



Mayor and Common Council Borough of Flemington

March 22, 2021

Online during COVID-19 Emergency

I. Call to Order (6:30 PM)

1. Roll Call

II. Executive Session (6:30 PM)

1. RESOLUTION 2021-82: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING A COLLECTIVE BARGAINING LABOR DISPUTE

III. Work Session (7:00 PM)

Work Session Roll Call:

IV. Regular Meeting

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

1. Mayor's Report
2. Council Members' Reports
 - Council President Giles-McCormick
 - Council Member Hand
 - Council Member Johnston
 - Council Vice President Long
 - Council Member Runion
 - Council Member Tilly
3. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
4. Approval of Minutes

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

Regular Agenda (Start)

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

1. PUBLIC HEARING ON PROPOSED CHANGE OF USE OF 0.3 ACRES AT TUCCAMIRGAN PARK FROM OUTDOOR AND OPEN PARKLAND TO A COMMUNITY GARDEN
2. ORDINANCE 2021-6: BOND ORDINANCE PROVIDING FOR SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$827,499 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$827,499 IN BONDS OR NOTES TO FINANCE THE COST THEREOF
3. ORDINANCE 2021-8: AN ORDINANCE EFFECTUATING AND REGULATING EXPANDED OUTDOOR DINING IN COMPLIANCE WITH CHAPTER 15, SENATE BILL 3340
4. ORDINANCE 2021-7: BOND ORDINANCE PROVIDING FOR WATER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,472,501 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,402,381 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF
5. RESOLUTION 2021-74: 2021 TEMPORARY BUDGET AMENDMENT
6. RESOLUTION 2021-75: RESCINDING RESOLUTION 2021-60
7. RESOLUTION 2021-76: AUTHORIZING SUBMISSION OF A LOAN APPLICATION TO THE U.S.D.A. RURAL DEVELOPMENT DRINKING WATER PROGRAM TO SECURE FINANCING FOR THE PHASE 3 WATER AND SEWER IMPROVEMENTS TO VARIOUS STREETS WITHIN THE BOROUGH OF FLEMINGTON AND RARITAN TOWNSHIP
8. RESOLUTION 2021-77: APPOINTING THE LOCAL EMERGENCY PLANNING COUNCIL, 2021
9. RESOLUTION 2021-78: AUTHORIZING THE ISSUANCE OF 3 NEW TAXI LICENSES FOR 2021
10. RESOLUTION 2021-79: AUTHORIZING RENEWAL OF AN AGREEMENT WITH COMMUNITY GRANTS, PLANNING, AND HOUSING AS FLEMINGTON'S ADMINISTRATIVE AGENT FOR COAH-RELATED CLIENT SUPPORT SERVICES
11. RESOLUTION 2021-80: AUTHORIZING THE FIRE OFFICIAL TO ADVERTISE FOR AND HIRE FIRE INSPECTORS AS NEEDED AT \$20/HOUR
12. RESOLUTION 2021-81: 2021-81 AMENDMENT TO SALES AGREEMENT FOR BOROUGH PROPERTY AT 144 MAIN STREET

13. RESOLUTION 2021-83: RESOLUTION OF SUPPORT FROM FLEMINGTON BOROUGH COUNCIL AUTHORIZING THE SUSTAINABLE JERSEY 2021 EDF CLIMATE CORPS PROGRAM APPLICATION
6. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)
7. Attorney's Report

V. Payment of the Bills

1. Motion To: **Motion Pay the Bills**

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

Adjournment

- Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED**RESOLUTION 2021-82**

DOC ID: 3457

Retiring into Executive Session for the Purpose of Obtaining Legal Advice Regarding a Collective Bargaining Labor Dispute

WHEREAS, the Common Council of the Borough of Flemington desires to seek legal advice related to a labor grievance; and

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

Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body; and

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 purpose.

Adopted: March 22, 2021

Attest:

Sallie Graziano, RMC, Borough Clerk

Betsy Driver, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED**AGENDA ITEM 2021-3**

DOC ID: 3460

**Public Hearing on Proposed Change of Use of 0.3 Acres at
Tuccamirgan Park from Outdoor and Open Parkland to a
Community Garden**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

TABLED**ORDINANCE 2021-6**

DOC ID: 3444

**Bond Ordinance Providing for Sewer Utility Improvements,
by and in the Borough of Flemington, in the County of
Hunterdon, State of New Jersey; Appropriating \$827,499
Therefor and Authorizing the Issuance of \$827,499 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 general improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$827,499 from the Sewer Utility of the Borough, said sum being inclusive of all appropriations heretofore made therefor. 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 Sewer Utility of the Borough is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the said \$827,499 appropriation, negotiable bonds of the Sewer Utility of the Borough are hereby authorized to be issued in the aggregate principal amount not exceeding \$827,499 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 \$827,499 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 sewer utility improvements on Dewey Avenue (from Mine Street to Bonnell Street); Corcoran Street (from Park Avenue to Allen Street); Hopewell Avenue (from East Main Street to North Main Street), said improvements to include, but not limited to, improvements to and/or replacement of sewer pipes, laterals and manholes; sewer utility improvements on Main Street (from Route 12 to Church Street) including, but not limited to, sewer clean out improvements; and, as applicable, associated traffic control, roadway pavement restoration, curb, sidewalk and driveway repairs and lawn restoration; and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$827,499.

(c) The aggregate estimated cost of said improvements or purposes is \$827,499.

(d) The above improvements and purposes set forth in Section 3(a) shall also include, but are not limited to, the following, as applicable, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, inspections and contract administration, and also including all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

SECTION 4. 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. 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. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

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 unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 Sewer Utility of the Borough is 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 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 40 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 \$827,499 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 \$181,000 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: March 8, 2021**

**SALLIE GRAZIANO,
Borough Clerk**

**ADOPTED ON SECOND READING
DATED: March 22, 2021**

**SALLIE GRAZIANO,
Borough Clerk**

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2021

**BETSY DRIVER,
Mayor**

BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, on March 8, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on March 22, 2021 at 7:30 p.m. by virtual means. Please refer to the Borough's website for information and updates as to joining the meeting remotely and/or commenting (www.historicflemington.com). During the

week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE PROVIDING FOR SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$827,499 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$827,499 IN BONDS OR NOTES TO FINANCE THE COST THEREOF
Purposes(s):	Sewer Utility Improvements On Dewey Avenue (From Mine Street To Bonnell Street); Corcoran Street (From Park Avenue To Allen Street); Hopewell Avenue (From East Main Street To North Main Street), Said Improvements To Include, But Not Limited To, Improvements To And/Or Replacement Of Sewer Pipes, Laterals And Manholes; Sewer Utility Improvements On Main Street (From Route 12 To Church Street) Including, But Not Limited To, Sewer Clean Out Improvements; And, As Applicable, Associated Traffic Control, Roadway Pavement Restoration, Curb, Sidewalk And Driveway Repairs And Lawn Restoration; And All Work, Materials, Equipment, Labor And Appurtenances Necessary Therefor Or Incidental Thereto
Appropriation:	\$827,499
Bonds/Notes	\$827,499
Authorized:	
Grants	None
Appropriated:	
Section 20 Costs:	\$181,000
Useful Life:	40 years

SALLIE GRAZIANO,
Borough Clerk

**BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON
PUBLIC NOTICE**

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey on March 22, 2021 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE PROVIDING FOR SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$827,499 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$827,499 IN BONDS OR NOTES TO FINANCE THE COST THEREOF
Purposes(s):	Sewer Utility Improvements On Dewey Avenue (From Mine Street To Bonnell Street); Corcoran Street (From Park Avenue To Allen Street); Hopewell Avenue (From East Main Street To North Main Street), Said Improvements To Include, But Not Limited To, Improvements To And/Or Replacement Of Sewer Pipes, Laterals And Manholes; Sewer Utility Improvements On Main Street (From Route 12 To Church Street) Including, But Not Limited To, Sewer Clean Out Improvements; And, As Applicable, Associated Traffic Control, Roadway Pavement Restoration, Curb, Sidewalk And Driveway Repairs And Lawn Restoration; And All Work, Materials, Equipment, Labor And Appurtenances Necessary Therefor Or Incidental Thereto
Appropriation:	\$827,499
Bonds/Notes	\$827,499
Authorized:	
Grants	None
Appropriated:	
Section 20 Costs:	\$181,000
Useful Life:	40 years

**SALLIE GRAZIANO,
Borough Clerk**

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on March 8, 2021 at 7:30 p.m. by virtual means (with public access) in said County, and that the following was the roll call:

Present: Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

Absent: None

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this 9th day of March, 2021.

(SEAL)

SALLIE GRAZIANO,
Borough Clerk

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on March 22, 2021, at 7:30 p.m. by virtual means (with public access) in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2021.

(SEAL)

SALLIE GRAZIANO,
Borough Clerk

CLERK'S CERTIFICATE

I, SALLIE GRAZIANO, DO HEREBY CERTIFY that I am the Clerk of the Borough of Flemington, in the County of Hunterdon (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such Borough, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on March 8, 2021 and finally adopted on March 22, 2021.

2. After introduction, the bond ordinance was published as required by law on _____, 2021 in _____ (the name of the newspaper).

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal Municipal Building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor on _____, 2021 and was duly published as required by law on _____, 2021 in _____ (the name of the newspaper). No protest signed by any person against making any improvements or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2021.

(SEAL)

SALLIE GRAZIANO,
Borough Clerk

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by William J. Hance, the Chief Financial Officer as of March 8, 2021, that such Supplemental Debt Statement was filed in my office on or by March 8, 2021 and with the Director of the Division of Local Government Services prior to March 22, 2021.

SALLIE GRAZIANO,
Borough Clerk

HISTORY:

03/08/21

Governing Body

INTRODUCED

Next: 03/22/21

Mayor Driver said this is for the sewer work on Hopewell, Dewey and Corcoran streets.

The public hearing will be at the March 22 Council meeting.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3446

TABLED

ORDINANCE 2021-8

An Ordinance Effectuating and Regulating Expanded Outdoor Dining in Compliance with Chapter 15, Senate Bill 3340

WHEREAS, the State of New Jersey has enacted Chapter 15, Senate Bill No. 3340, creating opportunities for restaurants, bars, distilleries, and breweries to adjust operations in response to the COVID-19 public health emergency through expanded outdoor dining; and

WHEREAS, the Borough of Flemington wishes to support its restaurants, bars, distilleries and breweries in operating expanded outdoor dining in compliance with Chapter 15, Senate Bill No. 3340.

NOW BE IT ORDAINED, the Borough of Flemington shall enact this ordinance to effectuate and regulate the increase for outdoor dining.

1. As used in this ordinance, and only for the purposes of this ordinance:

“Brewery” means a brewery operating under a brewery license pursuant to R.S.33:1-10.

“Distillery” means a distillery that has been issued, and is in compliance with, a distillery license pursuant to R.S.33:1-10.

“Food” means food that is cooked, prepared, sold, served, and consumed on the business premises.

“Outdoor space” means a patio or deck, whether covered or uncovered, a yard, a walkway, or a parking lot, or a portion of any such space, that is located on or adjacent to the business premises, which space is owned, leased, or otherwise in the lawful control of the owner or operator of the business premises.

“Public sidewalk” means a sidewalk on the locally or county owned public right-of-way which is adjacent to the business premises, or a portion thereof.

“Special Ruling No. 2020-10” means Special Ruling No. 2020-10, issued by the Acting Director of the Division of Alcoholic Beverage Control on June 3, 2020.

2. a. Notwithstanding the provisions of any law to the contrary, during the period that this Ordinance is in effect, the owner or operator of a restaurant, bar, distillery, or brewery may use outdoor spaces which they own or lease and which are located

either on, or adjacent to, their business premises, as an extension of their business premises for the purpose of conducting sales of food and beverages.

- b. The owner or operator of a restaurant, bar, distillery, or brewery desiring to utilize outdoor spaces as an extension of their businesses shall file an application with the municipal Zoning Officer of the Borough of Flemington that includes: (1) a plan, sketch, picture, or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the outdoor spaces; and (2) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and grounds. If a business premises' parking lot is used for the service and sale of either food or beverages, or both, the restaurant, bar, distillery, or brewery shall not encumber more than 75 percent of the lot's total parking spaces for such service and sale, unless the parking lot contains less than eight parking spaces, and shall maintain at least one handicapped parking space in the parking lot.
- c. The applicant shall provide all of the following: (1) written consent of the owner of the premises, if other than the applicant, (2) an insurance certificate naming the municipality as an additional insured, with general liability on an occurrence with a limit of liability of at least \$1,000,000, with respect to losses arising solely from the operation of the outdoor dining facility, or (3) an indemnification agreement with the municipality with respect to losses arising solely from the operation of the outdoor dining facility.
- d. 1) The Zoning Officer shall issue an approval to the applicant within 15 business days of the application being submitted and deemed complete provided that the applicant meets and abides by all qualifications and requirements of this ordinance, with the exception that the Zoning Officer may deny an application based on current violations of any other health, safety, fire, permitted use, or zoning regulation, or upon any applicable law permitting the denial of a zoning permit, that is not otherwise directly superseded by this section or Special Ruling No. 2020-10. An application under this section shall not be considered a variance under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).
- 2) The Borough of Flemington may deny, revoke or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any provision of Chapter 15, Senate 3340, or any provision of a law, ordinance, or regulation related to health, safety, fire, permitted use, zoning, or the consumption or control of alcoholic beverages not otherwise under the jurisdiction of the Division of Alcoholic Beverage Control, and may also deny, revoke, or temporarily suspend the permit of any applicant or permittee based on any action taken against the applicant or permittee by the Division of Alcoholic Beverage Control related to the Division's enforcement of any law

or regulation related to the consumption or control of alcoholic beverages under its jurisdiction.

- 3) An appeal to any approval, denial, revocation or suspension may be filed through the municipal clerk with the Common Council of the Borough of Flemington. The Council, or its designee shall conduct a hearing and render a decision within 30 days of the filing of the appeal. The Council may designate a municipal official or an attorney licensed in the State of New Jersey to serve as a hearing officer in place of the Council for the purpose of conducting said hearing and rendering said decision. Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.
- e. The Borough of Flemington shall require that any restaurant, bar, distillery, or brewery operating pursuant to this section shall follow, maintain, and enforce protocols promulgated by the Commissioner of Health or Executive Order of the Governor in response to the COVID- 19 public health emergency, concerning social distancing and use of personal protective equipment during the period those protocols are in effect.
3. a. Notwithstanding the provisions of any law to the contrary, during the period that this ordinance is in effect, the owners and operators of restaurants, bars, distilleries, and breweries may use public sidewalks as an extension of their business premises for the purpose of conducting sales of food and beverages.
- b. The owner or operator of a restaurant, bar, distillery, or brewery desiring to utilize public sidewalks as an extension of their businesses shall file an application with the Borough Zoning Officer that includes: (1) a plan, sketch, picture, or drawing that depicts the design, dimensional boundaries, and placement of tents, canopies, umbrellas, tables, chairs, and other fixtures of the public sidewalks; and (2) a plan for the control of litter, the removal and storage of garbage, and the cleaning of fixtures and public sidewalks.
- c. All applicants shall provide all of the following: (1) written consent of the owner of the premises, if other than the applicant, (2) an insurance certificate naming the municipality as an additional insured, with general liability on an occurrence with a limit of liability of at least \$1,000,000, with respect to losses arising solely from the operation of the outdoor dining facility located on public sidewalks, or (3) an indemnification agreement with the municipality with respect to losses arising solely from the operation of the outdoor dining facility on public sidewalks.
- d. 1) The Zoning Officer shall issue an approval to the applicant within 15 business days of the application being submitted and deemed complete provided that the applicant meets and abides by all qualifications and requirements of this

ordinance, with the exception that the Zoning Officer may deny an application based on current violations of any other health, safety, fire, permitted use, or zoning regulation, or upon any applicable law permitting the denial of a zoning permit that is not otherwise directly superseded by Chapter 15, Senate 3340 or Special Ruling No. 2020-10. An application under this section shall not be considered a variance under the “Municipal 2 Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.).

- 2) The Borough of Flemington may deny, revoke or temporarily suspend the permit of any applicant or permittee that violates, or is not in compliance with, any provision of this act or any provision of a law, ordinance, or regulation related to health, safety, fire, permitted use, zoning, or the consumption or control of alcoholic beverages not otherwise under the jurisdiction of the Division of Alcoholic Beverage Control, and may also deny, revoke, or temporarily suspend the permit of any applicant or permittee based on any action taken against the applicant or permittee by the Division of Alcoholic Beverage Control related to the Division’s enforcement of any law or regulation related to the consumption or control of alcoholic beverages under its jurisdiction.
- 3) An appeal to any approval, denial, revocation, or suspension may be filed through the municipal clerk with the Common Council of the Borough of Flemington. The Council, or its designee, shall conduct a hearing and render a decision within 30 days of the filing of the appeal. The Council may designate a municipal official or an attorney licensed in the State of New Jersey to serve as a hearing officer in place of the governing body for the purpose of conducting said hearing and rendering said decision. Nothing in this act shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction, according to law.
- e. Owners and operators of restaurants, bars, distilleries, or breweries desiring to utilize outdoor spaces are subject to the following conditions: (1) a walking path not less than four feet wide must be maintained on the public sidewalk at all times so as to not obstruct pedestrian traffic; (2) all fixtures must be removed from public sidewalks at the conclusion of each day, if so required by the municipality; and (3) the Borough of Flemington reserves the right to order the temporary suspension of outdoor dining and the removal of all fixtures from public sidewalks due to road or utility construction, predicted high winds or severe weather, predicted snow or ice storms, the need to remove snow or ice from the sidewalks, or any other public emergency that may arise.
- f. The Borough of Flemington shall require that any restaurants, bars, distilleries, or breweries operating pursuant to this section shall follow, maintain, and enforce protocols promulgated by the Commissioner of Health or Executive Order of the

Governor in response to the COVID-19 public health emergency, concerning social distancing and use of personal protective equipment during the period those protocols are in effect.

4. a. The common Council of the Borough of Flemington may file with the Division of Alcoholic Beverage Control an objection to the continued operation under subsection a. of this section by any licensee or permittee the governing body finds to have:

- 1) Failed to follow, maintain, and enforce protocols promulgated by the Commissioner of Health or by Executive Order of the Governor in response to the COVID-19 public health emergency concerning social distancing and the use of personal protective equipment; or
- 2) Violated any other health, safety, fire permitted use or zoning regulations or ordinances not otherwise directly superseded by this section or Special Ruling No. 2020-10.

Any decision rendered, or action taken, by the of the Division of Alcoholic Beverage Control as a result of an objection filed by the governing body of the municipality pursuant to this subsection shall be a final agency action subject to judicial review in the Appellate Division of the Superior Court of New Jersey in accordance with the Rules of Court.

- c. Nothing in this ordinance shall preclude or limit the authority provided to the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Title 33 of the Revised Statutes or the exercise of such authority thereby.
5. A public sidewalk or an outdoor space shall be considered a portion of the premises which is open to the public for the purposes 30 of section 5 of P.L.1999, c.90 (C.2C:33-27).
6. This ordinance shall expire on November 30, 2022, or on the date of the resumption, pursuant to an executive order issued by the Governor, of indoor dining without capacity limitations, whichever is later.
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.

9. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced: March 8, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

HISTORY:

03/08/21

Governing Body

INTRODUCED

Next: 03/22/21

Mayor Driver said this supplements the existing outdoor dining ordinance by addressing consumption of alcohol in accordance with recently approved legislation.

The public hearing on this will be held at the March 22 Council meeting.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

TABLED

ORDINANCE 2021-7

DOC ID: 3445

**Bond Ordinance Providing for Water Utility Improvements, by
and in the Borough of Flemington, in the County of
Hunterdon, State of New Jersey; Appropriating \$1,472,501
Therefor and Authorizing the Issuance of \$1,402,381 Bonds
or Notes of the Borough to Finance Part of 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 as general improvements or purposes to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,472,501, which sum includes \$70,120 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,472,501 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,402,381 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 a principal amount not exceeding \$1,402,381 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are various water utility improvements on Dewey Avenue (from Mine Street to Bonnell Street); Corcoran Street (from Park Avenue to Allen Street); Shields Avenue (from Mine Street to end of the water main); Pennsylvania Avenue Extension (from Route 31 to end of the water main); Hopewell Avenue (from East Main Street to North Main Street) said improvements to include, but not be limited to, as applicable, water main line improvements and/or replacement including, but not limited to, acquisition and installation, as applicable, of cement lined duct iron and/or copper piping; valve improvements; and acquisition and installation, as applicable, of fire hydrant assemblies; and, as applicable, associated traffic control, roadway pavement restoration, curb, sidewalk and driveway repairs and lawn restoration; and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,402,381.

(c) The estimated cost of said improvements or purposes is \$1,472,501, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$70,120, is the down payment for said improvements or purposes.

SECTION 4. 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 to the Borough, for the improvements and 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. In the event, however, that any amount so contributed or granted 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 purpose.

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 unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 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 Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs 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 is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, 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 the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 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 \$1,402,381 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$324,000 for items of expense listed in and permitted under section 20 of the Local Bond Law 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 bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes 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, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: March 22, 2021

SALLIE GRAZIANO,
Borough Clerk

ADOPTED ON SECOND READING
DATED: April 12, 2021

SALLIE GRAZIANO,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2021.

BETSY DRIVER
Mayor

**BOROUGH OF FLEMINGTON
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, on March 22, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at Borough Hall, 38 Park Avenue, Flemington, in said County on April 12, 2021 at 7:30 p.m. by virtual means. Please refer to the Borough's website for information and updates as to joining the meeting remotely and/or commenting (www.historicflemington.com). During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR WATER UTILITY IMPROVEMENTS, BY AND

Purpose(s): IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,472,501 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,402,381 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THERETO

Various Water Utility Improvements On Dewey Avenue (From Mine Street To Bonnell Street); Corcoran Street (From Park Avenue To Allen Street); Shields Avenue (From Mine Street To End Of The Water Main); Pennsylvania Avenue Extension (From Route 31 To End Of The Water Main); Hopewell Avenue (From East Main Street To North Main Street) Said Improvements To Include, But Not Be Limited To, As Applicable, Water Main Line Improvements And/Or Replacement Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Cement Lined Duct Iron And/Or Copper Piping; Valve Improvements; And Acquisition And Installation, As Applicable, Of Fire Hydrant Assemblies; And, As Applicable, Associated Traffic Control, Roadway Pavement Restoration, Curb, Sidewalk And Driveway Repairs And Lawn Restoration; And All Work, Materials, Equipment, Labor And Appurtenances Necessary Therefor Or Incidental Thereto

Appropriation: \$1,472,501
Bonds/Notes \$1,402,381
Authorized:
Grants N/A
Appropriated:
Section 20 Costs: \$324,000
Useful Life: 40 years

SALLIE GRAZIANO
Clerk of the Borough of Flemington

**BOROUGH OF FLEMINGTON
PUBLIC NOTICE
BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough of Flemington, in the County of Hunterdon, State of New Jersey on April 12, 2021, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE PROVIDING FOR WATER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,472,501 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,402,381 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THERETO
Purpose(s):	Various Water Utility Improvements On Dewey Avenue (From Mine Street To Bonnell Street); Corcoran Street (From Park Avenue To Allen Street); Shields Avenue (From Mine Street To End Of The Water Main); Pennsylvania Avenue Extension (From Route 31 To End Of The Water Main); Hopewell Avenue (From East Main Street To North Main Street) Said Improvements To Include, But Not Be Limited To, As Applicable, Water Main Line Improvements And/Or Replacement Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Cement Lined Duct Iron And/Or Copper Piping; Valve Improvements; And Acquisition And Installation, As Applicable, Of Fire Hydrant Assemblies; And, As Applicable, Associated Traffic Control, Roadway Pavement Restoration, Curb, Sidewalk And Driveway Repairs And Lawn Restoration; And All Work, Materials, Equipment, Labor And Appurtenances Necessary Therefor Or Incidental Thereto
Appropriation:	\$1,472,501
Bonds/Notes Authorized:	\$1,402,381
Grants	N/A
Appropriated:	
Section 20 Costs:	\$324,000
Useful Life:	40 years

SALLIE GRAZIANO
Clerk of the Borough of Flemington

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on March 22, 2021 at 7:30 p.m. by virtual means (with public access) in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2021.

(SEAL)

SALLIE GRAZIANO,
Clerk of the Borough of Flemington

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on April 12, 2021 at 7:30 p.m. by virtual means (with public access) in said County, and that the following was the roll call:

Present:

Absent:

I DO FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body of the Borough and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2021.

(SEAL)

SALLIE GRAZIANO,
Clerk of the Borough of Flemington

CLERK'S CERTIFICATE

I, SALLIE GRAZIANO, DO HEREBY CERTIFY that I am the Clerk of the Borough of Flemington, in the County of Hunterdon (the "Borough"), State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the

meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on March 22, 2021 and finally adopted on April 12, 2021 and approved by the Mayor, as applicable, on _____, 2021.

2. After introduction, the bond ordinance was published as required by applicable law on _____, 2021 in the _____ (name of newspaper).

3. Following the passage of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body of the Borough. Copies of the bond ordinance were made available to all who requested same.

4. After final adoption, the bond ordinance was duly approved by the Mayor of the Borough (if applicable) and duly published as required by law on _____, 2021 in the _____ (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body of the Borough or to me or filed in my office within twenty (20) days after said publication or at any other time after the final adoption thereof.

5. The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

6. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this ____ day of _____, 2021.

(SEAL)

SALLIE GRAZIANO,
Clerk of the Borough of Flemington
CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by William J. Hance, the Chief Financial Officer as of March 22, 2021, that such Supplemental Debt Statement was filed in my office on March 22, 2021 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on _____, 2021.

SALLIE GRAZIANO,
Clerk of the Borough of Flemington

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled, "BOND ORDINANCE PROVIDING FOR THE WATER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,472,501 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,402,381 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" there was available as a down payment for the improvement or purpose authorized by said bond ordinance the amount of \$70,120 which was made available by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the Borough this ____ day of _____, 2021.

WILLIAM J. HANCE,
Chief Financial Officer

TABLED: MARCH 8, 2021

ADOPTED ON FIRST READING

DATED: March 22, 2021

SALLIE GRAZIANO,
Borough Clerk

ADOPTED ON SECOND READING

DATED: April 12, 2021

SALLIE GRAZIANO,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2021.

BETSY DRIVER
Mayor

HISTORY:

03/08/21

Governing Body

TABLED

Next: 03/22/21

Mayor Driver said this contains an error in identifying a street, and that needs to be corrected. The first reading was tabled until the March 22 meeting.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED**RESOLUTION 2021-74**

DOC ID: 3456

2021 Temporary Budget Amendment

WHEREAS, the temporary budget adopted by the Mayor and Council was predicated on a timely adoption of the budget, and

WHEREAS, N.J.S.A. 40A:40-20 provides for an emergency temporary budget prior to adoption of the final budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the temporary appropriations in the attached document be made inasmuch as the amounts listed will be included in the final adoption of the municipal budget and the Utilities budgets.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

- 2021 Temporary Budget Amendment (DOC)

RESOLUTION

WHEREAS, the temporary budget adopted by the Mayor and Council was predicated on a timely adoption of the budget, and
WHEREAS, N.J.S.A. 40A:40-20 provides for an emergency temporary budget prior to adoption of the final budget.
NOW, THEREORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the following temporary appropriations be made inasmuch as the amounts listed will be included in the final adoption of the budget.

	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Borough Council	\$35,800.00	\$11,300.00
Administrative & Executive	\$20,000.00	\$40,000.00
Borough Clerk	\$83,700	\$15,500.00
Financial Administration	\$29,000.00	\$8,200.00
Audit Services		\$31,000.00
Assessment of Taxes	\$36,500.00	\$20,500.00
Collection of Taxes	\$22,000.00	\$18,000.00
Legal Services & Costs		\$115,000.00
Engineering Services & Costs		\$1,000.00
Public Buildings	\$2,500.00	\$14,000.00
Fleming House		\$8,000.00
Planning Board	\$25,100.00	\$40,000.00
Historic Committee		\$10,000.00
Recycling	\$4,400.00	\$30,000.00
Insurance:		
Other Insurance		\$60,000.00
Workers Compensation		\$24,000.00
Employee Group		\$570,000.00
Health Insurance Waiver		\$10,000.00
Fire		\$50,800.00
Uniform Fire Safety Act	\$64,100.00	\$13,940.00
Police	\$1,546,000.00	\$121,000.00
First Aid Organization		\$10,000.00
Construction Code		
Building Inspector	\$58,700.00	\$6,000.00
Plumbing Inspector	\$11,600.00	
Electrical Inspector	\$13,000.00	
Fire Subcode Official	\$11,600.00	
Property Maintenance Inspector	\$20,500.00	\$570.00
Emergency Management Services	\$14,500.00	\$16,137.00
Board of Health		\$13,000.00
Dog Regulation		\$17,000.00
Streets & Roads	\$175,436.00	\$112,700.00
Environmental Commission		\$750.00
Condo Reimbursement Law		\$3,500.00
Gas & Oil		\$34,000.00
Street Lighting		\$55,000.00
Electricity		\$16,000.00
Fuel Oil		\$14,000.00
Telephone		\$35,000.00
Water		\$11,000.00
Safe and Secure Communities-State		\$14,425.00
PERS		\$144,887.00
PFRS		\$455,121.00
DCRP		\$2,500.00
Garbage & Trash Removal		\$260,000.00
Prosecutor		\$27,000.00
Recreation		\$11,000.00

Attachment: 2021 Temporary Budget Amendment (2021-74 : 2021 Temporary Budget Amendment)

		4.5.5.a
Shade Tree		\$3,800.00
Maintenance of Free Public Library		\$366,249.00
Alcohol Education, Rehabilitation & Enforcement Grant		\$1,000.25
Public Defender	\$100.00	
School Resource Officer Shared Service		\$52,000.00
LOSAP		\$24,000.00
Capital Building Improvements		\$7,000.00
Recycling Tonnage Grant		\$8,444.02
Contribution to Social Security System		\$183,000.00
Municipal Court	\$144,000.00	\$36,000.00
Capital: Purchase of Ambulance		\$18,000.00
Capital Improvement Fund		\$10,000.00
Purchase of Fire Equipment		\$10,000.00
Preliminary Road Engineering		\$10,000.00
Reserve for Uncollected Taxes		\$410,000.00
Safe and Secure Communities-Local		\$109,000.00
Bond Principal		\$296,000.00
Payment of Bond Ordinances		\$37,235.00
Bond Interest		\$137,500.0
BAN Principal		\$0.00
BAN Interest		\$17,850.00
Grand Total		<u>\$6,527,444.27</u>

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Flemington that the following appropriations be made inasmuch as the amounts listed will be included in the final adoption of the Utility Budgets.

Water Utility

	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Water Operating	\$290,000.00	\$475,775.00
Social Security		\$24,000.00
BAN Interest		\$63,150.00
BAN Principal		\$37,975.00
PERS		\$5,000.00
Deficit in Operations		\$17,000.00
Payment of NJEIT Loan		\$235,500.00
Payment of USDA Loan		\$168,500.00
Capital Improvement Fund		\$60,000.00
Bond Principal		\$116,000.00
Bond Interest		\$53,100.00
Grand Total		<u>\$1,546,000.00</u>

Sewer Utility

	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Sewer Operating	\$645,000.00	\$555,000.00
Social Security		\$44,000.00
Contracted Expenses - R.T.M.U.A.		\$1,100,000.00
Payment of USDA Loan		\$137,900.00
Payment of Note Principal		\$0.00
Payment of Note Interest		\$2,500.00
Collector Rehabilitation		\$25,000.00
PERS		\$10,000.00
Capital Improvement Fund		\$10,000.00
Payoff Capital Ordinances		\$150,000.00
Grand Total		<u>\$2,702,000.00</u>

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3453

SCHEDULED**RESOLUTION 2021-75****Rescinding Resolution 2021-60****FLEMINGTON BOROUGH, HUNTERDON COUNTY**

WHEREAS, Borough Council desires to rescind Resolution 2021-60, which was adopted at its meeting of February 8, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that Resolution 2021-60 is hereby rescinded.

Adopted: March 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED**RESOLUTION 2021-76**

DOC ID: 3454

Authorizing Submission of a Loan Application to the U.S.D.A. Rural Development Drinking Water Program to Secure Financing for the Phase 3 Water and Sewer Improvements to Various Streets Within the Borough of Flemington and Raritan Township

FLEMINGTON BOROUGH, HUNTERDON COUNTY

WHEREAS, the Borough Water Department and Sewer Department owns and operates a Water and Sewer distribution and collection System in the Borough of Flemington and Raritan Township (Water and Sewer Service Area); and

WHEREAS, there exists a need for removal/replacement of the water and sewer mains within the Borough of Flemington's Water and Sewer Service area; and

WHEREAS, the Borough Engineer, Sewer and Water Department have determined the scope of the replacement for water and sewer mains and laterals in the Borough of Flemington and Raritan Township; and

WHEREAS, the total project cost for these improvements is anticipated to be \$2,300,000.00 and the Borough intends apply for Federal financing through United States Department of Agriculture (USDA) Rural Development for the funding; and

WHEREAS, the Borough Engineer has prepared a Preliminary Engineering Report and Loan Application for submission to the U.S.D.A. Rural Development Sewer and Drinking Water Program; and

WHEREAS, the Borough of Flemington Council must authorize submission of the Preliminary Engineering Report and Loan Application to USDA Rural Development.

NOW, THEREFORE, BE IT RESOLVED by the Flemington Borough Common Council that:

1. The Borough of Flemington Council approve submission of the complete application for financing through the U.S.D.A. Rural Development Drinking Water Program; and
2. The Mayor and Clerk are hereby authorized to sign the application package on behalf of the Borough of Flemington and to undertake any and all action necessary to submit the same; and

Adopted: March 22, 2021

Resolution 2021-76

Meeting of March 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED**RESOLUTION 2021-77**

DOC ID: 3451

Appointing the Local Emergency Planning Council, 2021

WHEREAS, Brian McNally, who serves as the Emergency Management Coordinator, has been designated by the Mayor to act as the Emergency Management Coordinator for the Borough of Flemington; and

WHEREAS, David Giuliani has been designated by the Mayor to act as the Deputy Emergency Management Coordinator for the Borough of Flemington; and

WHEREAS, the State of New Jersey Office of Emergency Management requires that each municipality create a Local Emergency Planning Council; and

WHEREAS, it is the intention of the Borough of Flemington to comply with requirements set forth by the State of New Jersey Office of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Common Council of the Borough of Flemington that the following individuals shall be appointed to serve on the Borough of Flemington Local Emergency Planning Council:

Flemington Borough Emergency Management Council:

OEM Coordinator/Chair	Brian McNally
Deputy	David Giuliani
Deputy	Christopher Boyce
Council Rep	Kimberly Tilly
Mayor	Betsy Driver
Police Chief/Rep	Jerry Rotella
Fire Chief/Rep	Pete Nemec / or Designee
Rescue Chief/Rep	Thomas Hoffman / or Designee
Department of Public Works	Mike Campion
Code	Jeff Klein
Fire Safety	Ken McCormick
Engineering	Robert Martucci
Raritan Township OEM	Christopher Phelan

Resolution 2021-77

Meeting of March 22, 2021

Adopted: March 22, 2021
Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED**RESOLUTION 2021-78**

DOC ID: 3448

Authorizing the Issuance of 3 New Taxi Licenses for 2021

WHEREAS, Ordinance 2017-3 sets eligibility criteria for obtaining a Taxi Owner's License in Flemington Borough, including vehicle insurance and registration, vehicle inspection, criminal background checks, and driver's license history and provides for 10 licenses to be issued; and

WHEREAS, following renewals of Taxi Owner's Licenses for 2021, there were 7 available licenses in the Borough; and

WHEREAS, 3 proposals for the 7 available Taxi Owner's Licenses were received by the Borough Clerk and opened on March 5, 2021; and

WHEREAS, the following 3 companies submitted bids in the named amounts for a taxi owner's license in 2021:

Taxi Los Amigos: \$500
Mike Espinoza Taxi: \$500
Arturo's Taxi: \$2,500

WHEREAS, the Mayor and Council recognize that the COVID-19 pandemic has affected small businesses including taxi services, leading to a lack of interest in obtaining taxi licenses in 2021; and

WHEREAS, it is in the best interests of the Borough to support the continuation of taxi services for the Borough's residents; and

WHEREAS, a condition of license issuance is that eligibility criteria for obtaining a Taxi Owner's License are met;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby approve the issuance of 2021 Taxi Owner's License to Taxi Los Amigos, Mike Espinoza Taxi and Arturo's Taxi, which will be effective through December 31, 2021, pending receipt of the balance due and satisfactory completion of eligibility requirements.

BE IT FURTHER RESOLVED that, in light of the effects of the COVID-19 pandemic, the lack of interest in obtaining taxi licenses and the desire to support the continuation of taxi services in the Borough, the Council issues the three taxi licenses at a cost of \$500 each.

Resolution 2021-78

Meeting of March 22, 2021

Adopted: March 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED**RESOLUTION 2021-79**

DOC ID: 3449

Authorizing Renewal of an Agreement with Community Grants, Planning, and Housing as Flemington's Administrative Agent for COAH-Related Client Support Services

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

WHEREAS the Borough of Flemington is in need of an administrative agent to provide COAH support services, such as income qualification and advertising, for rehabilitation projects and for owners who wish to sell their COAH deed-restricted property, and

WHEREAS CGP&H will charge an hourly fee for administrative agent services of \$90 per hour, and an hourly fee for additional services of \$135 per hour, as detailed in the attached document, for a total not to exceed \$7,300.00 without additional written authorization from the borough; and

WHEREAS CGP&H will charge for additional services as outlined in the attached document; and

WHEREAS Community Grants, Planning, and Housing (CGP&H) performed these services in 2020; and

WHEREAS CGP&H's prices are considered reasonable for the services provided and the Mayor and Council wish to continue the arrangement with CGP&H;

NOW, THEREFORE, BE IT RESOLVED that Community Grants, Planning, and Housing, with offices in Cranbury, NJ, is hereby designated as the administrative agent for COAH-related client support services for the Borough of Flemington for a period of one year, with prices as shown on the attached agreement, and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign the attached agreement with CGP&H for the services described herein.

Adopted: March 22, 2021

Betsy Driver, Mayor

Attest:

Resolution 2021-79

Meeting of March 22, 2021

Sallie Graziano, RMC, Municipal Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED**RESOLUTION 2021-80**

DOC ID: 3455

Authorizing the Fire Official to Advertise for and Hire Fire Inspectors as Needed at \$20/Hour

WHEREAS the borough Fire Official has requested permission to hire licensed fire inspectors as needed to conduct some of the required fire inspections of commercial and residential properties in the borough, and

WHEREAS Council recognizes that the need for the inspectors exists because of the increase in the number of rental units, summer events including food trucks that must be inspected outside normal working hours, and a shortage of clerical staff due to vacant positions among the office staff, and

WHEREAS the fire official has recommended an hourly rate of \$20 for any additional inspector; and

WHEREAS the licensing fees generated by the inspections will cover the expense with no negative impact to any other aspect of the borough budget or financial commitment to the fire department;

THEREFORE BE IT RESOLVED that the Fire Official may advertise the position of inspector.

BE IT FURTHER RESOLVED that the Fire Official may hire licensed fire inspectors as needed, at the rate of \$20 per hour.

Adopted: March 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Municipal Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED**RESOLUTION 2021-81**

DOC ID: 3458

Amendment to Sales Agreement for Borough Property at 144 Main Street

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 03/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED**RESOLUTION 2021-83**

DOC ID: 3459

Resolution of Support from Flemington Borough Council Authorizing the Sustainable Jersey 2021 EDF Climate Corps Program Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Flemington Borough strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, Flemington Borough is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created the 2021 EDF Climate Corps Program;

WHEREAS, the Borough Council of Flemington Borough has determined that Flemington Borough should apply for the aforementioned 2021 EDF Climate Corps Program. The assistance will support the Borough's goals of educating itself and community members further about sustainable activities and developing initiatives supporting sustainable local government practices; and

WHEREAS, Flemington Borough will commit to providing staff support for the duration of the 2021 EDF Climate Corps Program, including access to data for energy projects such as utility billing data.

THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, authorizes the submission of the aforementioned application to the 2021 EDF Climate Corps Program.

Adopted: March 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk