



Mayor and Common Council Borough of Flemington

August 22, 2022

Council Meeting Room and Online

I. Call to Order

1. Statement regarding OPMA

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of June 13, 2022 was included in a list-of-meetings notice sent to the Hunterdon County Democrat and Courier-News on Jan. 5, 2022, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough Clerk.

II. Work Session (7:00 PM)

- A. Presentation by Elizabethtown Gas

III. Regular Meeting (7:30 PM)

Flag Salute

Roll Call:

Betsy Driver	Mayor
Jessica Hand	Council Vice President
Malik Johnston	Council Member
Jeremy Long	Council President
Tony Parker	Council Member
Elizabeth Rosetti	Council Member
Kimberly Tilly	Council Member

1. Mayor's Report

Proclamation to Edward Mahn

2. Council Members' Reports

Council Vice President Hand

Council Member Johnston

Council President Long

Council Member Parker

Council Member Rosetti

Council Member Tilly

3. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
4. Presentation by Cardinal Capital Management
5. Approval of Minutes

Motion To: **Approve Minutes: August 8, 2022 Regular Council Meeting**

6. Consent Agenda

1. RESOLUTION 2022-183: APPROVAL TO SUBMIT A REQUEST FOR EXTENSION OF FY2021 MUNICIPAL AID TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) FOR THE BLOOMFIELD AVENUE ROADWAY IMPROVEMENT PROJECT
2. RESOLUTION 2022-184: PARTIAL CLOSURE OF STANGL FOR HUNTERDON HARVEST FEST 2022 ON OCTOBER 1, 2022
3. RESOLUTION 2022-185: RESOLUTION APPROVING A SOCIAL AFFAIRS PERMIT APPLICATION TO DISPENSE AND SERVE ALCOHOLIC BEVERAGES FOR THE FCP AT THE CENTRAL JERSEY JAZZ FEST ON SEPTEMBER 09, 2022
4. RESOLUTION 2022-191: AUTHORIZING CLOSURE OF A PORTION OF NEW YORK AVENUE FOR A NEIGHBORHOOD PARTY

Regular Agenda (Start)

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

1. ORDINANCE 2022-13: ESTABLISHING BUSINESS INSURANCE REGISTRATION
2. ORDINANCE 2022-14: FIRST READING: AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS, BY ADDING A SPOT ON CAPNER STREET
3. RESOLUTION 2022-186: CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY OF FLEMINGTON BOROUGH, HUNTERDON COUNTY, HAVE REVIEWED, AT A MINIMUM, THE SECTIONS OF THE 2021 ANNUAL AUDIT ENTITLED "GENERAL COMMENTS AND RECOMMENDATIONS"
4. RESOLUTION 2022-187: CORRECTIVE ACTION PLAN FOR AUDIT FOR YEAR 2022
5. RESOLUTION 2022-188: OPPOSITION TO THE PROPOSED INCREASES TO THE STATE HEALTH BENEFITS PROGRAM
6. RESOLUTION 2022-189: AUTHORIZATION FOR PAYMENT OF SICK AND VACATION TIME TO FORMER BOROUGH CLERK
7. RESOLUTION 2022-190: TO AUTHORIZE THE EXECUTION OF A SECOND CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT WITH CARDINAL CAPITAL MANAGEMENT, LLC PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

- 8. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)
- 9. Attorney's Report
- 10. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$3,110,841.60**

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

Adjournment

Motion To: **Adjourn**

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:**SCHEDULED****RESOLUTION 2022-183**

DOC ID: 3873

**Approval to Submit a Request for Extension of FY2021
Municipal Aid to the New Jersey Department of
Transportation (NJDOT) for the Bloomfield Avenue Roadway
Improvement Project**

Flemington Borough
Hunterdon County

WHEREAS, the Borough of Flemington received FY2021 Municipal Aid for the subject project from the NJDOT; and

WHEREAS, a requirement of the Aid was that a construction contract be awarded by November 16, 2022; and

WHEREAS, as a result of circumstances beyond the Borough's control described in an August 1, 2022 letter from the Mayor to the NJDOT, that award has not occurred; and

WHEREAS, the Borough Engineer has been tasked with preparing plans and specifications for the subject project and that work is expected to be completed in the next few months; and

WHEREAS, the Borough anticipates that a construction contract for the subject project can be awarded if a six-month time extension to the November 16, 2022 deadline is granted by the NJDOT.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Flemington formally approved the submission of a request for extension for the above stated project as set forth in the Mayor's August 1, 2022 letter to the NJDOT.

Adopted: August 22, 2022

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:

Betsy Driver, Mayor

Resolution 2022-183

Meeting of August 22, 2022

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-184**

DOC ID: 3875

Partial Closure of Stangl for Hunterdon Harvest Fest 2022 on October 1, 2022

WHEREAS, the Flemington Community Partnership has requested that Stangl Road be closed from Church Street to Mine Street on Saturday, October 1, 2022 (Rain Date: October 2, 2022) from 12:00 PM (noon) to 8:00 PM for a Hunterdon Harvest Fest 2022; 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 Hunterdon Harvest Fest 2022 being held on Saturday, October 1, 2022 (Rain Date: October 2, 2022)

BE IT FURTHER RESOLVED, that this approval is contingent on agreed security arrangements and costs.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:**SCHEDULED****RESOLUTION 2022-185**

DOC ID: 3879

Resolution Approving a Social Affairs Permit Application to Dispense and Serve Alcoholic Beverages for the FCP at the Central Jersey Jazz Fest on September 09, 2022

WHEREAS, the Flemington Community Partnership will be holding the Central Jersey Jazz Fest on September 09, 2022; and

WHEREAS, pursuant to N.J.S.A. 33:1-74, the Flemington Community Partnership has submitted an Application to the Division of Alcoholic Beverage Control for a Social Affairs Permit to dispense and serve alcoholic beverages for consumption at this year's Central Jersey Jazz Fest, and

WHEREAS, the Flemington Police Department find no issues with the Social Affairs Permit Application.

BE IT RESOLVED, that the Mayor and Council of the Flemington Borough hereby grant permission to the Flemington Community Partnership to dispense and serve alcoholic beverages for consumption at the Central Jersey Jazz Fest on Stangl Road on September 09, 2022, contingent upon the approval of a Social Affairs Permit issued by the Division of Alcoholic Beverage Control; and

BE IT FURTHER RESOLVED, that the Flemington Community Partnership may conduct its outdoor alcohol sales at the Central Jersey Jazz Fest on Stangl Road from 3:30 p.m. to 10:00 p.m.; and

BE IT FURTHER RESOLVED, that the dispensing of alcoholic beverages at this event is prohibited after 10:00 p.m.; and

BE IT FURTHER RESOLVED, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor_____
Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-191**

DOC ID: 3881

Authorizing Closure of a Portion of New York Avenue for a Neighborhood Party

WHEREAS, residents of New York Avenue plan a neighborhood party for September 10, 2022 (rain date September 11, 2022); and

WHEREAS, they desire to close a portion of New York Avenue to traffic - between Elwood Avenue and Route 31 - between the hours of 3:00 PM and 10:00 PM (Rain date hours 1:00 PM to 8:00 PM); and

WHEREAS, the Flemington Borough Police Department has reviewed and approved this request; and

WHEREAS, no Police or Department of Public Works overtime will be required for this event;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that approval be given for New York Avenue to be closed between Elwood Avenue and Route 31 between the hours of 3:00 PM and 10:00 PM on September 10, 2022 (Rain date September 11, 2022, hours 1:00 PM to 8:00 PM), for a neighborhood party.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Council Ordinance
Prepared By: Michael J. HumphreyInitiator: Michael J. Humphrey
Sponsors:**SCHEDULED****ORDINANCE 2022-13**

DOC ID: 3877

Establishing Business Insurance Registration

WHEREAS, Governor Murphy signed P.L. 2022, c.92. on August 5, 2022, which requires business owners and rental unit owners to maintain certain liability insurance policies and to register the compliant certificate of insurance with the municipality annually in which the business or rental units are located; and

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

SECTION 1. Section 4-15 of the Code of the Borough of Flemington, entitled "Business Insurance Registration", is added as follows:

SECTION 4-15 BUSINESS INSURANCE REGISTRATION

Section 4-15.1. Business insurance registration required. It is unlawful for any owner of a business, owner of a rental unit or units, or the owner of a multi-family home of four or fewer units, one of which is owner occupied, to operate within the Borough without first registering its certificate of insurance demonstrating compliance with Section 1 of P.L. 2022, c. 92 and paying the registration fee required herein.

Section 4-15.2. Entities covered by this Chapter. The following entities are required to register their certificate of insurance under this Chapter:

- a. Businesses, which shall mean, any person intending to sell or dispose of or to offer to sell or dispose of any goods, wares, merchandise or render any services for fees within the Borough. This shall include businesses operating on a temporary basis within the Borough such as peddlers, solicitors, and transient vendors licensed pursuant to Borough Code Section 4-2 and temporary retail food establishments and mobile food units licensed pursuant to Borough Code Section 4-3.
- b. Owners of single rental dwelling units.
- c. Owners of multiple dwelling rental units.
- d. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

Section 4-15.3. Registration official. The clerk shall accept, approve, and file registration applications, and collect registration fees hereunder.

Section 4-15.4. Registration Fees; Expiration; Renewal. The registration fees of this chapter shall be \$15.00 annually. Registrations shall expire on December 31 of each year. Renewals must be submitted by December 1 of each year. After the effective date of this Section, entities covered under this Section shall be required to register by December 1, 2022 and such registration shall be valid for the 2023 calendar year.

Section 4-15.5. Application and insurance requirements.

An application for a business insurance registration shall be accompanied by the required fee and shall be made to the Borough Clerk upon forms provided by the Clerk. It shall contain the following information:

- a. Name and address of the applicant. If the applicant is a corporation, the name and address of its registered agent.
- b. The address of the rental dwelling units or business as applicable. If the registration applies to a transient business or a mobile food unit, a general description of the time frame for operation and area where the business will be operated
- c. A description of the nature of the business and the goods, property or services to be sold or supplied.
- d. A certificate of insurance reflecting the following amounts of insurance in compliance with P.L. 2022, c. 92.
 - i. Except as provided in subsection ii. of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
 - ii. The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

Section 4-15.6. Violations and penalties.

Any person who violates the terms of this Chapter shall pay the license fee plus a fine of not less than \$500.00 but no more than \$5,000.00 plus court costs.

SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION 3. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. This Ordinance shall take effect after passage and publication in the manner provided by law

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Council Ordinance
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:**SCHEDULED****ORDINANCE 2022-14**

DOC ID: 3869

**First Reading: Amending Chapter VII Traffic, Schedule XII
Parking Restricted for Use by Handicapped Persons, by
Adding a Spot on Capner Street**

WHEREAS, N.J.S.A. 39:4 - 197 confers upon the Borough a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 39:4 -197.6, any municipality may, by ordinance establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair license plates have been issued for a vehicle owned by that person, or by another occupant of the residence who is an immediate member of the family of the handicapped person, by the New Jersey Department of Motor Vehicles pursuant to the provisions of P.L. 1949, c.280 (C.39:4-204 et seq.), provided the permitting does not interfere with the normal flow of traffic; and

WHEREAS, the Borough of Flemington Council does deem it necessary to and in the best interest of its residents to provide for resident on-street handicapped parking in front of residences occupied by handicapped persons; now, therefore

NOW, THEREFORE BE IT ORDAINED by the Borough of Flemington Council to add the following handicap restricted parking space:

STREET: Capner Street

SIDE: South

LOCATION: From a point 25 feet east of the southernly curb-line of Park Avenue to 62 feet east thereof.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-186**

DOC ID: 3871

**Certifying that All Members of the Governing Body of
Flemington Borough, Hunterdon County, Have Reviewed, at a
Minimum, the Sections of the 2021 Annual Audit Entitled
"General Comments and Recommendations"**

**BOROUGH OF FLEMINGTON
HUNTERDON COUNTY**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:2788-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments and Recommendations;

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled:

General Comments and Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52 - to wit:

R.S. 52-2788-52 - "A local officer or member of a local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED on this 22rd day of August 2022, that the Borough Council of the Borough of Flemington hereby states that it has complied with the regulation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

I, Michael Humphrey, Acting Municipal Clerk of the Borough of Flemington do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on August 22, 2022.

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

DOC ID: 3872

SCHEDULED**RESOLUTION 2022-187****Corrective Action Plan for Audit for Year 2022****BOROUGH OF FLEMINGTON
HUNTERDON COUNTY**

WHEREAS, Suplee and Clooney, the Borough auditors, complete a thorough audit of Flemington Borough's financial records annually; and

WHEREAS, the auditors make recommendations to improve certain items; and

WHEREAS, William Hance, the Borough's Chief Financial Officer has reviewed these recommendations and created a corrective action plan to rectify any issues, attached hereto.

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

1. The Borough of Flemington hereby approves the corrective action plan submitted by William Hance.
2. The items/procedures identified in the corrective action plan will be put into effect immediately.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor_____
Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-188**

DOC ID: 3880

Opposition to the Proposed Increases to the State Health Benefits Program

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHBP, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the preliminary rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, subsequent news accounts has Department of Treasury noting "rates for active members and early retirees would likely be increase between 12-20% across the various plans for the upcoming year"; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, and

WHEREAS, the proposed premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Flemington in the county of Hunterdon call up the State Health Benefit Commission to reconsider the rate increase and strike a rate increase that is appropriate in the current economic conditions; and

BE IT FURTHER RESOVLED, that the governing body of the Borough of Flemington in the county of Hunterdon urge the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, Assembly Speaker Coughlin, Senator Andrew Zwicker, Assemblyman Roy Freiman and New Jersey State League of Municipalities.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Financial Approval
Prepared By: Michael J. Humphrey

Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED

RESOLUTION 2022-189

DOC ID: 3870

Authorization for Payment of Sick and Vacation Time to Former Borough Clerk

WHEREAS Borough Clerk Sallie Graziano retired from the Borough of Flemington effective August 1, 2022; and

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

34	Vacation Hours from 2021
61	Vacation Hours from 2022 (prorated)
56	Sick Hours carryover and prorated for 2022
151	Total Hours
\$32.10	Hourly Rate
\$4,847.10	Total Due

BE IT RESOLVED By the Mayor and Council of the Borough of Flemington that the Chief Financial Officer be authorized to pay \$4,847.10 to Sallie Graziano for the sick and vacation time that she is due on the next payroll.

Adopted: August22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/22/22 07:30 PM
Department: Governing Body
Category: Board Policy
Prepared By: Michael J. Humphrey
Initiator: Michael J. Humphrey
Sponsors:

SCHEDULED**RESOLUTION 2022-190**

DOC ID: 3878

**To Authorize the Execution of a Second Conditional
Designation and Interim Cost Agreement with Cardinal
Capital Management, LLC Pursuant to the Local
Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, Et
Seq.**

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 designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, the Borough desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated as Block 14, Lot 1 be redeveloped in accordance with the "Global Agway Redevelopment Plan" dated January, 2017, as same may be amended from time to time (the "Redevelopment Plan"); and

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 designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, the Borough desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated as Block 14, Lot 1 be redeveloped in accordance with the "Global Agway Redevelopment Plan" dated January, 2017, as same may be amended from time to time (the "Redevelopment Plan"); and

WHEREAS, Cardinal Capital Management LLC ("Cardinal") submitted a proposal for redevelopment of the Redevelopment Area, (the "Proposal") a complete copy of which is on file at the Borough Hall, seeking to be designated as the Redeveloper of Block 14, Lot 1 located in the Redevelopment Area in order to build a multi-family residential project; and

WHEREAS, on February 28, 2022, the Borough of Flemington executed a Conditional Designation and Interim Cost Agreement, which, among other things, designated Cardinal as the designated redeveloper of the Redevelopment Area for a period of 180 days; and

WHEREAS, due to environmental constraints and other issues, the details of the Proposal have been amended; and

WHEREAS, the Borough wishes to continue negotiations with Cardinal towards the drafting and potential execution of a Redevelopment Agreement for the Redevelopment Area; and

WHEREAS, the Borough Redevelopment Subcommittee vetted the information contained within the Proposal, as amended, and met with Cardinal to further discuss the Proposal and the implementation of the Redevelopment Plan, generally; and

WHEREAS, the Proposal calls for, among other things, the construction of several multi-family residential buildings with up to one hundred (100) residential units, with associated parking, related infrastructure, commercial construction and other amenities; and

WHEREAS, the Proposal calls for Cardinal to acquire the property which comprises the Project Site, and redevelop it in accordance with the Proposal, the Redevelopment Plan and all applicable laws, rules and regulations; and

WHEREAS, the Borough and Cardinal desire to continue to negotiate a Redevelopment Agreement in order for Cardinal to implement the Proposal, subject to the provisions herein and further review by the Borough; and

WHEREAS, the Borough has determined that Cardinal possesses the necessary experience and qualifications to take the steps necessary in order to implement the Proposal and further, that the Proposal is in the best interest of the community; and

WHEREAS, the Borough requires that Cardinal pay the reasonable costs and fees incurred by the Borough associated with the review of the Proposal, the drafting and negotiation of a Redevelopment Agreement (a "Redevelopment Agreement"), and all other costs and fees related to this matter prior to the execution of any such Redevelopment Agreement, should a Redevelopment Agreement ultimately be executed, or the determination by the Borough that

such a Redevelopment Agreement cannot be executed, should that result occur.

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

1. The Mayor is hereby authorized and directed to execute a Second Conditional Designation and Interim Cost Agreement between the Borough of Flemington and Cardinal Capital Management, LLC in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

Adopted: August 22, 2022

Attest:

Betsy Driver, Mayor

Michael Humphrey, Acting Borough Clerk