d. Directional signs, not to exceed 2 square feet.

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

ATTEST:

Introduced: September 23, 2024

Adopted:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

RESOLUTION #2024-137

AUTHORIZING THE ADOPTION OF RULES AND REGULATIONS FOR THE FLEMINGTON BOROUGH POLICE DEPARTMENT

WHEREAS, in accordance with N.J.S.A. 40A:14-118 and pursuant to Section 2-4.1 and 2-4-3 of the Flemington Borough Code, the Mayor and Borough Council of the Borough of Flemington are designated as the "appropriate authority" under the statute and authorized to act in all matters relating to the police function in the Borough of Flemington as a body; and

WHEREAS, the appropriate authority, in consultation with the Flemington Borough Police Department, has developed the attached Rules and Regulations pursuant to the foregoing authority; and

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the aforementioned Rules and Regulations are hereby adopted.

Adopted: October 15, 2024

ATTEST:

_____
Marcia A. Karrow, Mayor

_____
Carla Conner, Borough Clerk

CERTIFICATION

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 15th day of October, 2024.

_____
Carla Conner, Borough Clerk

RESOLUTION #2024-138

RESOLUTION APPROVING A TRUST FUND GRANT APPLICATION

WHEREAS, the Hunterdon County Open Space, Farmland & Historic Preservation Trust Fund ("County Open Space Trust Fund"), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Flemington desires to further the public interest by obtaining a matching grant of $150,000.00 from the County Trust Fund to fund the following project: Tuccamirgan Park Improvements; and,

WHEREAS, the governing body/board has reviewed the Municipal Park and Recreation Grant Program application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Hunterdon shall determine whether the application is complete and in conformance with the scope and intent of the Municipal Park and Recreation Grant Program and the Hunterdon County Open Space Trust Fund; and,

WHEREAS, the applicant is willing to use the County Open Space Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hunterdon for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 20th,2024, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Mayor and Council of the Borough of Flemington has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That *the* Mayor and Council of the Borough of Flemington is committed to providing a 25% cash match for the project; and,
4. That only those park improvements identified and approved in the project application, its Project contract, or other documentation will be considered eligible for reimbursement.
5. That The Mayor and Council of the Borough of Flemington agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

Adopted: October 15, 2024

ATTEST:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

CERTIFICATION

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 15th day of October, 2024.

_____
Carla Conner, Borough Clerk

RESOLUTION #2024-139

AWARD OF CONTRACT TO CROSSROADS PAVING (386 SOUTH STREET, SUITE 169, NEWARK, NJ 07105) FOR THE WILLIAM STREET ROADWAY IMPROVEMENT PROJECT

WHEREAS, the Borough has determined there is a need for roadway improvements for William Street as noted in the Borough's Invitation to Bid; and

WHEREAS, a notice of advertisement for bids and an Invitation to Bid were prepared for said project and advertised in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; and

WHEREAS, sealed bids were opened and read on October 1, 2024 at 10:00 am, in accordance with the requirements of the Local Public Contracts Law; and

WHEREAS, four (4) bids were received as follows:

	Total Bid
1. Crossroads Paving	$209,675.00
2. Your Way Construction	$227,503.89
3. Top Line Construction Corp.	$291,333.08
4. Reivax Contracting	$297,411.50

WHEREAS, Terrence Vogt, P.E. Consulting Architect, and William Hance, Chief Financial Officer, have reviewed the bids and recommend that the award of contract be made to Crossroads Paving in the amount of $209,675.00 as the lowest responsive and responsible bidder; and

WHEREAS, Christopher M. Corsini, Esq., Borough Attorney, has further reviewed the bid proposal package of the lowest responsible bidder, declares said proposal to be in conformance with the Borough's Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to Crossroads Paving, as the lowest responsive and responsible bidder; and

WHEREAS, the availability of funds has been certified by William Hance, Chief Financial Officer pursuant to N.J.A.C. 5:30-5.1 and 5.2.

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

1. An award of contract for the William Street Roadway Improvement Project, as outlined hereinabove, is hereby made to Crossroads Paving as the lowest responsive and responsible bidder in the amount of $209,675.00.

2. Mayor Marcia Karrow and Borough Clerk Carla Conner are hereby authorized to execute the Borough's standard form of Contract for Goods and Services referenced

herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.

3. The Borough Clerk, Carla Conner, is directed to forward a certified copy of this Resolution to the Chief Financial Officer, Consulting Engineer, Borough Attorney, and Crossroads Paving.

Adopted: October 15, 2024

ATTEST:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

CERTIFICATION

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 15th day of October, 2024.

_____
Carla Conner, Borough Clerk

RESOLUTION #2024-140

AUTHORIZING SUBMISSION OF A COMMUNITY FORESTRY PROGRAM AS PREPARED BY THE FLEMINGTON BOROUGH SHADE TREE COMMISSION PURSUANT TO THE NEW JERSEY SHADE TREE AND COMMUNITY FORESTRY ASSISTANCE ACT (N.J.S.A. 13:1L-17.1 ET SEQ)

WHEREAS, the New Jersey Shade Tree and Community Forestry Assistance Act, under the administration of the State of New Jersey Department of Environmental Protection, authorizes local governments to develop and submit to the State Forester comprehensive forestry plans; and

WHEREAS, a primary purpose of this plan, as contemplated by the Act, is to facilitate the awarding of grants to local governments and shade tree commissions applying for assistance in the development and implementation of the aforementioned comprehensive community forestry plan; and

WHEREAS, the Shade Tree Commission has prepared a Community Forestry Plan in compliance with the foregoing statute which is attached hereto; and

WHEREAS, N.J.S.A. 13:1L-17.1 et seq requires the affirmance of the governing body to submit the aforementioned plan to the State Forester.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Mayor is authorized to execute and submit the attached Community Forestry Plan to the New Jersey State Forester.

Adopted: October 15, 2024

ATTEST:

_____
Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

CERTIFICATION

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 15th day of October, 2024.

_____
Carla Conner, Borough Clerk

RESOLUTION #2024-141

AWARD OF CONTRACT TO MSP CONSTRUCTION CORP (19-B MINNEAKONIG ROAD, FLEMINGTON, NJ 08822) FOR THE MAIN STREET SANITARY SEWER IMPROVEMENT PROJECT

WHEREAS, the Borough has determined there is a need for improvements to the Main Street Sanitary Sewer as noted in the Borough's Invitation to Bid; and

WHEREAS, a notice of advertisement for bids and an Invitation to Bid were prepared for said project and advertised in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; and

WHEREAS, sealed bids were opened and read on August 22, 2024 at 11:00 am, in accordance with the requirements of the Local Public Contracts Law; and

WHEREAS, four (4) bids were received as follows:

		Total Bid
1.	MSP Construction Corp.	$898,710
2.	Reivax Contracting	$989,940
3.	Montana Construction	$1,468,310
4.	Z Brothers Contractors, Inc.	$1,488,540

WHEREAS, Robert Martucci, P.E. Consulting Architect, and William Hance, Chief Financial Officer, have reviewed the bids and recommend that the award of contract be made to MSP Construction Corp., in the amount of $898,710 as the lowest responsive and responsible bidder; and

WHEREAS, Christopher M. Corsini, Esq., Borough Attorney, has further reviewed the bid proposal package of the lowest responsible bidder, declares said proposal to be in conformance with the Borough's Instructions to Bidders and the Local Public Contracts Law and recommends an award of contract to MSP Construction Corp., as the lowest responsive and responsible bidder; and

WHEREAS, the availability of funds has been certified by William Hance, Chief Financial Officer pursuant to N.J.A.C. 5:30-5.1 and 5.2.

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

1. An award of contract for the Main Street Sanitary Sewer Improvement Project, as outlined hereinabove, is hereby made to MSP Construction Corp., as the lowest responsive and responsible bidder in the amount of $898,710.

2. Mayor Marcia Karrow and Borough Clerk Carla Conner are hereby authorized to execute the Borough's standard form of Contract for Goods and Services referenced

herein and made a part of this award of contract as well as any non-substantive modifications thereto and related constituent documents.

3. The Borough Clerk, Carla Conner, is directed to forward a certified copy of this Resolution to the Chief Financial Officer, Consulting Engineer, Borough Attorney, and MSP Construction Corp.

Adopted: October 15, 2024

ATTEST:

_____
Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

CERTIFICATION

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 15th day of October, 2024.

_____
Carla Conner, Borough Clerk

RESOLUTION #2024-142

RESOLUTION AUTHORIZING A NEW EMERGENCY OPERATIONS PLAN

WHEREAS, P. L. 1989, c. 222 mandates the development and approval of Emergency Operations Plans for all municipalities, counties and the State; and

WHEREAS, an Emergency Operations Plan will allow the Borough of Flemington ("the Borough") in correlation with its Office of Emergency Management to better prepare and manage emergencies; and

WHEREAS, the Borough must submit an Emergency Operations Plan through the County Office of Emergency Management to the State Office of Emergency Management for initial review and approval, and will require recertification every four (4) years; and

WHEREAS, the Borough is in receipt of an Emergency Operations Plan and a request from its Office of Emergency Management for formal adoption; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey that it hereby authorizes and adopts a newly revised Municipal Emergency Operations Plan attached hereto and made part hereof.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby authorized and directed to send a certified true copy of this Resolution to the Hunterdon County Office of Emergency Management Coordinator.

Adopted: October 15, 2024

ATTEST:

_____
Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

CERTIFICATION

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 15th day of October, 2024.

_____
Carla Conner, Borough Clerk