



# Mayor and Common Council Borough of Flemington

August 9, 2021

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Council Meeting Room and Online

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## 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. Mayor's Report
- II. Council Members' Reports
- III. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
- IV. Approval of Minutes

Motion To: **Approve Minutes: July 26, 2021 Regular Council Meeting**

### Consent Agenda

1. RESOLUTION 2021-157: ACCEPTING THE RETIREMENT OF DEPUTY MUNICIPAL COURT ADMINISTRATOR JAYNE PARSONS EFFECTIVE SEPTEMBER 30, 2021, AND AUTHORIZING THE SEARCH FOR A REPLACEMENT
  2. RESOLUTION 2021-158: AUTHORIZING CLOSURE OF PART OF NEW YORK AVENUE FOR A NEIGHBORHOOD PARTY SEPT. 11, 2021 (RAIN DATE SEPT. 12)
  3. RESOLUTION 2021-159: AUTHORIZING PARTIAL CLOSURE OF STANGL ROAD FOR THE CENTRAL JERSEY JAZZ FEST ON SEPT. 10, 2021 (RAIN DATE SEPT. 11)
  4. RESOLUTION 2021-160: AUTHORIZING THE CLOSURE OF MAIN STREET BETWEEN BLOOMFIELD AVENUE AND CAPNER STREET ON AUGUST 26, 2021 FROM 6:30 P.M. TO 9:00 P.M. FOR A THURSDAY NIGHT LIGHTS EVENT
  5. RESOLUTION 2021-161: RENEWING FLEMINGTON BOROUGH'S MEMBERSHIP IN THE STATEWIDE INSURANCE FUND, 2022-2025
  6. RESOLUTION 2021-162: APPROVING SUBMISSION OF AN APPLICATION FROM LINDA NEMEC TO THE NJ STATE FIREMEN'S ASSOCIATION
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7. RESOLUTION 2021-163: AUTHORIZING A REFUND OF CONSTRUCTION FEES TO MARLEN BENTO IN THE AMOUNT OF \$494.00

### **Regular Agenda**

1. ORDINANCE 2021-17: SECOND READING, AN ORDINANCE TO AMEND CHAPTER 25 OF THE CODE OF THE BOROUGH OF FLEMINGTON ENTITLED "COLLECTION OF SOLID WASTE"
  2. ORDINANCE 2021-18: SECOND READING, SALARY ORDINANCE 2021
  3. ORDINANCE 2021-19: FIRST READING, AMENDING SECTION 3-1 OF THE CODE OF THE BOROUGH OF FLEMINGTON TO INCLUDE THE PROHIBITION OF ILLEGAL DUMPING OF SOLID WASTE AND TO INCREASE THE PENALTIES UNDER THIS SECTION
  4. RESOLUTION 2021-164: AUTHORIZING A RETURN TO ONLINE-ONLY COUNCIL MEETINGS DUE TO COVID-19 CONCERNS
  5. RESOLUTION 2021-165: AUTHORIZING AND DIRECTING THE LAND USE BOARD OF THE BOROUGH OF FLEMINGTON TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER A CERTAIN AREA WITHIN THE BOROUGH IS A REDEVELOPMENT AREA AND TO SUPPLEMENT AND CLARIFY RESOLUTION 2020-155
  6. RESOLUTION 2021-166: AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR 2022
  7. RESOLUTION 2021-167: CHAPTER 159 RESOLUTION ADDING AMERICAN RESCUE PLAN GRANT FUNDS INTO THE 2021 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$239,533.98
  8. RESOLUTION 2021-168: CHAPTER 159 RESOLUTION ADDING ALCOHOL EDUCATION, REHABILITATION & ENFORCEMENT GRANT FUNDS INTO THE 2021 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$2,044.79
  9. RESOLUTION 2021-169: CHAPTER 159 RESOLUTION ADDING BODY ARMOR GRANT FUNDS INTO THE 2021 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$1,543.51
  10. RESOLUTION 2021-170: CHAPTER 159 RESOLUTION ADDING CLEAN COMMUNITIES GRANT FUNDS INTO THE 2021 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$8,988.74
  11. RESOLUTION 2021-171: CHAPTER 159 RESOLUTION ADDING RECYCLING TONNAGE GRANT FUNDS INTO THE 2021 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$22,842.60
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12. RESOLUTION 2021-172: ACCEPTING THE RESIGNATION OF ROBERT MARTUCCI AS BOROUGH ADMINISTRATOR AND AUTHORIZING HIS RETURN TO THE REMAINDER OF HIS PROFESSIONAL SERVICES AGREEMENT AS BOROUGH ENGINEER

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

VI. Attorney's Report

VII. Payment of the Bills

Motion To: **Pay the Bills**

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

IX. Adjournment

Motion To: **Adjourn**

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-157**

DOC ID: 3550

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**Accepting the Retirement of Deputy Municipal Court  
Administrator Jayne Parsons Effective September 30, 2021,  
and Authorizing the Search for a Replacement**

BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON

WHEREAS, the Borough of Flemington has received notice that Deputy Court Administrator Jayne Parsons plans to retire effective September 30, 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 Deputy Court Administrator Jayne Parsons 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 this retirement, effective immediately.

Adopted: August 9, 2021

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-158**

DOC ID: 3551

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**Authorizing Closure of Part of New York Avenue for a  
Neighborhood Party Sept. 11, 2021 (Rain Date Sept. 12)**

Borough of Flemington  
County of Hunterdon

WHEREAS, residents of New York Avenue plan a neighborhood party for Sept. 11, 2021 (rain date Sept. 12, 2021); and

WHEREAS, they desire to close a portion of New York - between Elwood Ave. and Route 31 short of the laundromat entrance - between the hours of 3:00 PM and 10:00 PM if held on Sept. 11, and between the hours of 1:00 and 7:00 PM if held on Sept. 12; and

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

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that approval be given for New York Avenue to be closed for a neighborhood party between Elwood Avenue and Route 31 short of the laundromat entrance, between the hours of 3:00 PM and 10:00 PM on Sept. 11, 2021, or between the hours of 1:00 PM and 7:00 PM if held on Sept. 12, 2021.

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-159**

DOC ID: 3556

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**Authorizing Partial Closure of Stangl Road for the Central Jersey Jazz Fest on Sept. 10, 2021 (Rain Date Sept. 11)**

**WHEREAS**, the Flemington Community Partnership has requested that Stangl Road be closed from Church Street to Mine Street on Friday, September 10, 2021 (Rain Date September 11) from 5:00 PM to 10:00 PM for a Central Jersey Jazz Festival; and

**WHEREAS**, the Flemington Borough Police Department has reviewed this request and has approved the road closure as requested;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the requested road closure as outlined above is approved for the Central Jersey Jazz Festival being held on Friday, September 10, 2021 (Rain Date September 11).

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

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3555

**SCHEDULED**

**RESOLUTION 2021-160**

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**Authorizing the Closure of Main Street Between Bloomfield Avenue and Capner Street on August 26, 2021 from 6:30 P.M. to 9:00 P.M. for a Thursday Night Lights Event**

Borough of Flemington  
County of Hunterdon

WHEREAS, the Flemington Community Partnership has requested the closure of Main Street on Thursday, August 26, 2021, between Bloomfield Avenue and Capner Street from 6:30 p.m. to 9:00 p.m.; and

WHEREAS, the Flemington Borough Police Department has reviewed this request and has approved the closure as requested.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the requested road closure as outlined above is approved for a Thursday Night Lights event to be held on August 26, 2021

Adopted:

ATTEST:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-161**

DOC ID: 3553

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**Renewing Flemington Borough's Membership in the  
Statewide Insurance Fund, 2022-2025**

**BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, the Borough of Flemington ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2022** terminating on **January 1, 2025** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s):

Workers' Compensation & Employer's Liability  
Comprehensive General Liability  
Automobile Liability and Physical Damage  
Public Officials and Employment Practices Liability  
Pollution Liability  
Property  
Inland Marine Boiler and Machinery

Crime-Faithful Performance and Fidelity  
Cyber Liability  
Non Owned Aircraft

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

Adopted: August 9, 2021

Attest:

Flemington Borough  
**Member Name**

By: \_\_\_\_\_

Betsy Driver, Mayor

ATTEST:

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-162**

DOC ID: 3559

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**Approving Submission of an Application from Linda Nemec  
to the NJ State Firemen's Association**

BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON

**WHEREAS**, Linda Nemec has met the necessary qualifications to make an application to the New Jersey State Firemen's Association; and

**WHEREAS**, the application requires that the Governing Body approve the application and authorize the Municipal Clerk to sign the application to the New Jersey State Firemen's Association.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that approval is granted for the Clerk to sign the application for Linda Nemec to apply to the New Jersey State Firemen's Association.

Approved:

ATTEST:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Rebecca Newman  
Initiator: Rebecca Newman  
Sponsors:  
DOC ID: 3560

**SCHEDULED**

**RESOLUTION 2021-163**

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**Authorizing a Refund of Construction Fees to Marlen Bento  
in the Amount of \$494.00**

WHEREAS, Marlen Bento submitted plans to build a home at 19 Church Street, Block 35 Lot 65; and

WHEREAS, the fees were calculated and an error occurred; and

WHEREAS, the applicant picked up the permit and submitted a check to the Borough of Flemington which was deposited.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that a refund in the amount of \$494.00 for an overage of building permit fees collected on block 35 lot 65, 19 Church Street be approved.

BE IT FURTHER RESOLVED, that the CFO is instructed to mail a check in the amount of \$494.00 payable to Marlen Bento.

Adopted: August 9, 2021

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3557

**SCHEDULED**

**RESOLUTION 2021-164**

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**Authorizing a Return to Online-Only Council Meetings Due to COVID-19 Concerns**

**WHEREAS**, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

**WHEREAS**, Flemington Borough Council held its meetings online-only when transmission levels of the COVID-19 virus rose above the "Moderate" category in Hunterdon County; and

**WHEREAS**, Flemington Borough Council resumed in-person meetings, which were simultaneously broadcast online, when Hunterdon County's Community Transmission Level of the COVID-19 virus fell to the "Moderate" category; and

**WHEREAS**, Hunterdon County's Community Transmission Level of the COVID-19 virus has risen back up to the "Substantial" category; and

**WHEREAS**, Flemington Borough Council recognizes the limitations posed by the size of the Council Meeting Room at Borough Hall and the need for social distancing in areas where COVID-19 transmission is substantial;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Flemington will return to holding its meetings online-only until Hunterdon County's Community Transmission Level returns to the lower "Moderate" level.

**BE IT FURTHER RESOLVED** that members of the public will be able to give public comment during relevant portions of the meeting by following procedures explained on the Borough website, [www.historicflemington.com](http://www.historicflemington.com), and that access information for the online meetings will be provided on the Borough website.

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-165**

DOC ID: 3552

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**Authorizing and Directing the Land Use Board of the  
Borough of Flemington to Undertake a Preliminary  
Investigation to Determine Whether a Certain Area Within the  
Borough is a Redevelopment Area and to Supplement and  
Clarify Resolution 2020-155**

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, the governing body of the Borough of Flemington (the "Borough") is authorized to direct the Land Use Board of the Borough of Flemington ("Land Use Board" to undertake a preliminary investigation in order to determine whether a certain area within the Borough would qualify as an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Legislature amended the Local Redevelopment and Housing Law on September 6, 20213 to expand and clarify various provisions of the same; and

**WHEREAS**, as a provision of the amendment to N.J.S.A. 40a:12-6, the Legislature has directed that the resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain ("Non-Condernation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the powers of eminent domain (Condernation Redevelopment Area"); and

**WHEREAS**, the Borough may desire to make use of all the powers provided the Legislature for use in a redevelopment area, and specifically, the Borough may (but is not required nor authorizing this at this time to) choose to utilize the power of eminent domain; and

**WHEREAS**, by Resolution 2020-155, the Borough directed the Planning Board to undertake a preliminary investigation to determine whether certain properties in the Borough satisfied the criteria to be designated as an area in need of redevelopment, including Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69 and 71; and

**WHEREAS**, subsequent to the adoption of Resolution 2020-155, it was determined that Block 35, Lot 69 is also known as Block 35, Lots 69 and 70, as Lot 70 is listed on the official records of the Borough as an additional Lot to Lot 69; and

**WHEREAS**, it was the intention of the Borough in Resolution 2020-155 to direct the Planning Board to undertake a preliminary investigation which included the property known and designated as Block 35, Lots 69 and 70; and

**WHEREAS**, it is the desire of the Borough to clarify and supplement Resolution 2020-155 such that the reference to Block 35, Lot 69 was intended to include the property known and designated as Block 35, Lots 69 and 70; and

**WHEREAS**, the Mayor and Council desire the Land Use Board to conduct such a preliminary investigation relative to certain properties located within the Borough, more specifically identified as Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 and 71 as shown on the Official Tax Map of the Borough of Flemington, which is more commonly known as Liberty Village (the "Property").

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, they being the Governing Body thereof, as follows:

1. The Land Use Board of the Borough of Flemington is hereby directed to conduct a preliminary investigation to determine whether the aforementioned property, or any portions thereof, constitute a Non-Condensation area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A-12A-5;
2. The Land Use Board of the Borough of Flemington is hereby directed to conduct a preliminary investigation of the aforementioned Property, in accordance with the requirements set forth in N.J.S.A. 40A:12A-6, more specifically, to prepare a map showing the boundaries of the potential area in need of redevelopment and locations of the various parcels of property included therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is a Non-Condensation Redevelopment Area; to give notice of said hearing pursuant to the hearing notice requirements set forth in N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and
3. After completing its hearing on the matter, the Land Use Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Municipal Governing Body to be a Non-Condensation Redevelopment Area.

**BE FURTHER IT RESOLVED** that this resolution shall take effect immediately.

Adopted: August 9, 2021

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-166**

DOC ID: 3558

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**Authorizing the Release of a Request for Proposals for  
Professional Services for 2022**

**WHEREAS**, the Borough of Flemington wishes to solicit proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. for the following positions to be filled in 2022:

Borough Attorney  
Labor Attorney  
Bond Counsel  
Municipal Auditor  
Borough Engineer  
Sewer Engineer  
Traffic Engineer  
Hydrological Services  
Planner

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the Borough of Flemington that a request for proposals be released for the above-named positions.

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-167**

DOC ID: 3544

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**Chapter 159 Resolution Adding American Rescue Plan Grant Funds into the 2021 Municipal Budget of the Borough of Flemington in the Amount of \$239,533.98**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Flemington has received \$239,533.98 for the American Rescue Plan Grant and wishes to amend its 2021 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2021 in the amount of \$239,533.98 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

American Rescue Plan Grant	\$239,533.98
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BE IT FURTHER RESOLVED that a like sum of \$239,533.98 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs Offset by Revenues:

American Rescue Plan Grant	\$239,533.98
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Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-168**

DOC ID: 3545

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**Chapter 159 Resolution Adding Alcohol Education,  
Rehabilitation & Enforcement Grant Funds into the 2021  
Municipal Budget of the Borough of Flemington in the  
Amount of \$2,044.79**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Flemington has received \$2,044.79 from the State of New Jersey for the Alcohol Education, Rehabilitation & Enforcement Fund Grant and wishes to amend its 2021 budget to include this amount as revenue,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2021 in the amount of \$2,044.79 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Alcohol Education, Rehabilitation & Enforcement Fund Grant	\$2,044.79
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BE IT FURTHER RESOLVED that a like sum of \$2,044.79 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs Offset by Revenues:

Alcohol Education, Rehabilitation & Enforcement Fund Grant	\$2,044.79
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Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-169**

DOC ID: 3546

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**Chapter 159 Resolution Adding Body Armor Grant Funds into  
the 2021 Municipal Budget of the Borough of Flemington in  
the Amount of \$1,543.51**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Flemington has received \$1,543.51 from the State of New Jersey for the Body Armor Grant and wishes to amend its 2021 budget to include this amount as revenue,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2021 in the amount of \$1,543.51 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior  
Written Consent of Director of Local Government Services - Public and Private Revenues  
Offset with Appropriations:

Body Armor Grant	\$1,543.51
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BE IT FURTHER RESOLVED that a like sum of \$1,543.51 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs  
Offset by Revenues:

Body Armor Grant	\$1,543.51
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Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-170**

DOC ID: 3547

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**Chapter 159 Resolution Adding Clean Communities Grant  
Funds into the 2021 Municipal Budget of the Borough of  
Flemington in the Amount of \$8,988.74**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Flemington has received \$8,988.74 from the State of New Jersey for the Clean Communities Grant and wishes to amend its 2021 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2021 in the amount of \$8,988.74 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Clean Communities Grant	\$ 8,988.74
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BE IT FURTHER RESOLVED that a like sum of \$8,988.74 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs Offset by Revenues:

Clean Communities Grant	\$ 8,988.74
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Adopted: August 9, 2021

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3548

**SCHEDULED**

**RESOLUTION 2021-171**

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**Chapter 159 Resolution Adding Recycling Tonnage Grant  
Funds into the 2021 Municipal Budget of the Borough of  
Flemington in the Amount of \$22,842.60**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough of Flemington has received \$22,842.60 from the State of New Jersey for the Recycling Tonnage Grant and wishes to amend its 2021 budget to include this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2021 in the amount of \$22,842.60 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues  
Offset with Appropriations:

Recycling Tonnage Grant \$ 22,842.60

BE IT FURTHER RESOLVED that a like sum of \$22,842.60 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs  
Offset by Revenues:

Recycling Tonnage Grant \$ 22,842.60

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-172**

DOC ID: 3561

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**Accepting the Resignation of Robert Martucci as Borough Administrator and Authorizing His Return to the Remainder of His Professional Services Agreement as Borough Engineer**

**WHEREAS**, Robert Martucci, PE, has served as Borough Engineer throughout 2021;  
and

**WHEREAS**, Mr. Martucci was hired to the joint position of Borough Administrator and Borough Engineer through Resolution 2021-143, approved July 12, 2021; and

**WHEREAS**, the contract authorized by Resolution 2021-143 specifies that if Mr. Martucci is removed by Borough Council from the position of Business Administrator, Mr. Martucci shall be entitled to remain in his position as Borough Engineer and resume the remainder of the aforementioned Professional Services Agreement; and

**WHEREAS**, Mr. Martucci notified Borough officials on August 3, 2021, that he was resigning his position as Borough Administrator;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Flemington accepts Mr. Martucci's resignation from his role as Borough Administrator; and

**BE IT FURTHER RESOLVED** that the Council of the Borough of Flemington authorized Mr. Martucci to continue in his role as Borough Engineer, under a professional services contract, through December 31, 2021.

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/9/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

INTRODUCED

**ORDINANCE 2021-17**

DOC ID: 3538

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**Second Reading: An Ordinance to Amend Chapter 25 of the Code of the Borough of Flemington Entitled "Collection of Solid Waste"**

**WHEREAS**, the Borough of Flemington, at its regular meeting of June 14, 2021 authorized the execution of a contract for solid waste collection; and

**WHEREAS**, the Borough of Flemington intends to revise the Solid Waste Collection Ordinance in a response to increases in solid waste and recycling collection, disposal, and processing costs and to be consistent with the current contract for solid waste collection.

NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY as follows:

**SECTION 1.** CHAPTER 25 OF THE CODE OF THE BOROUGH OF FLEMINGTON, ENTITLED, "COLLECTION OF SOLID WASTE" IS AMENDED AS FOLLOWS (additions are shown as *thus*; deletions are shown as ~~thus~~):

§ 25-1 INTENT AND PURPOSE. Unchanged.

§ 25-2 DEFINITIONS. Unchanged.

§ 25-3 COLLECTION DAYS ESTABLISHED.

- a. Waste collection shall be made from residents on Thursday of each week during the hours of 7:00 a.m. to 5:00 p.m., prevailing time. *Recycling collection shall be made from residents on alternate Fridays starting July 9, 2021, during the hours of 7:00 a.m. to 5:00 p.m., prevailing time.* When a collection day falls on a federal holiday, collections will be made on the following day. In case of an emergency such as a hurricane, snowstorm or other act of God which prevents the collection on a collection day, collections will be made on the following day.
- b. Residents shall not place garbage curbside any earlier than 3:00 p.m. the day preceding the scheduled collection.
- c. ~~Totes Can(s) and bags~~ have to be taken off the street no later than noon of the day after collection.

§ 25-4 WASTE RECEPTACLES.

- a. Residents and occupants shall place all waste *and recycling* to be collected in ~~receptacles~~

Flemington Borough provided Totes.

- b. ~~Residents and owners shall furnish the receptacles for the transportation of waste from dwelling units to the contractor's vehicles.~~ ***The Borough shall furnish 96-gallon Totes for the transportation of waste/recycling from dwelling units to the contractor's vehicles. Each property will be provided one (1) 96-gallon tote for solid waste and one (1) 96-gallon tote for recycling. No other cans, bags or resident-owned receptacles will be emptied. Totes are the property of the Borough and must remain with the address they are assigned to if the owner/occupant vacates the property.***
  
- c. ***Requests for Smaller Totes. Property owners or occupants can request a 65-gallon tote in lieu of the 96-gallon tote. This shall be a one-time exchange. If the property owner or occupant wishes to exchange a 96-gallon tote for a 65-gallon tote, there will be no charge. To return to the larger size tote, a \$25 fee will be assessed per tote.***
  
- d. ***Requests and Fees for Additional Totes.***
  - (i) ***A property owner may obtain an additional 96-gallon or 65-gallon solid waste tote from the Borough for a charge of \$51.00 by submitting a request in writing to the Borough Clerk. The fee for the additional tote shall be paid at the time the request is made.***
  
  - (ii) ***A property owner may obtain an additional recycling tote free of charge.***
  
  - (iii) ***Property owners shall pay an additional annual collection fee \$225.00 per additional solid waste tote. The annual collection fee and fee for the tote shall be due at the time the request is made. The fees shall not be prorated and are non-refundable. Thereafter, the annual collection fee for additional solid waste totes shall be paid each year by the property owner by January 1.***
  
  - (iv) ***If unpaid, the additional annual collection fee shall become a lien upon the property and be added to and become a part of the taxes next to be assessed and levied upon the property, and shall bear interest at the same rate as taxes and be collected and enforced by the same officer and in the same manner as taxes.***
  
- e. ***Lost, Stolen, or Damaged Totes.***
  - (i) ***If a solid waste or recycling tote is lost or stolen, the property owner shall file a police report. Thereafter, the property owner shall notify the Borough Clerk in writing***

*regarding the lost or stolen tote and provide a copy of said police report. A new tote will be provided free of charge.*

*(ii) If a tote is damaged by the garbage hauler, the property owner must notify the Borough Clerk in writing and a new tote will be provided free of charge.*

*(iii) If a tote is damaged by the property owner or occupant, the property owner shall notify the Borough Clerk in writing. A new tote shall be issued after the payment of a fee in the amount of \$51.00.*

~~Receptacles for residents shall be (i) of metal or plastic, sufficiently strong for the intended purpose, equipped with close-fitting lids and have a capacity of not more than 30 gallons, or (ii) plastic bags designed for use in the collection and disposal of waste with a capacity of not more than 30 gallons. A receptacle used by a resident when filled shall not weigh in excess of 25 pounds and be capable of being handled by one person;~~

f. ***Multi-Family Dwellings.***

*(i) Receptacles for occupants of multi-family apartment buildings shall be dumpsters which shall be watertight, constructed of metal or plastic and equipped for handling by motorized equipment. The number of receptacles, size and placement for Flemington Arms, Herman E. Kapp, Hunter Hills, Hunterdon Mews, Madison Arms, Prospect Hills and Regional Court Apartments shall be based on annual tonnage reports, needs of the occupants, limitations set forth by the owners of each individual complex and maximum allowable collection per the Borough of Flemington.*

*(ii) Detached residential homes that include apartments shall be eligible to receive a solid waste tote and recycling tote for each dwelling unit. Only apartments properly registered pursuant to the Borough Code shall be eligible to receive such totes.*

**§ 25-5 PLACEMENT OF WASTE FOR COLLECTION.**

- a. Totes containing waste/recycling to be collected from a resident shall be placed by such resident *along curb line with three feet of clearance on each side and not obstructed by parked vehicles, snow, brush, leaves etc. for automatic pick up by Borough contractor* ~~on~~ his property within three feet of the curb or street line thereof, from 3:00 p.m. the day preceding collection. A resident shall remove their waste/recycle receptacles ~~Totes~~ and any other trash left behind no later than 12:00 noon the day following collection.
- b. Owners of *multi-family complexes* shall place ~~receptacles~~ *Totes* for the collection of

waste/*recycling* from occupants at such accessible locations *for automatic pickup by Borough contractor* within the multi-family complexes as directed by the sanitation commissioner of the Borough.

- c. Residents ~~shall place no more than ten cans and/or bags of garbage curbside for collection.~~ ***shall not place any other cans, bags or resident-owned Totes out for pickup.***
- d. Residents shall place no more than ~~two~~ ***four*** bulk items curbside for collection ***on 4 days/year as designated by Borough Council.*** ~~of Acceptable materials which are the following: bicycles, nonmetal furniture [dressers, chairs, tables, sofas, beds (except steel frame beds)]; carpeting and matting (must be rolled and tied), lawn furniture, nonmetal toys, old doors, windows, screens, tools and mattresses (mattresses must be wrapped in plastic), glass tables and mirrors (must be covered in newspaper and taped to avoid breakage), single items from home repair (for example, a small vanity or single plumbing fixture). Items from construction renovations will not be collected.~~
- e. ***Bulk items shall have stickers attached that must be purchased by the resident from either the Borough or the borough contractor. No bulk items will be collected without a purchased sticker. Stickers are available for purchase by packets of four at \$40.00 per pack.***
- f. Tenants vacating a property and/or property owners ~~with an excess of 10 bags and two bulk items shall place Borough Tote and two bulk items out on designated pickup days for curbside collection and must make arrangements with an outside contractor to have the additional bulk items or waste removed and they shall not place these additional items curbside for regular waste collection.]~~

**§ 25-6 ALL WASTE TO BE COLLECTED BY CONTRACTORS.**

- a. The Borough awards contracts to contractors for the collection of waste from residents and occupants.
- b. Residents shall dispose of all waste generated by them by placing same for collection by the residential contractor in the manner and at the time herein set forth. Residents ~~shall not may~~ dispose of waste through ~~any other waste collectors except the residential contractor.~~ ***or self-transport to the Hunterdon County Transfer Station.***
- c. Owners and occupants shall dispose of all waste generated by occupants by placing same for collection by the multi-family complex contractor in the manner and at the times herein set forth. Owners and occupants shall not dispose of waste through any waste collector

except the multi-family complex contractor, provided, however, an owner of a multi-family complex may, upon ten days prior written notice to the Borough Clerk, terminate collections by the multi-family complex collector.

- d. Tenants vacating a property and/or property owners with an excess of ~~10 bags~~ **waste or recycling that does not fit in the Borough provided Tote** and ~~an excess of two~~ **four** bulk items for curbside collection must make arrangements with an outside contractor to have the additional items removed and they shall not place these additional items curbside for regular waste collection.

§ 25-7 (RESERVED)

§ 25-8 (RESERVED)

§ 25-9 PROHIBITIONS. Unchanged.

§ 25-10 SEVERABILITY. Unchanged.

§ 25-11 PENALTY.

For violation of any provision, section or subsection of this chapter, the following shall be enforced by the property maintenance inspector or police for the following offense:

- a. \$50.00 penalty for placing garbage curbside before 3:00 p.m. on the day preceding scheduled pickup.
- b. \$25.00 penalty per can/bag over the ~~ten~~ allowed. **Borough provided Tote.**
- c. \$30.00 penalty per bulk item over ~~two~~ **four** allowed. **The same penalty shall apply for any bulk items left on the curb on days other than the four days per year allotted for bulk pick up.**
- d. \$25.00 penalty for not taking ~~cans and bags~~ **the Borough- provided Tote** off the street by noon of the day after collection.
- e. When a tenant/occupant and/or property owner violates the maximum allowance of ~~10 bags~~ **1 Borough-provided Tote** and two bulk items placed curbside for collection, the property owner will be fined per the above penalties; a placard will be placed on the door of the dwelling and a letter will be sent overnight delivery instructing the property owner they

have 24 hours from receipt of the notice to remove all of the remaining debris. Failure to remove within the twenty-four-hour period will result in a contractor selected by the Borough of Flemington to remove the debris and all costs will become a lien on the property.

§ 25-12 **SEPARATE VIOLATIONS.** Unchanged.

§ 25-13 **RECYCLING AND SOLID WASTE.**

§ 25-13.1 **Definitions.** Unchanged.

§ 25-13.2 **Municipal Recycling Coordinator.** Unchanged.

§ 25-13.3 **Source Separation.** Unchanged.

§ 25-13.4 **Residential Dwelling Compliance Requirement.** Unchanged.

§ 25-13.5 **Residential Dwelling Complexes Compliance Requirement.** Unchanged.

§ 25-13.6 **Nonresidential Establishment Compliance Requirements.** Unchanged.

§ 25-13.7 **New Developments of Multi-Family Residential Units and Commercial, Institutional, or Industrial Properties.** Unchanged.

§ 25-13.8 **Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials.** Unchanged.

§ 25-13.9 **Solid Waste Transporter Requirements.** Unchanged.

§ 25-13.10 **Proof of Provision of Solid Waste and Recycling Collection Services.** Unchanged.

§ 25-13.11 **Enforcement.** Unchanged.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: July 26, 2021

Adopted:

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk

# Mayor and Common Council

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

**INTRODUCED**

Initiator: Sallie Graziano  
Sponsors:

**ORDINANCE 2021-18**

DOC ID: 3541

## Second Reading: Salary Ordinance 2021

An ordinance to fix the rate of compensation of the Mayor, Council and non-union employees of the Borough of Flemington, County of Hunterdon, State of New Jersey.

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

Section 1: The rate of compensation of the following employees shall be on a yearly basis, payable quarterly and effective January 1, 2021:

Mayor	\$6,120
Council Member	\$4,935
Public Defender	\$9,792

Section 2: The rate of compensation of the following non-union employees shall be on a yearly basis, payable bi-weekly and effective January 1, 2021:

Borough Clerk (To include Registrar of Vital Statistics)	\$57,282
Deputy Clerk	\$26,342
Administrator / Engineer	\$120,000
Chief Financial Officer (To include Deputy Collector)	\$47,828
Tax Collector	\$21,933
Tax Assessor	\$32,043
Finance Assistant	\$19,265
Municipal Court Judge	\$25,987
**\$1,010.00 per 4th Monday Court Session	
Court Administrator	\$55,000
Court Officer (per night)	\$97
Court Night Violations Clerk (per night)	\$112
Construction Official / Building Sub-Code Inspector / Zoning	\$58,679
Property Maintenance Officer (per hour rate)	\$23.08
Fire Sub-Code Inspector	\$11,597
Plumbing Sub-Code Inspector	\$11,597
Electric Sub-Code Inspector	\$12,956
Fire Marshal	\$44,217
Planning Board Secretary	\$25,087
Office of Emergency Management	\$2,295
Department of Public Works Director / Recycling Coordinator	\$112,767
Library Director	\$69,743
Librarian I	\$40,666
Librarian II	\$38,649
Property Maintenance Inspector (per hour rate)	\$23.08

Fire Prevention Inspector Step I (per hour rate)	\$20.00
Fire Prevention Inspector Step II (per hour rate)	\$21.64
Right to Know Officer	\$2,500
Police Secretary (per hour rate)	\$14.94
Library Aide (per hour rate)	\$12- \$16
Adult Crossing Guards (per hour rate)	\$16 - \$27
Tax Assessor Assistant (per hour rate)	\$26.00
Parking Enforcement Officer (per hour rate)	\$15 - \$27
Special Police Officer: Class I (per hour rate)	\$12 - \$27
Casual Employees (per hour rate)	\$12 - \$58

Section 3: The rate of compensation of the following police non-union employee shall be on a yearly basis, payable bi-weekly:

Chief of Police	\$151,076
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Introduced: July 26, 2021

Adopted:

Attest:

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Betsy Driver, Mayor

---

Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 08/09/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**ORDINANCE 2021-19**

DOC ID: 3554

---

**First Reading, Amending Section 3-1 of the Code of the  
Borough of Flemington to Include the Prohibition of Illegal  
Dumping of Solid Waste and to Increase the Penalties Under  
This Section**

**Borough of Flemington, Hunterdon County**

**WHEREAS**, in its continuing efforts to reduce and alleviate littering and dumping in the Borough of Flemington, the Borough wishes to amend the Ordinances of the Borough to include prohibiting the dumping of solid waste and to increase the penalties for illegal dumping; and

**WHEREAS**, the activity of dumping and littering is a nuisance and creates a risk to the safety, health and well-being of residents and businesses of the Borough; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that the Section of the Code of the Borough of Flemington (the "Code"), entitled "Litter," is hereby amended and supplemented as follows:

**SECTION 1.** Section 3-1 is hereby renamed, "Littering; Illegal Dumping."

**SECTION 2.** Section 3-1 is amended and supplemented as follows (additions are shown as *thus*; deletions are shown as ~~thus~~);

§ 3-1.1. Definitions. As used in this section

**AIRCRAFT**

Shall mean any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

**AUTHORIZED PRIVATE RECEPTACLE**

Shall mean a litter storage and collection receptacle.

**BULKY WASTE**

*Shall include, but not be limited to large items of solid waste which because of their size or weight require handling other than normally used for municipal waste. Bulky waste includes, but is not limited to, such auto bodies, demolition or construction materials, appliances, furniture and drums.*

**COMMERCIAL HANDBILL**

Shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- a. Which advertises for sale any merchandise, product commodity or thing.
- b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales.
- c. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit: but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such license is or may be required by any law of this state, or under any ordinance of this Borough.
- d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

#### **CONSTRUCTION/DEMOLITION WASTE**

***Shall mean waste building material and rubble resulting from construction, remodeling, repair, and demolition operations on residential, commercial and/or industrial structures and/or buildings, pavement and other structures. The following materials may be found in construction and demolition waste: treated and untreated wood scrap; tree parts; tree stumps and brush; concrete; asphalt; bricks, blocks and other masonry; plaster and wallboard; roofing materials; corrugated cardboard and miscellaneous paper; dirt; carpets and padding; glass (window and door); and other miscellaneous materials.***

#### **GARBAGE**

Shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

#### **ILLEGAL DUMPING**

***Shall mean any collection of solid waste exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume which is either dumped or caused to be dumped or placed on any property either public or private, whether or not regularly used, which tends to create a hazard to the public health, safety and welfare. This definition shall not include the careless, scattered littering of smaller individual items.***

#### LITTER

Shall mean "garbage," "refuse" and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

#### NEWSPAPER

Shall mean any newspaper of general circulation as defined by general law, any newspaper entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition, shall include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

#### NONCOMMERCIAL HANDBILL

Shall mean any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

#### PARK

Shall mean a park, reservation, playground, recreation center or any other public area in the Borough, owned or used by the Borough and devoted to active or passive recreation.

#### PERSON

Shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

#### PRIVATE PREMISES

Shall mean any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether uninhabited or temporarily or continuously inhabited or vacant, and shall include, but not be limited to, any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

**PUBLIC PLACE**

Shall mean any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

**REFUSE**

Shall mean all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

**RUBBISH**

Shall mean nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper wrappings, cigarettes, yard clippings, cardboard, tin cans, wood, glass, bedding, crockery and similar materials. For the purposes of § 3-1.4, the word rubbish shall also include leaves.

**SOLID WASTE**

***Shall include, but not be limited to, municipal wastes (household, commercial or industrial), bulky waste (appliances, furniture, vehicles, vehicles parts, rubber tires), demolition waste (residential, commercial and/or industrial), and/or vegetative waste (plant stalks, hulls, leaves, tree wastes processed through a wood chipper, tree parts, grass clippings, shrubbery and/or garden wastes).***

**VEHICLE**

Shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

**§ 3-1.2. *Prohibited Acts and Regulated Activities* Litter in Public Places.**

a. ***No person shall throw, drop, discard, put or place, or cause or permit to be thrown, dropped, discarded, put or placed, any solid waste, rubbish, refuse, garbage, ashes, paper, dirt, cinders, substance, matter or thing upon any street, sidewalk, or public property other than in a litter receptacle, or having done so, to allow such litter to remain. No person shall throw or deposit litter in or upon any street, sidewalk or other place within the Borough except in public receptacles for collection.***

b. ***Whenever any litter and/or solid waste is thrown or discarded or allowed to fall from a vehicle in violation of this Chapter, the operator or owner, or both, of the motor vehicle shall also be deemed to have violated this Chapter. No person shall throw or deposit litter in or upon any street, sidewalk, curb or other place within the Borough even though the same may be in authorized private receptacles for collection.***

c. ***Illegal Dumping of Solid Waste Prohibited. It shall be unlawful for any person to discard or dump any household or commercial solid waste, rubbish, refuse, junk vehicle or vehicle parts, rubber tires, appliances, or furniture in any place not specifically designated for the purpose of solid waste storage or disposal.***

§ 3-1.3. Placement of Litter in Receptacles so as To Prevent Scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 3-1.4. Sweeping Litter into ~~Streets~~ Gutters Prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter, ***solid waste, refuse, or rubbish*** from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Notwithstanding anything in this subsection to the contrary, it shall be permissible to rake leaves into the gutter on any street or road in the Borough for purposes of collection and disposal by the street department during the fall of each year but not after December 1. Raking or depositing leaves in any gutter except during the aforesaid period of time shall be a violation of the provisions of this section.

§ 3-1.5. Merchant's Duty To Keep Sidewalks Free of Litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Borough the accumulation of litter, ***solid waste, refuse, or rubbish*** from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Borough shall keep the sidewalk in front of their business premises free of litter, ***solid waste, refuse, or rubbish***. ***Nothing herein shall prevent the sweeping of leaves into the street during the periods officially designated or announced by the Borough Administrator as periods for the collection of such leaves.***

§ 3-1.6. Litter Thrown by Persons in Vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Borough, or upon private property.

§ 3-1.7. Truckloads Causing Litter.

No person shall drive or move any truck or other vehicle within the Borough unless the vehicle is so constructed or loaded as to prevent any load, contents or litter ***and/or solid waste*** from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Borough, the wheels

or tires of which carry onto or deposit on any street alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

§ 3-1.8. Litter in Parks.

No person shall throw or deposit litter, **solid waste, refuse, or rubbish** in any park within the Borough except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the persons responsible for its presence and properly disposed of elsewhere.

§ 3-1.9. Litter in Fountains and Streams.

No person shall throw or deposit litter in any fountain, pond, stream or any other body of water within the Borough.

§ 3-1.10. Throwing or Distributing Commercial Handbills in Public Places.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Borough. Nor shall any person hand out or distribute or sell any commercial handbill in any public place, provided that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill to any person willing to accept it.

§ 3-1.11. Placing Commercial and Noncommercial Handbills on Vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle, provided that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ 3-1.12. Depositing Commercial and Noncommercial Handbills on Uninhabited or Vacant Premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 3-1.13. Prohibiting Distribution of Handbills where Property Posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof, a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon the premises.

§ 3-1.14. Distributing Commercial and Noncommercial Handbills at Inhabited Private Premises.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting the handbill directly to the owner, occupant or other person then present in or upon the private premises, provided that in cases of inhabited private premises which are not posted, the person, unless requested by anyone upon the premises not to do so, may place or deposit any handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets, or other public places, except that mailboxes may not be so used when so prohibited by federal postal law or regulations.

§ 3-1.15. Exemption for Mail and Newspapers.

The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place, or upon private property.

§ 3-1.16. Dropping Litter from Aircraft.

No person in an aircraft shall throw out, drop or deposit within the Borough any litter, handbill or other object.

§ 3-1.17. Posting Notices Prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

§ 3-1.18. Litter on Occupied Private Property.

No person shall throw or deposit litter, **solid waste, refuse, or rubbish** on any occupied private property within the Borough, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 3-1.19. Owner to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter, **solid waste, refuse, or rubbish** provided that this subsection shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 3-1.20. Litter on Vacant Lots.

No person shall throw or deposit litter, **solid waste, refuse, or rubbish** on any open or vacant private property within the Borough whether owned by that person or not.

§ 3-1.21. **Enforcement; Violations and Penalties** ~~Clearing of Litter from Lands by Borough.~~

a. **Enforcement.** *This Chapter shall be enforced by Borough Police Officers or Borough Health Officer.*

b. **Notice To Remove.** The health officer or the police chief is authorized and empowered to notify the owner or tenant of any lands within the Borough or the agent of such owner or tenant, to properly dispose of litter, **solid waste, refuse, or rubbish** located on the owner or tenant's lands which is dangerous to public health, safety or welfare. The notice shall be given by personal service, or by certified mail addressed to the owner, at his last known address.

cb. **Action upon Noncompliance.** Upon the failure, neglect or refusal of any owner or tenant or any agent of the owner or tenant so notified to properly dispose of litter, **solid waste, refuse, or rubbish** dangerous to public health, safety or welfare within ten days after receipt of written notice, or within 15 days after the date of such notice in the event the notice is returned to the Flemington Post Office because of its inability to make delivery, provided it was properly addressed to the last known address of the owner, tenant, or agent, the litter, **solid waste, refuse, or rubbish** shall be removed from the lands in question under the direction of the health officer or police chief.

de. **Charges Included in Tax Bill.** In all cases where the Borough has affected the removal of litter, **solid waste, refuse, or rubbish** or has paid for its removal under the direction of the health officer or the police chief, the health officer or police chief, whichever the case may be, shall certify the cost to the Borough Council. The Council shall examine the certificate, and if found correct shall charge the cost shown against the lands involved. The amount charged shall forthwith become a lien upon the lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

e. **Penalties for Littering.** *Any person who violates this Chapter shall be subject to the fines and penalties set forth in Chapter 2, Attachment 1, Schedule A of this Code, in the discretion of the Judge imposing the same as follows:*

i. *Any person who shall violate any subsection of Section 3-1 of the Code as it relates to littering, shall be subject to a fine of not less than \$56.00 upon conviction.*

ii. *Any person who shall violate Section 3-1.2(a) of the Code with regard to littering in public places shall be subject to a fine of not less than \$50.00 upon*

**conviction of a first offense and a fine of not less than \$100 upon the conviction of subsequent offenses.**

***f. Penalties for Illegal Dumping. In addition to the cost of removal of the solid waste, refuse, or rubbish, any person who shall violate any of the provisions of this Chapter or any other order promulgated hereunder shall, as it relates to illegal dumping of solid waste, upon conviction, be subject to a fine of not less than \$2,500.00 and not exceeding \$10,000.00. Each day that a violation continues shall constitute a separate violation.***

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced:

Adopted:

Attest:

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

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