



Mayor and Common Council Borough of Flemington

October 12, 2021

Online during COVID-19 Emergency

Call to Order (6:30 PM)

Executive Session (6:30 PM)

1. RESOLUTION 2021-205: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION TO DISCUSS CONTRACT NEGOTIATIONS REGARDING THE MUNICIPAL COURT

Work Session (7:00 PM)

Regular Meeting (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Betsy Driver	Mayor
Caitlin Giles-McCormick	Council President
Jessica Hand	Council Member
Malik Johnston	Council Member
Jeremy Long	Council Vice President
Christopher Runion	Council Member
Kimberly Tilly	Council Member

- I. Mayor's Report
- II. Council Members' Reports
- III. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
- IV. Approval of Minutes

Motion To: **Approve Minutes: Sept. 27, 2021 Regular Council Meeting**

Motion To: **Approve Minutes: Sept. 27, 2021 Executive Session**

Consent Agenda

1. RESOLUTION 2021-206: AUTHORIZING RETURN OF \$250 ESCROW FEE FOR A STREET OPENING PERMIT ISSUED FOR 24 NEW JERSEY AVENUE
 2. RESOLUTION 2021-207: ACCEPTING THE RESIGNATION OF FIRE SUB-CODE INSPECTOR RICHARD JONES AND APPOINTING KENNETH MCCORMICK TO A FOUR-YEAR TERM AS FIRE SUB-CODE INSPECTOR
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3. RESOLUTION 2021-211: AUTHORIZING THE MAYOR AND CLERK TO SIGN DOCUMENTS FOR SUBMISSION TO THE STATE DEP REGARDING PROPERTY AT 144 MAIN STREET, BLOCK 38, LOT 1.01
4. RESOLUTION 2021-212: AUTHORIZING A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A SANITARY SEWER OVERFLOW PROJECT ON PARK AVENUE AND NORTH MAIN STREET

Regular Agenda

1. ORDINANCE 2021-23: SECOND READING, AN ORDINANCE TO REPLACE AND SUPERSEDE THE "2017 UNION HOTEL REDEVELOPMENT PLAN" AS ADOPTED BY ORDINANCE 2017-17 AND AMENDED BY ORDINANCE 2020-16 OF THE BOROUGH OF FLEMINGTON
2. ORDINANCE 2021-25: SECOND READING: ORDINANCE CREATING THE POSITION OF OFFICE ASSISTANT AND SETTING A SALARY RANGE
3. ORDINANCE 2021-26: SECOND READING: AN ORDINANCE ACCEPTING A WELL SITE, WATERLINE AND ACCESS EASEMENT OVER A PORTION OF BLOCK 45, LOT 1
4. RESOLUTION 2021-208: DESIGNATING AN AREA OF THE BOROUGH INCLUSIVE OF BLOCK 35, LOTS 22, 23, 24, 25, 31, 53, 54, 69, 70 AND 71, KNOWN AS LIBERTY VILLAGE, AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW
5. RESOLUTION 2021-209: AUTHORIZING THE PAYMENT OF \$11,995.80 IN ACCUMULATED VACATION AND SICK TIME TO RETIRED DEPUTY COURT ADMINISTRATOR JAYNE PARSONS
6. RESOLUTION 2021-210: AUTHORIZING THE AWARD OF A CONTRACT TO GARY NICKELS FOR THE REPAIR OF AN IRON FENCE SURROUNDING THE SOLDIER'S MONUMENT, IN THE AMOUNT OF \$3,500.00
7. RESOLUTION 2021-213: AUTHORIZING THE PARTIAL CLOSURE OF MAIN STREET FOR A HALLOWEEN COSTUME PARADE ON OCTOBER 28, 2021

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

VI. Attorney's Report

VII. Payment of the Bills

Motion To: **Pay the Bills**

VIII. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

IX. Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-205

DOC ID: 3606

**Resolution to Retire into Executive Session to Discuss
Contract Negotiations Regarding the Municipal Court**

WHEREAS, the Common Council of the Borough of Flemington desires to discuss negotiations regarding the Borough's municipal court; and

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

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

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public, given the ongoing negotiations and their unknown duration; and

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

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED

RESOLUTION 2021-206

DOC ID: 3602

**Authorizing Return of \$250 Escrow Fee for a Street Opening
Permit Issued for 24 New Jersey Avenue**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Ron's Masonry, 335 Old York Road, Flemington, applied for a street opening permit for sidewalk work at a property at 24 New Jersey Ave. and paid all necessary fees, including \$250 escrow; and

WHEREAS, the project has been completed to the satisfaction of borough officials;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund of the escrow in the amount of \$250.00, made payable to Ron's Masonry, 335 Old York Road, Flemington, NJ 08822, is approved.

Adopted:

Betsy Driver, Mayor

Attest:

Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-207

DOC ID: 3604

**Accepting the Resignation of Fire Sub-Code Inspector
Richard Jones and Appointing Kenneth McCormick to a
Four-Year Term as Fire Sub-Code Inspector**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Richard Jones has submitted a letter of resignation from his position as Fire Sub-Code Inspector for the Borough of Flemington, effective December 1, 2021; and

WHEREAS, Kenneth McCormick has the necessary training to fulfill the position of Fire Sub-Code Inspector; and

WHEREAS, Construction Official Jeffrey Klein has recommended hiring Mr. McCormick as Fire Sub-Code Inspector, to serve up to 4 hours per week; and

WHEREAS, the salary for the Fire Sub-Code Inspector, as set in the Borough Salary Ordinance, is \$12,956 per year;

NOW, THEREFORE, BE IT RESOLVED that The Council of the Borough of Flemington accepts the resignation of Fire Sub-Code Inspector Richard Jones effective December 1, 2021.

BE IT FURTHER RESOLVED that the Council of the Borough of Flemington appoints Kenneth McCormick to serve as Fire Sub-Code Inspector for a four-year term, commencing December 1, 2021.

BE IT FURTHER RESOLVED that Mr. McCormick will work up to four hours per week as Fire Sub Code Inspector, earning an annual salary of \$12,956 for the position.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-208

DOC ID: 3601

**Designating an Area of the Borough Inclusive of Block 35,
Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 and 71, Known as Liberty
Village, as an Area in Need of Redevelopment, Pursuant to
the Local Redevelopment and Housing Law**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, by Resolution 2020-155, the Borough Council directed the Planning Board to undertake a preliminary investigation to determine whether certain properties in the Borough satisfied the criteria to be designated as an area in need of redevelopment, including Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69 and 71; and

WHEREAS, by Resolution 2021-65, the Borough Council adopted a resolution to include Block 35, Lot 70 in the study area; and

WHEREAS, the Planning Board retained the services of Elizabeth McManus, PP, AICP, LEED AP, the Board Planner, who prepared a document entitled "Liberty Village Block 35; Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 & 71 Flemington Borough NJ July 31, 2021 Area in Need of Redevelopment Preliminary Investigation" that depicted the boundaries and location of the Liberty Village Parcels, the basis for the investigation of the Liberty Village Parcels and the results and conclusions thereof (the "Report"). A copy of the Report is annexed hereto.

WHEREAS, the Redevelopment Investigation Report concluded that conditions (b), (c), (d) and (h) of N.J.S.A. 40A:12A-5 were found to exist in one or more of the Liberty Village Parcels and therefore the Liberty Village Parcels may be designated as an area in need of redevelopment.

WHEREAS, on September 14, 2021, the Planning Board held a duly-noticed virtual public hearing on the Report pursuant to N.J.S.A. 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Elizabeth McManus, PP, AICP, LEED AP. The Board asked questions of Ms. McManus and discussed the Report. The hearing was opened to the public for questions and comments but no members of the public asked to be heard.

WHEREAS, based upon the Redevelopment Investigation Report and the testimony of the planner concerning the Redevelopment Investigation Report, the Planning Board accepted the findings of the Redevelopment Investigation Report and agreed that conditions (b), (c), (d) and (h) of N.J.S.A. 40A:12A-5 were found to exist in one or more of the Liberty Village Parcels and voted to recommend that the Governing Body declare the Liberty Village Parcels as an area in need of redevelopment.

WHEREAS, the Council accepts the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wishes to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Flemington that the Study Area described herein, inclusive of Block 35; Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 & 71, be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to *N.J.S.A. 40A:12A-5* and *N.J.S.A. 40A:12A-6*.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CLERK'S CERTIFICATION

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on October 12, 2021.

Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED

RESOLUTION 2021-209

DOC ID: 3605

**Authorizing the Payment of \$11,995.80 in Accumulated
Vacation and Sick Time to Retired Deputy Court
Administrator Jayne Parsons**

WHEREAS Deputy Court Administrator Jayne Parsons retired from the Borough of Flemington effective October 1, 2021; and

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

70	Vacation Hours x Hourly Rate \$26.94 =	\$1,885.80
427	Sick Hours x Hourly Rate \$26.94 =	\$11,503.38
	(maximum \$10,000 per contract)	

Total Due	\$11,885.80
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BE IT RESOLVED By the Mayor and Council of the Borough of Flemington that the Chief Financial Officer be authorized to pay \$11,885.80 to Jayne Parsons for the sick and vacation time that she is due on the next payroll.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-210

DOC ID: 3609

Authorizing the Award of a Contract to Gary Nickels for the Repair of an Iron Fence Surrounding the Soldier's Monument, in the Amount of \$3,500.00

WHEREAS, the iron fence surrounding the Soldier's Monument at the intersection of Main Street and Pennsylvania Avenue is in need of repairs; and

WHEREAS, the Borough requested three quotes and received responses as follows:

Gary Nickels	\$3,500.00
Clems Iron Works	No Quote
Macaro Iron Works	No Quote

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that a contract be awarded to Gary Nickels for the repair of the iron fence surrounding the Soldier's Monument, for a contract amount of \$3,500.00.

Adopted: October 12, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-211

DOC ID: 3607

**Authorizing the Mayor and Clerk to Sign Documents for
Submission to the State DEP Regarding Property at 144 Main
Street, Block 38, Lot 1.01**

WHEREAS, Flemington Borough sold property located at 144 Main St., Block 38, Lot 1.01 ("Property") on October 5, 2021; and

WHEREAS, the Property has been subject to remediation of hazardous substances associated with the Property's former use as a gas station, which was conducted by the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, the Property is subject to Groundwater Remedial Action Permit # RAP170001; and

WHEREAS, in connection with the sale of the Property, the Borough must sign the following documents:

1. Remedial Action Permit Modification Application
2. Remedial Action Permit Contact Information Form
3. Remedial Action Permit Transfer / Change of Ownership Application

WHEREAS, the application fee for the Modification Application and the Change of Ownership Application is \$880 each; and

WHEREAS the Mayor and Clerk are the proper officials on behalf of the Borough to execute said documents.

NOW, THEREFORE, BE IT RESOLVED by the Council and Mayor of the Borough of Flemington, County of Hunterdon, that the Mayor and Clerk are authorized to sign the above-referenced documents upon review and approval of said documents by the Borough Attorney.

BE IT FURTHER RESOLVED that the Borough CFO is authorized to pay the above-referenced application fees in the amount of \$880 each.

Adopted: October 12, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-213

DOC ID: 3610

Authorizing the Partial Closure of Main Street for a Halloween Costume Parade on October 28, 2021

Borough of Flemington
County of Hunterdon

WHEREAS, the Flemington Community Partnership has requested that Main Street be closed from Capner Street to Mine Street on October 28, 2021, from 4:00 PM to 10:00 PM for the Halloween Parade; and

WHEREAS, the Flemington Borough Police Department has reviewed this request and has approved the road closure as requested;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the requested road closure as outlined above is approved for the Halloween Costume Parade being held on October 28, 2021.

Adopted:

Betsy Driver, Mayor

Attest:

Sallie Graziano, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2021-23

DOC ID: 3600

**Second Reading, an Ordinance to Replace and Supersede
the “2017 Union Hotel Redevelopment Plan” as Adopted by
Ordinance 2017-17 and Amended by Ordinance 2020-16 of
the Borough of Flemington**

Flemington Borough, Hunterdon County

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

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Borough Council designated the Union Hotel property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the “**Initial Redevelopment Area**”), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “**Redevelopment Law**”); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

WHEREAS, pursuant to Borough Council Resolution 2014-44, adopted February 10, 2014, the Borough Council designated the area south of the Union Hotel property, inclusive of properties located at 78 Main Street, 80 Main Street, 82 Main Street, 90-100 Main Street, 104 Main Street, 110 Main Street, 7 Spring Street, 19 Spring Street, 3 Chorister Place and 6 Chorister Place, identified on the Borough Tax Map as Block 22 Lots 5, 6, 7, 8, 9, 10 and 12 and Block 23, Lots 1 and 7 as an area in need of redevelopment pursuant to the Redevelopment Law (such properties, together with the Initial Redevelopment Area, is the “**2014 Redevelopment Area**”) and, subsequently, on March 7, 2014, the Borough enacted an ordinance adopting a redevelopment plan for the Redevelopment Area (the “**2014 Redevelopment Plan**”); and

WHEREAS, on July 10, 2017, the Borough Council via Resolution 2017-130, designated Block 22, Lots 13 and 14 (23 Bloomfield Avenue and 21 Bloomfield Avenue) and Block 24, Lots 1, 2, 3 and 5 (2 Spring Street, 8 Spring Street, 12 Spring Street) (the “**Study Area**”) to be included in the “Union Hotel Redevelopment Area” (2014 Redevelopment Area and Study Area collectively referred to herein as the “**Redevelopment Area**”); and

WHEREAS, on December 11, 2017 the Borough Council adopted Ordinance 2017-17 approving the 2017 Union Hotel Redevelopment Plan dated October 19, 2017; and

WHEREAS, on October 13, 2020, the Borough Council adopted by Ordinance 2020-16 the "Union Hotel Redevelopment Plan Amendment #1" ("Amendment #1"); and

WHEREAS, the Borough Council has determined that the effective Redevelopment of the Redevelopment Area would be stimulated by replacing and superseding the 2017 Union Hotel Redevelopment Plan and Amendment #1 as set forth in the attachment to this Ordinance entitled "Union Hotel Redevelopment Plan Amendment #2"; and

WHEREAS, the Borough Council desires to replace and supersede the 2017 Union Hotel Redevelopment Plan and Amendment # 1 and to provide notice thereof in accordance with law.

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

Section 1. The 2017 Union Hotel Redevelopment Plan and Amendment #1 be and hereby is replaced and superseded with the Attachment to this Ordinance entitled "Union Hotel Redevelopment Plan Amendment #2".

Section 2. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any party thereof, other than the part so held unenforceable or invalid.

Section 3. This ordinance shall take effect upon final passage, publication, and filing with the Office of the Clerk of Hunterdon County, all as required by law.

Introduced: September 27, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	INTRODUCED [UNANIMOUS]	Next: 10/12/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Jessica Hand, Council Member	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2021-25

DOC ID: 3596

Second Reading: Ordinance Creating the Position of Office Assistant and Setting a Salary Range

WHEREAS, the Municipal Clerk has recommended to the Council that a part-time Office Assistant be appointed to aid with day-to-day operations of Borough offices; and

WHEREAS, a review of salaries for similar positions in the area reveals that the salary range set forth below is reasonable.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that the Code of the Borough of Flemington (the "Code") is hereby amended and supplemented as follows:

SECTION 1. Section 2-30 of the Code, entitled "Office Assistant," shall be added as follows:

2-30.1 Established. There may be appointed an Office Assistant.

2-30.2 Term of Office. The term of office may begin on January 1 and expire one year thereafter, on December 31 or may begin on any other date and extended for any period as the Council may decide.

2-30.3 Nomination and Appointment. The Mayor shall nominate and appoint the Office Assistant, with the advice and consent of the Borough Council.

2-30.4 Powers and Duties. The Office Assistant shall have duties as determined by the Council in its discretion.

2-30.5 Office Hours. The hours of the Office Assistant shall be set by the Mayor and Council. The Office Assistant shall be a part-time employee of the Borough.

2-30.6 Compensation. Compensation shall be stipulated in the yearly salary ordinance.

SECTION 2. The Borough's 2021 Salary Ordinance (Ordinance 2021-18) is amended to add the salary of the Office Assistant as follows:

Office Assistant: \$15 to \$17 per hour

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. The Mayor and Clerk are hereby authorized to take all steps necessary to advertise the position.

SECTION 6. This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: September 27, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	INTRODUCED [UNANIMOUS]	Next: 10/12/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Jessica Hand, Council Member	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM
Department: Clerk of the Borough
Category: Land Development
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

INTRODUCED

ORDINANCE 2021-26

DOC ID: 3599

**Second Reading: An Ordinance Accepting a Well Site,
Waterline and Access Easement Over a Portion of Block 45,
Lot 1**

WHEREAS, the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, wish to accept a Grant of Well Site, Waterline, and Access Easement for a portion of Block 45, Lot 1, which are attached hereto as an exhibit; and

WHEREAS, such easement is proposed to be acquired in order to develop a new potable water supply well; and

WHEREAS, N.J.S.A. 40A:12-4 authorizes the municipality to accept such easement; and

WHEREAS, attached hereto is a form of easement that has been reviewed by the Borough Engineer and Borough Attorney; and

WHEREAS, based upon an appraisal commissioned by the Borough setting forth the fair market value of the easement, the Borough has agreed to pay the property owners the amount of \$33,000 in exchange for the easement dedications; and

WHEREAS, it appears to the Mayor and Council that the public interest would be served by accepting the easements described herein.

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

1. The Borough of Flemington hereby accepts the above-referenced easements over a portion of Block 45, Lot 1 as more particularly described in the deed of easement attached hereto.

2. The Borough Clerk, Mayor, her designee, Borough CFO, and such Borough Professionals as are necessary, are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing the above-referenced easements in a form substantially similar to that attached hereto and made a part hereof.

3. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Hunterdon in accordance with the provisions of N.J.S.A. 40:67-21.

4. At least one (1) week prior to the time fixed for further consideration of this Ordinance for final passage, a copy thereof together with the notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage shall be mailed to every person whose lands may be affected by this Ordinance so far as

may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

5. The acceptance of this Easement is contingent upon the Borough obtaining all necessary approvals to construct a potable water supply well and appurtenances on the Property. The Borough may rescind this Ordinance and acceptance of the Easement if the Borough is unable to develop the intended well and appurtenances on the Property.

6. This Ordinance shall take effect immediately after final passage, approval and publication as provided by law.

7. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Introduced: September 27, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	INTRODUCED [UNANIMOUS]	Next: 10/12/2021 7:30 PM
MOVER:	Kimberly Tilly, Council Member	
SECONDER:	Jessica Hand, Council Member	
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	