



Mayor and Common Council Borough of Flemington

September 29, 2020

Online during COVID-19 Emergency

Call to Order (6:00 PM)

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

Executive Session (6:00 PM)

1. RESOLUTION 2020-161: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING THE COURTHOUSE SQUARE PROJECT

Work Session (Canceled)

Regular Meeting (7:30 PM)

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

Flag Salute

Roll Call:

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

- I. OEM Report
- II. Mayor's Report
- III. Council Members' Reports
- IV. Infrastructure Update - Borough Engineer Robert Martucci
- V. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
- VI. Approval of Minutes

Motion To: **Approve Minutes: Sept. 14, 2020 Regular Council Meeting**

Motion To: **Approve Minutes: Sept. 14, 2020 Executive Session**

Consent Agenda

1. RESOLUTION 2020-162: AUTHORIZING THE RENEWAL OF CLUB LIQUOR LICENSE NUMBER 1009-31-005-001 FOR THE VETERANS OF FOREIGN WARS POST 7856 FOR THE YEAR 2020-2021
2. RESOLUTION 2020-163: AUTHORIZING THE RELEASE OF THE REMAINING BALANCE OF \$28.45 IN THE DEVELOPER'S ESCROW AND \$444.67 IN THE SITE INSPECTION ACCOUNTS FOR 41 ROUTE 31, LLC, HELD IN TRUST BY THE BOROUGH OF FLEMINGTON
3. RESOLUTION 2020-164: AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE ON BLOCK 39 LOT 6 & 7 IN THE AMOUNT OF \$10,638.99 TO MONTANUS ASSOCIATES, INC.
4. RESOLUTION 2020-165: CLOSING BOROUGH OFFICES FOR THE NOV. 3, 2020 GENERAL ELECTION

Regular Agenda

1. ORDINANCE 2020-16: SECOND READING: AN ORDINANCE TO AMEND AND SUPPLEMENT THE "2017 UNION HOTEL REDEVELOPMENT PLAN" AS ADOPTED BY ORDINANCE 2017-206 OF THE BOROUGH OF FLEMINGTON
 2. ORDINANCE 2020-17: SECOND READING: BOND ORDINANCE PROVIDING FOR PHASE I OF WATER UTILITY AND SEWER UTILITY IMPROVEMENTS ASSOCIATED WITH THE UNION HOTEL REDEVELOPMENT PROJECT, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$250,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF
 3. RESOLUTION 2020-166: AUTHORIZING THE EXECUTION OF A SECOND AMENDED AND RESTATED REDEVELOPMENT AGREEMENT WITH FLEMINGTON CENTER URBAN RENEWAL, LLC
 4. RESOLUTION 2020-167: AUTHORIZING THE PURCHASE OF SCOTT AIR PAKS FOR THE FIRE DEPARTMENT FROM NEW JERSEY FIRE EQUIPMENT COMPANY UNDER HGACBUY CONTRACT #EE98-19, IN THE AMOUNT OF \$189,676.50
 5. RESOLUTION 2020-168: AUTHORIZING THE PURCHASE OF PPE FOR THE FIRE DEPARTMENT FROM NORTH JERSEY FIRE AND RESCUE EQUIPMENT UNDER THE NATIONAL PURCHASING COOPERATIVE OPERATING AS HGACBUY, IN THE AMOUNT OF \$11,564.00
 6. RESOLUTION 2020-169: AUTHORIZING THE PURCHASE OF A CHEVROLET SILVERADO AND DUMP BODY FOR THE SEWER DEPARTMENT FROM NATIONAL AUTO FLEET GROUP UNDER SOURCEWELL CONTRACT # 120716-NAF, IN THE AMOUNT OF \$67,808.19
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VII. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

VIII. Attorney's Report

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

X. Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/14/20 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2020-16

DOC ID: 3298

**Second Reading: An Ordinance to Amend and Supplement
the “2017 Union Hotel Redevelopment Plan” as Adopted by
Ordinance 2017-206 of the Borough of Flemington**

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 217-130, 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 2017-206 approving the 2017 Union Hotel Redevelopment Plan dated October 19, 2017; and

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

WHEREAS, the Borough Council desires to amend the 2017 Union Hotel Redevelopment Plan 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 be and hereby is amended to include the terms and provisions contained in the Attachment to this Ordinance entitled "Union Hotel Redevelopment Plan Amendment #1".

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 14, 2020

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/14/20 07:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

INTRODUCED

ORDINANCE 2020-17

DOC ID: 3300

Second Reading: Bond Ordinance Providing for Phase I of Water Utility and Sewer Utility Improvements Associated with the Union Hotel Redevelopment Project, by and in the Borough of Flemington, in the County of Hunterdon, State of New Jersey; Appropriating \$500,000 Therefor and Authorizing the Issuance of \$250,000 in Bonds or Notes to Finance the Cost Thereof

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough") as water utility and sewer utility improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$500,000 (\$250,000 Water Utility appropriation and \$250,000 Sewer Utility appropriation) said sum being inclusive of a \$250,000 aggregate amount of a contribution expected to be received from the redeveloper for the Union Hotel Redevelopment Project (the "Contribution"). Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Water Utility and Sewer Utility of the Borough are each self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$500,000 appropriation not provided for by application hereunder of said Contribution, negotiable bonds of the Water Utility and Sewer Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$250,000 (\$125,000 for the Water Utility and \$125,000 for the Sewer Utility) pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in an aggregate principal amount not exceeding \$250,000 (pursuant to the aforementioned utility split) are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are Phase I of Water Utility and Sewer Utility Improvements associated with the Union Hotel Redevelopment Project including, but not limited to, as applicable, engineering and design work, preparation of plans and specifications, permits, bid documents, inspection and contract administration; and also including all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$250,000 (\$125,000 for the Water Utility and \$125,000 for the Sewer Utility).

(c) The aggregate estimated cost of said improvements or purposes is \$500,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Contribution.

SECTION 4. Except for the Contribution, in the event the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity make a contribution or grant in aid, as applicable, to the Borough for the improvements or purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity. Except for the Contribution, in the event, however, that any amount so contributed or granted, as applicable, by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the

Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Water Utility and the Sewer Utility of the Borough is each hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of the Water Utility and the Sewer Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the

Borough may lawfully undertake as a general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$250,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: September 14, 2020

ADOPTED ON SECOND READING

DATED:

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-161

DOC ID: 3308

**Resolution to Retire into Executive Session for the Purpose
of Obtaining Legal Advice Regarding the Courthouse Square
Project**

WHEREAS, the Common Council of the Borough of Flemington desires to seek legal advice related to the Courthouse Square Project; and

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

pending or anticipated litigation or contract negotiation other than in subsection B. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public;

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

Adopted:

Attest:

Sallie Graziano, RMC, Borough Clerk

Betsy Driver, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-162

DOC ID: 3304

**Authorizing the Renewal of Club Liquor License Number
1009-31-005-001 for the Veterans of Foreign Wars Post 7856
for the Year 2020-2021**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

WHEREAS, application has been received from the Veterans of Foreign Wars Post 7856 for renewal of Club Liquor License 1009-31-005-001; and

WHEREAS, said application is complete and accompanied by the required fees, affidavits, and tax clearance certificate from the New Jersey Division of Taxation; and

WHEREAS, no written objection to the renewal of this license was received by the Borough Clerk;

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. That the license as referenced above be renewed for the 2020-2021 license year and that the Borough Clerk be directed to forward a certified copy of this Resolution to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and;
2. That the Borough Clerk be authorized to issue the 2020-2021 license to the proper holder.
3. This Resolution shall take effect immediately.

Adopted:

Attest:

By: _____
Sallie Graziano, Borough Clerk

By: _____
Betsy Driver, Mayor

CERTIFICATION

I, Sallie Graziano, Borough 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 September 29, 2020.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-163

DOC ID: 3302

**Authorizing the Release of the Remaining Balance of \$28.45
in the Developer's Escrow and \$444.67 in the Site Inspection
Accounts for 41 Route 31, LLC, Held in Trust by the Borough
of Flemington**

Flemington Borough, Hunterdon County

WHEREAS, 41 Route 31, LLC, P.O. Box 638, Martinsville, NJ 08836 has requested the release of the balance remaining in escrow account #E-2016-01 and inspection account #E-Chimney; and

WHEREAS, said application has been dismissed without prejudice and clearances have been received from the professionals involved authorizing the release of the escrow account;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey that the balance of the escrow account posted in connection with the 41 Route 31, LLC (aka Chimney Rock Inn) application in the amount of \$28.45 & \$444.67 is hereby refunded to 41 Route 31, LLC.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Certification

I, Sallie Graziano, Clerk of the Borough of Flemington, County of Hunterdon do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Flemington Borough Council on September 29, 2020.

Sallie Graziano, RMC, Borough Clerk

Dated: _____

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-164

DOC ID: 3305

**Authorizing the Release of the Performance Guarantee on
Block 39 Lot 6 & 7 in the Amount of \$10,638.99 to Montanus
Associates, Inc.**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Montanus Associates, Inc. has completed the construction project on Block 39, Lots 6 & 7; and

WHEREAS, the Borough Engineer has reviewed the company's request for return of the performance guarantee, and agrees that release of the performance guarantee is appropriate;

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 performance guarantee in account E-22397, in the amount of \$10,638.99, be released to Montanus Associates, Inc.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-165

DOC ID: 3303

Closing Borough Offices for the Nov. 3, 2020 General Election

WHEREAS, the general election scheduled for November 3, 2020 is recognized as a state holiday; and

WHEREAS, this election is being held during the COVID-19 pandemic; and

WHEREAS, pursuant to Executive Order No. 177 the general election scheduled for Nov. 3, 2020 will be a modified vote-by-mail election, but municipalities are required to open at least one polling place to voters; and

WHEREAS, Borough Hall, at 38 Park Ave., is the designated polling place for Flemington Borough; and

WHEREAS, pursuant to Executive Order No. 173, indoor gatherings are limited to 25 percent of a room's capacity and in the case of Borough Hall, the limit for the meeting room is 12 people total; and

WHEREAS, Executive Order No. 177 requires that occupancy within all polling places be limited to a number that permits voters to maintain a distance of six feet between each other and poll workers at any time;

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the Borough of Flemington and its residents that Borough Offices be closed for regular business on Election Day, Nov. 3, 2020, so that accommodations may be made to protect public health and safety.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-166

DOC ID: 3306

Authorizing Execution of a Second Amended Redevelopment Agreement By and Between the Borough of Flemington and Flemington Center Urban Renewal, LLC

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 March 13, 2017, the Borough Council adopted Resolution 2017-65 approving and authorizing the execution of a certain redevelopment agreement between the Borough and Flemington Center Urban Renewal, LLC ("Redeveloper") dated April 12, 2017 (the "Initial Redevelopment Agreement"); and

WHEREAS, on March 13, 2017, the Borough Council, via the adoption of Resolution 2017-166, directed the Planning Board to undertake a preliminary investigation to determine whether 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") qualifies as a "Non-Condensation Redevelopment Area," pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, the Planning Board held a duly-noticed public hearing regarding a preliminary investigation of the Study Area on June 5, 2017, and upon conclusion of the hearing, determined that the Study Area qualifies for inclusion in a redevelopment area under Section 3 of the Redevelopment Law as necessary for the effective redevelopment of the area and, therefore, voted unanimously to recommend to the Borough Council that the Study Area be designated as an area in need of redevelopment under the Redevelopment Law; and

WHEREAS, at its regular meeting on June 27, 2017, the Planning Board adopted Resolution 2017-9, memorializing its findings and its recommendation that the Borough Council designate the Study Area as a Non-Condemnation area, pursuant to the Redevelopment Law; and

WHEREAS, on July 10, 2017, the Borough Council accepted the Planning Board's recommendation and, via Resolution 217-130, designated 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, the Borough Council thereafter authorized the preparation of an amended draft redevelopment plan for the Redevelopment Area; and

WHEREAS, on December 11, 2017 the Borough Council adopted Ordinance 2017-17 approving the Union Hotel Redevelopment Area Plan dated October 19, 2017, as amended from time to time (the "Redevelopment Plan"); and

WHEREAS, on December 11, 2017, the Borough Council adopted Resolution 2017-206 approving and authorizing the execution of a certain amended and restated redevelopment agreement between the Borough and Redeveloper dated December 12, 2017 (the "2017 Redevelopment Agreement"); and

WHEREAS, the Borough and Redeveloper have negotiated an alternate project for the portion of the Redevelopment Area including Block 22, Lots 4, 5, 6, 7, 8, 9, 10, 12, 13, and 14 and Block 24, Lots 1, 2 (which includes former Lot 3) and 5 (the "Project Area"), which reduces the size, density and traffic associated with the previously proposed project and allows the Police Building to remain, which meets the Borough's goals for the redevelopment of the Project Area and provides an economic benefit to the Borough; and

WHEREAS, N.J.S.A. 40A:12A-8 (e) and (f) authorize the Borough Council, as the redevelopment entity, to enter into contracts or agreements for the planning, construction and undertaking of development projects and redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, it is now the intention of the Borough to execute a Second Amended Redevelopment Agreement to further define and memorialize the respective obligations of the Redeveloper with regard to proceeding with the redevelopment of the Project Area, which Agreement shall restate and supersede the Initial Redevelopment Agreement and 2017 Redevelopment Agreement.

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 the Second Amended Redevelopment Agreement by and between the Borough of Flemington and Flemington Center Urban Renewal, 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:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Clerk's Certification

I, Sallie Graziano, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on September , 2020.

Sallie Graziano, RMC, Flemington Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-167

DOC ID: 3310

Authorizing the Purchase of Scott Air Paks for the Fire Department from New Jersey Fire Equipment Company Under HGACBUY Contract #EE98-19, in the Amount of \$189,676.50

WHEREAS, the Borough of Flemington has received a quote from New Jersey Fire Equipment Company under the HGACBUY Contract #EE98-19 for the purchase of Scott Air Paks for the Fire Department, and

WHEREAS, it has been determined by the Fire Department that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$189,676.50 to New Jersey Fire Equipment Company for this purchase.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in capital ordinances 2017/16, 2018/09 and 2019/18.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-168

DOC ID: 3309

**Authorizing the Purchase of PPE for the Fire Department
from North Jersey Fire and Rescue Equipment Under the
National Purchasing Cooperative Operating as HGACBUY, in
the Amount of \$11,564.00**

WHEREAS, the Borough of Flemington has received a quote from North Jersey Fire and Rescue Equipment under the HGACBUY Contract for the purchase of Ricochet PPE for the Fire Department, and

WHEREAS, it has been determined by the Fire Department that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$11,564.00 to North Jersey Fire and Rescue Equipment for this purchase.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in capital ordinances 2017/16.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 09/29/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2020-169

DOC ID: 3311

Authorizing the Purchase of a Chevrolet Silverado and Dump Body for the Sewer Department from National Auto Fleet Group Under Sourcwell Contract # 120716-NAF, in the Amount of \$67,808.19

WHEREAS, the Borough of Flemington has received a quote from National Auto Fleet Group under the Sourcwell Contract # 120716-NAF for the purchase of a Chevrolet Silverado 3500HD 4WD and Dump Body for the Sewer Department, and

WHEREAS, it has been determined by the Sewer Department that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$67,808.19 to EH National Auto Fleet Group for the purchase of the Chevrolet Silverado.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in Sewer Department Budget account 9-07-100-219.

Adopted:

Attest: