

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Tilly
ABSENT:	Christopher Runion

Minutes kept separately. The session ended at 7:11 p.m.

Work Session

Mayor Driver informed the Council there was no subject for the work session and reminded everyone to return at 7:30 for the regular meeting.

Regular Meeting (7:30 PM)

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

Flag Salute

Roll Call:

Attendee Name	Title	Status	Arrived
Caitlin Giles-McCormick	Council President	Present	
Jessica Hand	Council Member	Present	
Malik Johnston	Council Member	Present	
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Late	6:41 AM
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

I. OEM UPDATE

Corporal McNally gave a brief OEM report. McNally stated that with COVID numbers trending in the correct direction that he hopes to be able to return to in person meetings again soon. Corporal McNally stated that with more testing available there has been more negative results which reduces the positive rates.

Corporal McNally thanked the FCP and Robin Lapidus for organizing the Halloween festivities. The parade will be at 5 PM on Thursday October 28, 2021. Corporal McNally stated they have received questions as to why it is happening on Thursday and not on Halloween. Corporal McNally stated that it is being combined with Thursday Night Lights and also to not close Borough streets twice so close together as that impacts businesses in town. Corporal McNally stated Broad and Bonnell streets will be closed from 4-8 PM for Trick or Treating on Oct. 31.

Corporal McNally stated the signs for participating in trick or treating will be available again this year. This was an initiative to allow residents who were not comfortable with opening their doors due to COVID to opt out of trick or treating. The signs direct children to the homes with signs indicating they are

open for treats. The signs are available at the Police Department but ID is required as many signs appeared in Raritan Township last year.

Corporal McNally stated there will be another candy assistance program this year. It was noted that the financial burden to supply candy on some streets with 1,000+ trick or treaters can be overwhelming. Corporal McNally stated candy is being donated from many businesses in town including Shop Rite, Lowes \$500 worth of candy and Mayor Driver \$100 worth. Corporal McNally stated that candy will be ready for pick up beginning October 20th.

Lastly Corporal McNally stated he has had meetings with the Turkey Trot organizers and the Trot is looking to be in full swing back like it used to be. Live and in person which is a great sign.

II. Mayor's Report

Mayor Driver stated that the Council had an executive session earlier at 6:30 PM to discuss a potential shared service with the Court.

Mayor Driver thanked everyone for their generous candy donations.

Mayor Driver informed everyone that the Borough no longer owns 144 Main Street. The closing finally took place and it is now owned by Tidbits LLC. Mayor Driver expressed her regret that she was not able to attend the closing in person to meet with the new business owners but she had a previous commitment. Mayor Driver stated they have been a pleasure to work with and she wishes them well in their new venture.

Mayor Driver thanked Lone Eagle Brewing for the trick or treat signs mentioned by Corporal McNally earlier in his report. She also thanked Assemblymen Zwicker for attending the ribbon cutting at Lone Eagle.

Mayor Driver stated the permits have been obtained through SHIPO and the NJDEP to begin infrastructure upgrades for the Union Hotel Redevelopment project. The developer will be covering \$3MM worth of upgrades.

Mayor Driver attended the Harvest Fest and was pleased to see it so well attended. She also thanked the neighbors for being patient and tolerant of the great, yet very loud band.

Mayor Driver urged everyone who was impacted by flooding from Ida to apply for FEMA funds. She stated that applying is a very simple process.

Mayor Driver stated she has heard the circle project will be starting up again soon, so hopefully we will see some movement there.

Lastly, Mayor Driver informed the Council that the attorney is working on a cannabis policy and hopes to have something for the next agenda.

III. Council Members' Reports

Council President Giles-McCormick

Councilmember Giles-McCormick stated there would be a pumpkin decorating event at the Samuel Fleming House on October 23, 2021.

Councilmember Giles-McCormick informed the Council the Borough received the Neighborhood Preservation Program grant through the DCA which will be \$125K for the next 5 years which is great news.

Councilmember Giles-McCormick stated there is an FCP board meeting on October 18, 2021.

Council Member Hand

Councilmember Hand regretted to have to cancel the Tuccimeragan park cleanup, but the weather was not conducive.

Councilmember Hand stated they are closer to breaking ground on the community garden, however, they have learned they now need a permit from the State of NJ.

Councilmember Hand mentioned that she and Councilmember Long met with the police to discuss mental health issues and responding to them.

Council Member Johnston

Councilmember Johnston had no comment.

Council Vice President Long

Councilmember Long stated that the planning board is undertaking a consistency review of Ordinances to ensure they are not inconsistent with the master plan. He also stated that at the October 5, 2021 planning board meeting concerns were presented regarding potential inconsistencies hence the review. The next planning board meeting is scheduled for Tuesday October 26, 2021 at 7:00 PM.

Councilmember Long informed the council there has been an increase in car burglaries in the surrounding areas so he urged residents to be vigilant and mindful to lock their vehicles at all times.

Councilmember Long stated he, along with Councilmember Hand met with the police department to discuss mental health issues that the department encounters. Frank Emanuele an officer employed with the Borough is trained in the specialty of dealing with mental health issues. Emanuele will also be attending future courses offered by Hunterdon County to be able to assist neighboring towns.

Councilmember Long attended a seminar regarding duties for local elected officials and leaders. This seminar was led by Greg Bonin, Administrator for Branchburg Township. Councilmember Long stated it was extremely informative and helpful and highly recommended it to his colleagues.

Lastly, Councilmember Long attended Harvest Fest and thanked the FCP, DPW and police department for their efforts with the festival.

Council Member Runion

Councilmember Runion stated there is an Environmental Commission meeting next Monday October 18, 2021 at 7:00 PM.

Council Member Tilly

Councilmember Tilly informed the Council that the library received its new circulation desk on September 16th. Currently the Library is working on HVAC upgrades but the project is moving along nicely.

Councilmember Tilly stated that she attended the Harvest Fest and thanked the community for their support of the fire department.

Councilmember Tilly stated there will be a DPW meeting on Thursday October 21, 2021. She also stated she attended a Flemington OEM meeting. She

informed the Council the rescue squad needs volunteers and there is no experience necessary. Please visit www.FRFARS.org/join to join.

Councilmember Tilly thanked the police department and Corporal McNally for taking on the candy collections and pickups. She thanked all of the businesses and the individuals that donated candy.

Councilmember Giles-McCormick reminded residents to sign up for the Swift alert system to ensure they are receiving all Borough updates.

Mayor Driver commented that the garbage tote roll-out went better than expected and thanked everyone for their patience and efforts.

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

Robin Lapidus, Executive Director of the FCP, gave a brief overview of the Harvest Fest and urged parents to sign their children up for the Halloween parade as this will assist them in organizing a safe successful event.

No other public comments.

V. Approval of Minutes

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

Consent Agenda

Moved by Tilly Seconded by Giles-McCormick All voted Aye

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 OFFICIAL AND FIRE INSPECTOR RICHARD JONES AND APPOINTING KENNETH MCCORMICK TO A FOUR-YEAR TERM AS FIRE SUB-CODE OFFICIAL AND FIRE INSPECTOR
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 SUBMISSION OF A GRANT APPLICATION/ LETTER OF INTENT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SEWER OVERFLOW AND STORMWATER REUSE GRANTS PROGRAM FOR 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

Motion to open public hearing: Tilly, seconded by Giles-McCormick. All voted aye.

No Comments.

Motion to close public hearing: Tilly, seconded by Hand. All voted aye.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

2. ORDINANCE 2021-25: SECOND READING: ORDINANCE CREATING THE POSITION OF OFFICE ASSISTANT AND SETTING A SALARY RANGE

Motion to open public hearing: Tilly, seconded by Long. All voted aye.

No comments.

Motion to close public hearing: Tilly, seconded by Long. All voted aye.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council Vice President
SECONDER:	Kimberly Tilly, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

3. ORDINANCE 2021-26: SECOND READING: AN ORDINANCE ACCEPTING A WELL SITE, WATERLINE AND ACCESS EASEMENT OVER A PORTION OF BLOCK 45, LOT 1

Motion to open public hearing: Long, seconded by Tilly. All voted aye.

No comments.

Motion to close public hearing: Tilly, seconded by Hand. All voted aye.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jessica Hand, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

5. RESOLUTION 2021-209: AUTHORIZING THE PAYMENT OF \$11,995.80 IN ACCUMULATED VACATION AND SICK TIME TO RETIRED DEPUTY COURT ADMINISTRATOR JAYNE PARSONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

7. RESOLUTION 2021-213: AUTHORIZING THE PARTIAL CLOSURE OF MAIN STREET FOR A HALLOWEEN COSTUME PARADE ON OCTOBER 28, 2021

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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

No public comments.

VII. Attorney's Report

Attorney Cushing stated that Tara would have a report once she is back at the meeting and stated that they were following up with Comcast regarding preparing an Ordinance.

VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$1,632,917.59**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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

No matters identified.

X. Adjournment

Motion To: **Adjourn**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

The meeting adjourned at 8:25 p.m.

Attest: *Sallie Graziano*
Sallie Graziano, Borough Clerk

Approved by Council 10/25/2021

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:
DOC ID: 3606

ADOPTED

RESOLUTION 2021-205

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: October 12, 2021

Attest:



Betsy Driver, Mayor



Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Tilly
ABSENT:	Christopher Runion

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:

DOC ID: 3602

ADOPTED

RESOLUTION 2021-206

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: October 12, 2021


Betsy Driver, Mayor

Attest:


Sallie Graziano, RMC, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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:

ADOPTED

RESOLUTION 2021-207

DOC ID: 3604

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

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Richard Jones has submitted a letter of resignation from his position as Fire Sub-Code Official and Fire 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 Official and Fire Inspector; and

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

WHEREAS, the salary for the Fire Sub-Code Official and Fire 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 Official and Fire 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 Official and Fire 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 Official and Fire Inspector, earning an annual salary of \$12,956 for the position.

Adopted: October 12, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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:

DOC ID: 3601

ADOPTED

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

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.

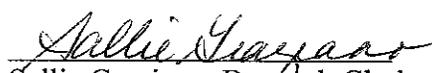
WHEREAS, based upon the Redevelopment Investigation Report and the testimony of the planner concerning the Redevelopment Investigation Report, the Planning Board accepted the findings of the Redevelopment Investigation Report and agreed that conditions (b), (c), (d) and (h) of N.J.S.A. 40A:12A-5 were 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: October 12, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

ATTACHMENTS:

- Letter to Council Re Redevelopment Plan Recommendation (Liberty Village) (PDF)
- Resolution 2021-15 Recommending Liberty Village An Area of Redevelopment (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jessica Hand, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

FLEMINGTON BOROUGH PLANNING BOARD

RESOLUTION # 2021-15

MEMORIALIZING ITS RECOMMENDATION TO THE MAYOR AND COUNCIL OF THE BOROUGH OF FLEMINGTON THAT BLOCK 35, LOTS 22, 23, 24, 25, 31, 53, 54, 69, 70 AND 71 BE DECLARED AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, by way of Resolution 2020-155 and Resolution 2021-165, the Borough Governing Body authorized and directed the Planning Board of the Borough of Flemington (the "Board") to undertake a preliminary investigation to determine whether Block 35, Lots 22-25, 31, 53-54, 69, 70 and 71 would qualify as a redevelopment area, collectively referred to as the "Liberty Village Parcels"; and

WHEREAS, in furtherance of Resolution 2020-155 and Resolution 2021-165, Elizabeth McManus, PP, AICP, LEED AP, the Board Planner, 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" (the "Report"); and

WHEREAS, on September 14, 2021, the Board held a virtual public hearing on the Report and at the conclusion of the hearing, the eligible members of the Planning Board 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; and

WHEREAS, on September 17, 2021, Jeffrey Doshna, in his capacity as Board Chairman, forwarded a written recommendation to the Governing Body consistent with the findings and determinations of the Board, a copy of which is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Flemington Planning Board that it has determined that the condition of the Liberty Village Parcels qualify it to be deemed an area in need of redevelopment and have forwarded the attached written recommendation to the Governing Body to do so.

The memorialization of the resolution was granted by the following vote on September 28, 2021.

MOVED BY: TODD COOK
SECONDED BY: MARC HAIN

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified</u>
Jeffrey Doshna, Chairman				X	
Susan Englehardt Vice-Chairwoman			X		
Mayor Betsy Driver	X				
Councilman Jeremy Long	X				
Brian Budney	X				
Michael Champion	X				
Todd Cook	X				
Marc Hain	X				
Karen Giffen	X				
James Hill (Alt #1)					X
David Norton (Alt #2)					X
Trent Levitt (Alt #3)					X
Hannah Weitzman (Alt #4)					X

FLEMINGTON PLANNING BOARD

By: _____
Susan Engelhardt, Vice-Chair

CERTIFIED TO BE A TRUE COPY

By: Eileen Parks
Eileen Parks, Secretary to the Planning Board

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:

ADOPTED

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 = (maximum \$10,000 per contract)	\$11,503.38
Total Due		\$11,885.80

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: October 12, 2021

Attest:


Betsy Driver, Mayor


Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
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: 10/12/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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:

ADOPTED

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 the pay the above-referenced application fees in the amount of \$880 each.

Adopted: October 12, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

ATTACHMENTS:

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

ATTACHMENTS:

- Eric Mobil Permit Modification (00453158xE767A) (PDF)
- Eric Mobil Permit Contact Change (00453159xE767A) (PDF)
- Eric Mobil Change Ownership (00453160xE767A) (PDF)

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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:

ADOPTED

RESOLUTION 2021-212

DOC ID: 3611

Authorizing Submission of a Grant Application/ Letter of Intent to the New Jersey Department of Environmental Protection for the Sewer Overflow and Stormwater Reuse Grants Program for Park Avenue and North Main Street

WHEREAS, the sanitary sewer system on Park Avenue that flows from Capner Street to North Main is currently overflowing during heavy rain events; and

WHEREAS, Robert Martucci, P.E., Borough of Flemington Engineer, has prepared a cost estimate for improvements to the sewer system in this area.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Flemington formally approves the grant application/letter of intent for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application/letter of intent for NJDEP Sewer Overflow and Stormwater Reuse Grants Program for up to 80% grant funding for this work.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Flemington and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

Adopted: October 12, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

CLERK'S CERTIFICATION

Certified as a true copy of the Resolution adopted by the Council on October 12, 2021. My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL


Sallie Graziano, RMC

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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:

ADOPTED

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: October 12, 2021


Betsy Driver, Mayor

Attest:


Sallie Graziano, Acting Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3600

ADOPTED

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**

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".

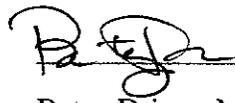
Section 2. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

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: *October 12, 2021*

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

HISTORY:

09/27/21 Governing Body INTRODUCED Next: 10/12/21

Attorney Maraziti said adoption of this plan would settle the longstanding litigation over the planned hotel-area development. It's the version most recently approved by the Planning Board.

Planner McManus said the original 2017 approval would no longer be valid. In addition to the smaller height and density approved by the Planning Board in 2020, this also adds a porch on the side of the 78 Main building. She anticipates that porch will need a site plan amendment.

ATTACHMENTS:

- Redevelopment Plan, revised, final (PDF)
- Resolution 2021-16 regarding Ordinance 2021-23 - Union Hotel Redevelopment Plan (PDF)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

BOROUGH OF FLEMINGTON PLANNING BOARD

RESOLUTION MEMORIALIZING THE FINDINGS OF THE BOARD WITH REGARD TO ORDINANCE 2021-23 ENTITLED "FIRST READING, AN ORDINANCE TO REPLACE AND SUPERCEDE THE '2017 UNION HOTEL REDEVELOPMENT PLAN' AS ADOPTED BY ORDINANCE 2017-17 AND AMENDED BY ORDINANCE 2020-16 OF THE BOROUGH OF FLEMINGTON"

RESOLUTION NO. 2021-16

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 to govern the redevelopment of the Redevelopment Area; and

WHEREAS, on October 13, 2020, the Borough Council adopted by Ordinance 2020-16 the "Union Hotel Redevelopment Plan Amendment #1" to the 2017 Union Hotel Redevelopment Plan ("Amendment #1"); and

WHEREAS, the Borough Council 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 Resolution entitled "Union Hotel Redevelopment Plan Amendment #2"; and

WHEREAS, on September 27, 2021, the Borough Council introduced Ordinance 2021-23 on first reading which sought to replace and supersede the 2017 Union Hotel Redevelopment Plan and Amendment # 1 with Union Hotel Redevelopment Plan Amendment #2 and referred it to the Borough Planning Board for review and recommendation in accordance with Section 40A:12A-7 of the Redevelopment Law; and

WHEREAS, the Borough Planning Board and Elizabeth McManus, PP, AICP, LEED AP have reviewed and discussed the Union Hotel Redevelopment Plan Amendment #2 in accordance with and as required by Section 40A:12A-7 of the Redevelopment Law and determined that all of its provisions are either substantially consistent with the Borough Master Plan or designed to effectuate the same and that no additional recommendations are required.

NOW THEREFORE, be it resolved that the Board hereby finds and advises the Borough Council that all provisions of the Union Hotel Redevelopment Plan Amendment #2 are either substantially consistent with the Borough Master Plan or designed to effectuate the same; and

BE IT FURTHER RESOLVED, that the Board hereby finds and advises that no recommendations to the Borough Mayor and Council are necessary at this time; and

BE IT FURTHER RESOLVED, that the Board Secretary is hereby directed to submit a copy of this Resolution and attachment to the Borough Mayor and Council in accordance with the requirements of N.J.S.A. 40:55D-70.1 and to maintain a copy available for public inspection.

The approval of this resolution was granted by the following vote on September 28, 2021:

MOVED BY: MICHAEL CAMPION
 SECONDED BY: BRIAN BUDNEY

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified</u>
Jeffrey Doshna, Chairman				X	
Susan Engelhardt Vice-Chairwoman	X				
Mayor Betsy Driver					X
Councilman Jeremy Long	X				
Brian Budney	X				
Michael Campion	X				
Todd Cook					X
Marc Hain					X
Karen Giffen					X
James Hill (Alt #1)				X	
David Norton (Alt #2)					X
Trent Levitt (Alt #3)	X				
Hannah Weitzman (Alt #4)	X				

FLEMINGTON PLANNING BOARD

By: _____
Susan Engelhardt, Vice-Chairwoman

CERTIFIED TO BE A TRUE COPY

By:  _____
Eileen Parks, Secretary to the Planning Board

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

ADOPTED

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:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

HISTORY:

09/27/21

Governing Body

INTRODUCED

Next: 10/12/21

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeremy Long, Council Vice President
SECONDER:	Kimberly Tilly, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

ADOPTED

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**

**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

HISTORY:

09/27/21

Governing Body

INTRODUCED

Next: 10/12/21

This would be on the Dvoor property near the driving range. The Borough has to have control of a property before it can submit an application to the state.

ATTACHMENTS:

- FlemTaking09252019 (00443332xE767A) (PDF)
- 4414.2-Prop Site Plan B 45 L 1 (00443333xE767A) (PDF)
- B. 45, L. 1 Easement Draft_9.22.21 (00450536xE767A) (DOC)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

WELL SITE, WATERLINE, AND ACCESS EASEMENT

This Agreement made this _____ day of _____, 2021, by and between Dvoor Family, LLC., having an address of _____ ("Grantor") and THE BOROUGH OF FLEMINGTON, a municipal corporation of the State of New Jersey, with offices located at 38 Park Avenue, Flemington, New Jersey 08822 ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of a certain tract of land located in the Borough of Flemington, County of Hunterdon, and State of New Jersey, more particularly described as Lot 1, Block 45 on the Tax Map of the Borough of Flemington (the "Property"); and

WHEREAS, Grantee desires to obtain from Grantor a permanent easement for the purposes of laying, constructing, maintaining, operating, repairing, altering, improving, inspecting, replacing or removing from time to time a potable water well with water lines, treatment building, emergency generator water services and all other appurtenant facilities (collectively, the "Well 12 Facility"), for the development, treatment and transfer of water through the Facility; and

WHEREAS, Grantee desires to obtain from Grantor a permanent access and utility easement, contiguous with a portion of the aforesaid permanent easement, for the purposes of laying and constructing the Water line and other service lines and permanent access; and

WHEREAS, Grantor desires to convey to Grantee such permanent easements;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and for the sum of \$33,000, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The recitals set forth above are hereby incorporated by reference as if set forth in full in the body of this Agreement.

2. It is the intention of the parties that the well site easement granted above shall allow for and permit Grantee to develop, construct and operate a potable water well and well house (having dimensions of approximately 1.4 acres) on and within the well site easement area described above, together with all necessary appurtenances and related equipment to operate and maintain a potable water well house in accordance with law and State of New Jersey Department of Environmental Protection. It is further the intention of the parties that the water line easement granted above shall allow for and permit Grantee to place, construct, operate, repair, maintain, rebuild, replace and remove a subterranean water line pipeline within the water line easement area described above for purposes of the transmission of water from the aforesaid well site. The access easement granted above is intended to permit Grantee to access the well site and waterline easement area. The well site easement area and access easement area are more particularly described on the site plan attached hereto as **Schedule A**.

3. Grantor hereby gives, grants and conveys to Grantee, its successors and assigns with general warrant, (i) a permanent, non-exclusive right, privilege and easement in, under, across, over, and through a portion of the Property, which portion of the Property is more particularly described as the "Access and Utility Easement" in Schedule "A" attached hereto and made a part hereof (the "Permanent Access and Utility Easement"), and (ii) a permanent non-exclusive right, privilege and easement in, under, across, over and through a portion of the Property, which portion of the Property is more particularly described as the "Permanent Well and Treatment Building Easement" in Schedule "A" attached hereto and made a part hereof, (the "Permanent Access and Utility Easement," which collectively with the "Permanent Well and Treatment Building Easement" shall hereafter be referred to as the "Easements"), for the purposes set forth above together with such other rights as may be necessary, or convenient, for the full enjoyment or use of the rights herein granted including, among others, (a) the right to enter upon and pass along the Easements with equipment, persons and materials at such time as Grantee may elect; (b) the right to keep said Easements free from trees, undergrowth or other obstructions that may endanger or interfere with the construction, operation, maintenance or

removal of the Well and Treatment Facility; and (c) the right at any time of free and unobstructed ingress, egress and access to and from the Easements on foot, with vehicles, machinery and materials necessary for the purposes set forth herein. The easements granted herein shall be used only for the limited purposes expressed herein.

4. It is expressly agreed that the easement, rights, and privileges conveyed to Grantee are subject to and limited by the following conditions and obligations:

(a) All expenses, costs, and fees, of any nature or amount associated with and incident to the construction, placement, locating, operation, repair, maintenance, building, rebuilding, replacement and relocation (if required) of the well, well house, water line, and all necessary appurtenances and related equipment, and all excavation, site work, grading, fences and landscaping, shall be the sole responsibility of Grantee.

(b) In connection with the design, construction, maintenance and operation of a commercial potable water well on the well site, Grantee agrees to do the following:

(i) The well house will be landscaped and screened by Grantee in a manner consistent with the landscaping and screening as approved by Grantor whose approval shall not be unreasonably withheld or delayed;

(ii) Grantee will provide Grantor with written notice of its intention to proceed with construction of the well house. Grantee will provide an architectural design of the exterior of the well house which shall be subject to Grantor's prior approval which approval shall not be unreasonably withheld or delayed. Such design will allow Grantee to construct a well house in a commercially reasonable manner without unreasonable expense or delay;

(iii) The well house will be secured by appropriate fencing and/or cover so as to prevent any foreseeable risk of injury to persons and to prevent any foreseeable risk of damage to vehicles/equipment in the area. Said fencing shall be approved by Grantor prior to installation which approval by Grantor shall not be unreasonably withheld or delayed.

(iv) The well house building will be of a design aesthetic consistent with the appearance of the neighboring golf course business.

(v) The Grantee shall maintain a cleared 20 foot wide trail adjacent to the well house to enable Grantor to access the rear of the Property. Said trail shall not be required to be paved or improved with gravel and maintenance will only require the clearing of brush or other debris.

(vi) The Grantee shall not unreasonably interfere with the operation of the adjacent golf course business.

5. Grantor expressly agrees that Grantee may enter upon the lands for the purposes set forth herein with reasonable notice to Grantor.

6. Grantor agrees not to build any structure on the Easements, change the grade thereof, or otherwise interfere with Grantee's immediate access to the Easements without Grantee's prior written approval. Additionally, Grantee shall not apply any fertilizers or other chemicals to landscaping or grass within the Easements without prior approval from the Borough. The Borough acknowledges that the Access and Utility Easement runs through an existing parking area, which shall be permitted to remain within the utility and access easement area. However, such parking area shall not be altered in such a way to interfere with Grantee's access rights under this easement. Nothing herein shall prevent Grantor from paving and / or performing routine maintenance on the parking area.

7. Grantor agrees to have and to hold said Easements unto said Grantee, its successors and assigns, until expressly released by Grantee, its successors and assigns.

8. Grantee, by its acceptance hereof, covenants and agrees (a) to restore all areas disturbed by the Well, Utility Lines and Treatment Building construction to as near their original condition as reasonably possible; and (b) to defend and indemnify Grantor from any claim or

suits which may be asserted against Grantor arising out of any negligent acts of Grantee, its agents and employees, in the exercise of the rights herein granted.

9. The Easements are hereby granted to the Grantee for the purpose of obtaining a "Permit to Construct" from New Jersey Department of Environmental Protection Bureau of Water Systems Engineering in accordance with Plans and Specifications prepared by Robert Martucci, P.E. Payment hereunder from Grantee to Grantor shall not be due and payable until and unless said permit is granted.

10. If said permit is not obtainable the easement agreement shall be null and void.

The agreements and covenants herein made shall be binding upon and the benefits shall inure to the parties hereto, their heirs, administrators, executors, successors and assigns.

It is agreed that this Agreement covers all the agreements between the parties and no verbal representations or statements have been made modifying, adding to or changing the terms of this Agreement.

[SIGNATURES BEGIN ON THE NEXT PAGE]

IN WITNESS WHEREOF, Grantor has set its hand and seal or caused its proper corporate officers to sign and seal these Easements on this _____ day of _____, 2021.

Signed, sealed and delivered in the presence of, or attested to by:

Dvoor Family, LLC

By: _____
Name:
Title:

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 2021,

_____ personally appeared before me and this person acknowledged under oath, to my satisfaction, that this person:

(a) signed the attached instrument as _____ of Dvoor Family, LLC, a limited liability company of the State of New Jersey;

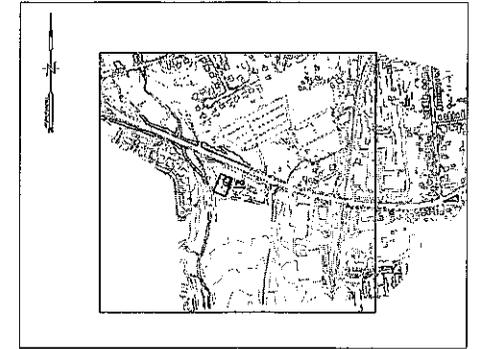
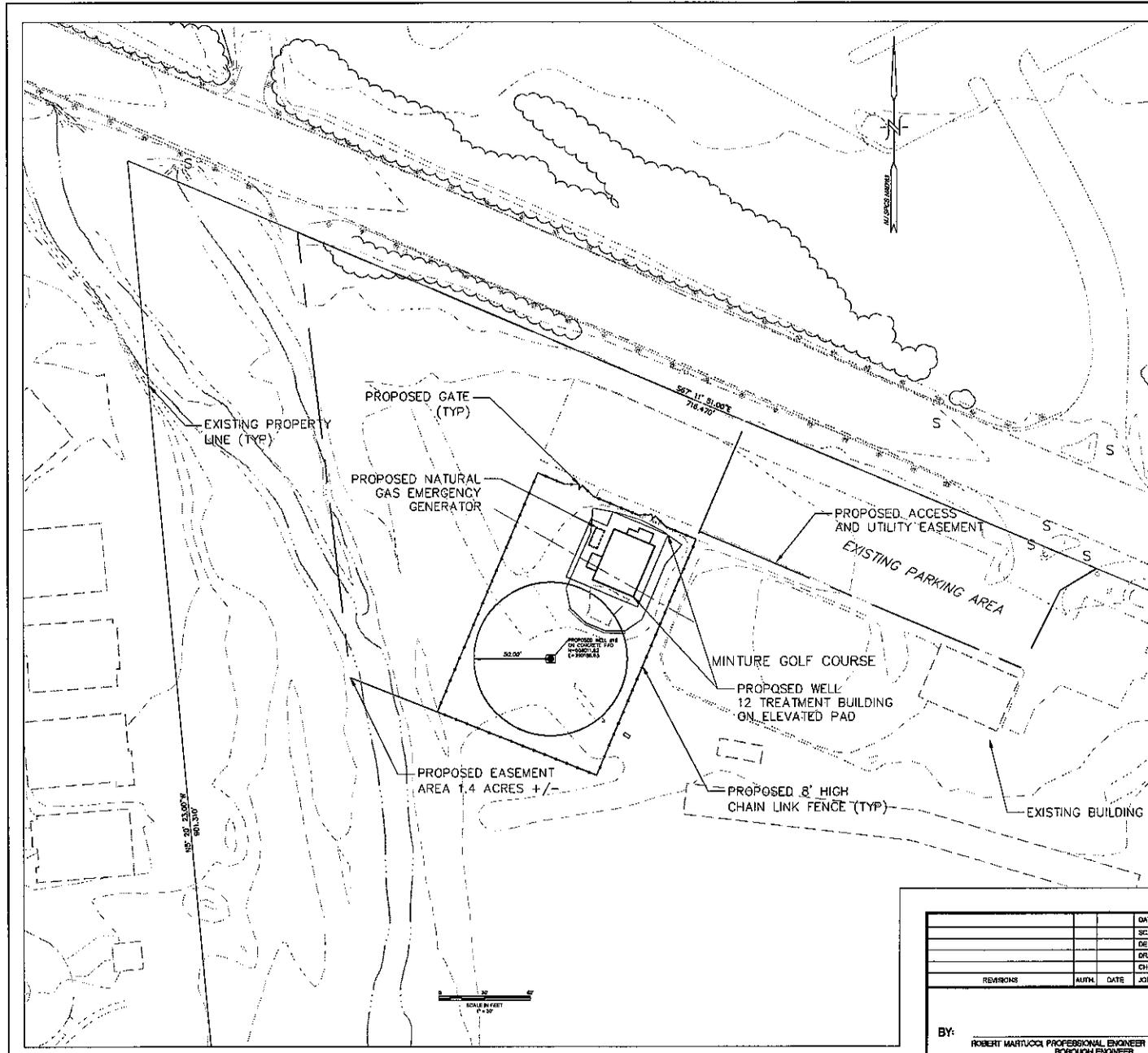
(b) was authorized to execute the attached instrument on behalf of such limited liability company;

(c) executed the attached instrument as the act of such limited liability company; and

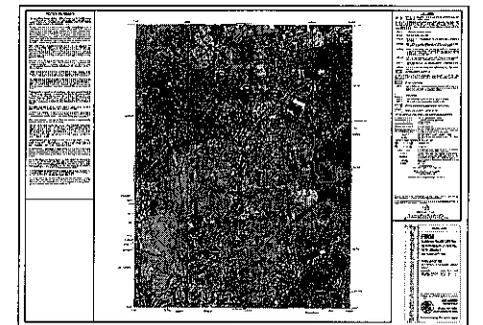
(d) made this instrument for \$ _____ as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. §46:15-5.)

Notary Public of New Jersey
My Commission Expires:

Schedule A
Site Plan



KEY MAP
(SCALE 1" = 800')



FEMA FIRM MAP
(415)

POINT NAME	NORTH (FEET)	EAST (FEET)	CURVE	LATITUDE	LONGITUDE
STAKE	508.10812	250.3134	176.43	N 32° 20' 38.26"	W 074° 52' 05.44"

GENERAL NOTES

- PROPERTY BOUNDARIES AS SHOWN ON THE MAP OF THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY, SHEET 1.
- THE MAP IS SUBJECT TO THE PROVISIONS OF AN ACCURATE PROPERTY SURVEY. LOCATION OF UNDERGROUND UTILITIES ARE UNKNOWN.
- AREA OF BLOCK 45, LOT 1 = 11.24 ACRES.
- BOUNDARY INFORMATION SHOWN IS BASED UPON A MAP ENTITLED "PRELIMINARY SURVEY SITE PLAN" AS PREPARED BY WALL CLIFF ENGINEERING ASSOCIATES, INC. IN OCTOBER 1, 1987.
- TOPOGRAPHICAL INFORMATION IS BASED ON AERIAL DATA OF THE BOROUGH OF FLEMINGTON.
- WELL LOCATIONS PROVIDED BY AN ASSOCIATE ON MARCH 8, 2010.
- PROPOSED WELLS TO BE PROTECTED BY ACCORDANCE WITH NJ DEP SAFE DRINKING WATER REGULATIONS.
- PROPERTY TO BE SUBDIVIDED WITH ACCESS AND UTILITY EASEMENTS GRANTED TO THE BOROUGH OF FLEMINGTON PRIOR TO ANY START OF CONSTRUCTION.
- LOCATION OF PROPOSED IMPROVEMENTS SUBJECT TO A BOUNDARY AND TOPOGRAPHIC SURVEY.

DATE:	JUNE 30, 2010
SCALE:	1"=50'
DESIGNED BY:	RM
DRAWN BY:	EGS3
CHECKED BY:	RM
REVISIONS	AUTH DATE
	JOB NO. 4442

Martucci ENGINEERING, LLC
 44 EAST HAWK STREET FLEMINGTON NEW JERSEY 08822
 (609) 781-1234
 www.martuccieng.com

BY: **ROBERT MARTUCCI PROFESSIONAL ENGINEER N.J. LIC. No. 0E47775**
 BOROUGH ENGINEER

PROPOSED SITE PLAN - WELL 12
 FOR
BLOCK 45 LOT 1
 SITUATED IN
FLEMINGTON BOROUGH
HUNTERDON COUNTY, NEW JERSEY