



# Mayor and Common Council Borough of Flemington

February 22, 2021

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Online during COVID-19 Emergency

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## Work Session (7:00 PM)

## Regular Meeting (7:30 PM)

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

Flag Salute

Roll Call:

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

I. OEM Report- Cpl. Brian McNally

II. Appointments

1. APPOINTMENT OF RICHARD SLAUGHTER TO THE HISTORIC PRESERVATION COMMISSION
2. REAPPOINTMENT OF LIZ FISHER TO THE LIBRARY BOARD

III. Mayor's Report

IV. Council Members' Reports

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

VI. Approval of Minutes

Motion To: **Approve Minutes: February 8, 2021 Regular Council Meeting**

## Consent Agenda

1. RESOLUTION 2021-61: AUTHORIZING AN OFF-PREMISES DRAW RAFFLE FOR THE FLEMINGTON FIRE DEPARTMENT ON JULY 3, 2021
  2. RESOLUTION 2021-62: REFUNDING A TAX OVERPAYMENT FOR VARIOUS PROPERTIES AT LIBERTY VILLAGE
  3. RESOLUTION 2021-66: AUTHORIZING SUBMISSION OF A RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
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## Regular Agenda

1. ORDINANCE 2021-5: ORDINANCE TO REPEAL AND REPLACE CHAPTER 21 OF THE CODE OF THE BOROUGH OF FLEMINGTON ENTITLED "STORMWATER CONTROL," TO REFLECT AMENDMENTS TO THE NEW JERSEY STORMWATER MANAGEMENT RULES AT N.J.A.C. 7:8, ADOPTED MARCH 2, 2020
2. RESOLUTION 2021-63: AUTHORIZING ROBERT MARTUCCI, P.E. TO SUBMIT AN APPLICATION TO THE STATE HISTORIC PRESERVATION OFFICE FOR THE HOTEL REDEVELOPMENT AREA WATER AND SEWER IMPROVEMENT PROJECT
3. RESOLUTION 2021-64: ACCEPTING THE RETIREMENT OF MUNICIPAL COURT ADMINISTRATOR SUSAN FLEMING EFFECTIVE MAY 1, 2021, AND AUTHORIZING THE SEARCH FOR A REPLACEMENT
4. RESOLUTION 2021-65: TERMINATING A PROFESSIONAL SERVICES CONTRACT

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

VIII. Attorney's Report

IX. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$2,167,061.56**

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

XI. Adjournment

Motion To: **Adjourn**

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-61**

DOC ID: 3429

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**Authorizing an Off-Premises Draw Raffle for the Flemington  
Fire Department on July 3, 2021**

**WHEREAS** an application has been received by the Borough of Flemington to grant an Off-Premises Draw Raffle License; and

**WHEREAS** no objection has been 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 that an Off-Premises Raffle License be granted:

**TO:** Flemington Fire Department

**BENEFIT:** subsidizing the budget

**DATE:** July 3, 2021

**LOCATION:** 38 Park Avenue, Flemington, N.J.

**TIME:** 5:00 P.M.

Adopted: February 22, 2021

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Rebecca Newman  
Initiator: Rebecca Newman  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-62**

DOC ID: 3427

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**Refunding a Tax Overpayment for Various Properties at  
Liberty Village**

WHEREAS, Namdar/Liberty Realty Outlet LLC has purchased Liberty Village; and

WHEREAS, the former owner filed a tax appeal and was successful; and

WHEREAS, many of the properties had credit balances; and

WHEREAS, the tax collector had gone over these credit balances at length verbally and via email; and

WHEREAS, a check for \$26,675.24 was sent for the full amount of first quarter taxes billed prior to the appeal; and

WHEREAS, Namdar asked that the check be cashed and all tax payments made for the 1st and 2nd quarter of 2021 as they could not send a replacement check prior to the due date; and

WHEREAS, the payments were made in the following manner:

Block 35 Lot 25	\$245.42, 2nd quarter
Block 35 Lot 54	\$818.34, 1st & 2nd quarter
Block 35 Lot 53	\$2,170.35, 1st & 2nd quarter
Block 35 Lot 23	\$462.35, 1st and 2nd quarter
Block 35 Lot 69	\$4,293.96, 1st & 2nd quarter
Block 35 Lot 24	\$301.46, 2nd quarter

for a total amount of \$8,291.88; and

WHEREAS, this left a remaining amount of \$18,383.36 of additional funds that they requested be refunded.

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 refund be authorized in the amount of \$18,383.36 made payable to Liberty Realty Outlet, LLC.

Adopted: February 22, 2021

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-63**

DOC ID: 3430

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**Authorizing Robert Martucci, P.E. to Submit an Application to  
the State Historic Preservation Office for the Hotel  
Redevelopment Area Water and Sewer Improvement Project**

BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON

**WHEREAS**, the Borough of Flemington has employed the services of Robert Martucci, P.E. of Martucci Engineering LLC, for the preparation of construction documents for the Hotel Redevelopment Area Water and Sewer Improvement Project; and

**WHEREAS**, these plans require approval by the State Historic Preservation Office;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Flemington hereby authorize Robert Martucci, P.E., to submit the application for the Hotel Redevelopment Area Water and Sewer Improvement Project and fully supports the application being made to the State Historic Preservation Office for approval.

Adopted: February 22, 2021

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

**CLERK'S CERTIFICATION**

I, Sallie Graziano, Borough Clerk of the Borough of Flemington in the County of Hunterdon in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted on February 22, 2021 by the Mayor and Council of the Borough of Flemington in the County of Hunterdon in the State of New Jersey.

\_\_\_\_\_  
Sallie Graziano, RMC, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-64**

DOC ID: 3428

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**Accepting the Retirement of Municipal Court Administrator  
Susan Fleming Effective May 1, 2021, and Authorizing the  
Search for a Replacement**

BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON

WHEREAS, the Borough of Flemington has received notice that Court Administrator Susan Fleming plans to retire effective May 1, 2021; and

WHEREAS, the Borough of Flemington accepts this retirement; and

WHEREAS, this retirement leaves a vacancy in the Flemington Municipal Court.

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 retirement of Court Administrator Susan Fleming is hereby accepted and the Flemington Borough Municipal Court is hereby authorized to begin the process of seeking a replacement to fill the vacancy left by Court Administrator Susan Fleming effective immediately.

Adopted: February 22, 2021

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3431

**SCHEDULED**

**RESOLUTION 2021-65**

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**Terminating a Professional Services Contract**

Borough of Flemington, County of Hunterdon

**WHEREAS**, the Borough of Flemington (the "Borough") owns property known as 144 Main Street and identified as Block 38, Lot 1.01 on the Tax Maps of the Borough of Flemington, County of Hunterdon, State of New Jersey (the "Property"); and

**WHEREAS**, the Property is subject to certain contamination issues; and

**WHEREAS**, the Borough by Resolution 2016-2000, dated December 12, 2016, engaged Environmental Management Associates, Inc ("EMA") through an eight-year professional services contract ("Contract") to serve as a Licensed Site Remediation Professional to evaluate the contamination and remediation of hazardous substances associated with the Property's former use as a gas station; and

**WHEREAS**, the Borough no longer requires the services of EMA; and

**WHEREAS**, Section 1.11 of the Contract permits termination of the Contract upon notice by the Borough to EMA, and professional services contracts are normally for a one-year period, not eight years;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Borough hereby terminates EMA effective upon the date of the notice from the Clerk to EMA of the adoption of this Resolution.

**BE IT FURTHER RESOLVED**, that EMA shall submit invoices for any services incurred prior to the effective date of this Resolution in accordance with the terms of the Contract.

Adopted: February 22, 2021

Attest:

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3433

**SCHEDULED**

**RESOLUTION 2021-66**

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**Authorizing Submission of a Recycling Tonnage Grant  
Application to the New Jersey Department of Environmental  
Protection**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations imposed on municipalities contain certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to express the efforts undertaken by the Borough of Flemington to comply with the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**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 Borough hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Michael Campion to oversee that the application is properly filed, and

**BE IT FURTHER RESOLVED** that any monies received from the recycling tonnage grant be deposited in a trust fund to be used solely for the purposes of recycling.

Adopted: Feb. 22, 2021

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, RMC, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 02/22/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**ORDINANCE 2021-5**

DOC ID: 3436

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**Ordinance to Repeal and Replace Chapter 21 of the Code of the Borough of Flemington Entitled "Stormwater Control," to Reflect Amendments to the New Jersey Stormwater Management Rules at N.J.A.C. 7:8, Adopted March 2, 2020**

Borough of Flemington, County of Hunterdon

WHEREAS, the Borough of Flemington has a Stormwater Management Ordinance that codifies the stormwater management rules contained in N.J.A.C. 7:8 in furtherance of its Municipal Stormwater Permit; and

WHEREAS, the Stormwater Control Ordinance is subject to change when the State amends N.J.A.C. 7:8; and

WHEREAS, the State of New Jersey amended its Stormwater Management Rules at N.J.A.C. 7:8 on March 2, 2020; and

WHEREAS, the municipalities in the State of New Jersey are required to amend their Stormwater Control Ordinances to align with the updated Stormwater Management Rules at N.J.A.C. 7:8 on or before March 2, 2021;

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Chapter 21 of the Code of the Borough of Flemington, entitled "Stormwater Management," is repealed and replaced as shown in the attached document.

Introduced: February 22, 2021

Adopted:

Attest:

\_\_\_\_\_  
Betsy Driver, Mayor

\_\_\_\_\_  
Sallie Graziano, Borough Clerk

**ATTACHMENTS:**

- A 4308 210216 SCO Revisions Flemington (DOCX)