



Mayor and Common Council Borough of Flemington

November 22, 2021

Online during COVID-19 Emergency

Call to Order (6:30 PM)

Executive Session (6:30 PM)

1. RESOLUTION 2021-241: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING NEGOTIATIONS REGARDING CELLULAR FACILITIES ON THE BOROUGH'S WATER TOWER

Work Session (7:00 PM)

Regular Meeting (7:30 PM)

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

Flag Salute

Roll Call:

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

- I. 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: November 8, 2021 Regular Council Meeting**

Consent Agenda

1. RESOLUTION 2021-242: AUTHORIZING RETURN OF \$250 ESCROW FEE FOR A STREET OPENING PERMIT ISSUED FOR 17 BROAD STREET
 2. RESOLUTION 2021-243: AUTHORIZING RETURN OF \$250 ESCROW FEE FOR A STREET OPENING PERMIT ISSUED FOR 28 EMERY AVENUE
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Regular Agenda

1. RESOLUTION 2021-244: FLEMINGTON SPECIAL IMPROVEMENT DISTRICT BUDGET, 1ST READING
 2. ORDINANCE 2021-28: FIRST READING: AN ORDINANCE OF THE BOROUGH OF FLEMINGTON ADOPTING THE "LIBERTY VILLAGE REDEVELOPMENT PLAN, FLEMINGTON BOROUGH," DATED NOVEMBER 18, 2021, IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A: 12A-7
 3. RESOLUTION 2021-245: REFERRING ORDINANCE 2021-28 TO THE FLEMINGTON BOROUGH PLANNING BOARD FOR COMMENT AND REVIEW
 4. RESOLUTION 2021-246: AUTHORIZING THE PARTIAL CLOSING OF A BOROUGH STREET FOR A COMMUNITY EVENT SUPPORTING KIMI GOETZ
 5. RESOLUTION 2021-247: AUTHORIZING EXECUTION OF A CONTRACT FOR THE HOPEWELL AVENUE AND DEWEY AVENUE ROAD IMPROVEMENT PROJECTS WITH REIVAX CONTRACTING CORPORATION, BRIDGEWATER, NJ
 6. RESOLUTION 2021-248: AUTHORIZING EXECUTION OF A CONTRACT FOR THE HOPEWELL AVENUE AND DEWEY AVENUE WATER & SEWER IMPROVEMENTS PROJECT WITH REIVAX CONTRACTING CORPORATION, BRIDGEWATER, NJ
 7. RESOLUTION 2021-249: AUTHORIZING PURCHASE OF EQUIPMENT FOR THE BOROUGH PUBLIC WORKS DEPARTMENT TOTALING \$103,391.44
- 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 in the Amount of \$903,074.80**
- 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: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-241

DOC ID: 3644

**Retiring into Executive Session for the Purpose of
Discussing Negotiations Regarding Cellular Facilities on the
Borough's Water Tower**

WHEREAS, the Common Council of the Borough of Flemington desires to discuss negotiations regarding the Borough's lease for a Communications cell tower; and

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

Any pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party; and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public, given the ongoing negotiations and their unknown duration;

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

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-242

DOC ID: 3642

**Authorizing Return of \$250 Escrow Fee for a Street Opening
Permit Issued for 17 Broad Street**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Man Hours Inc., T/A J&J Landscaping, applied for a street opening permit for drainpipe repair work at a property at 17 Broad Street and paid all necessary fees, including \$250 escrow; and

WHEREAS, the project has been completed to the satisfaction of borough officials;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund of the escrow in the amount of \$250.00, made payable to Man Hours Inc., 143 State Route 31, Flemington, NJ 08822, is approved.

Adopted:

Betsy Driver, Mayor

Attest:

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3645

SCHEDULED

RESOLUTION 2021-243

**Authorizing Return of \$250 Escrow Fee for a Street Opening
Permit Issued for 28 Emery Avenue**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, David and Lauri Perkins applied for a street opening permit for a driveway widening project at 28 Emery Avenue, including \$250 escrow; and

WHEREAS, the project has been completed to the satisfaction of Borough officials;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund of the escrow in the amount of \$250.00, made payable to David and Lauri Perkins, 28 Emery Ave., Flemington, NJ 08822, is approved.

Adopted:

Betsy Driver, Mayor

Attest:

Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3608

SCHEDULED

RESOLUTION 2021-244

2022 Flemington Special Improvement District Budget, 1St Reading

WHEREAS, at its meeting of November 22, 2021, the governing body of the Borough of Flemington introduced and approved the Flemington Borough Special Improvement District budget for the period January 1, 2022 - December 31, 2022, which budget is annexed hereto; and

WHEREAS, after notice of advertisement in a newspaper of general circulation, the governing body of Flemington Borough conducted a public hearing on December 13, 2020, at 7:30 P.M.; and

WHEREAS, the governing body of Flemington Borough has determined that at least one (1) week prior to the hearing a complete copy of the proposed budget was (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of Borough of Flemington, having considered the comments at the public hearing, is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Flemington is required to adopt the budget by resolution after closing the hearing;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Flemington that:

(1) The Flemington Borough Special Improvement District 2021 budget is approved by the governing body of the Borough of Flemington and it is approved for the period of January 1, 2022 - December 31, 2022 in the amount of _____, to be collected via the Special Improvement Tax.

(2) The municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessed properties in the District, as listed in the Ordinance establishing the District, which assessment roll

shall include a description of the property and the name of the record owner of each such property;

(3) This special assessment shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Flemington as set forth within the Ordinance and the assessment as follows: Schedule A (Downtown) shall be assessed at 66%; and, Schedule B (Highway) shall be assessed at 34%;

(4) Payments the District received by the Borough of Flemington shall be transferred to the Flemington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and

(5) The Borough Clerk is hereby authorized to forward a certified copy of this resolution to Flemington Borough Business Improvement District Management Corporation, the Hunterdon County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

(6) BUDGET

2022 BUDGET (See Attachment for Detail)

Introduced: November 22, 2021

Adopted: December 13, 2021

Betsy Driver, Mayor

Attest:

Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-245

DOC ID: 3648

**Referring Ordinance 2021-28 to the Flemington Borough
Planning Board for Comment and Review**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON, NEW JERSEY**

WHEREAS, the Flemington Borough Council passed the first reading of Ordinance 2021-28 at the November 22, 2021 Council meeting, and;

WHEREAS, the Planning Board has 35 days to provide comment and review prior to a second reading and public hearing;

NOW, THEREFORE, BE IT RESOLVED that the Flemington Borough Council sends Ordinance 2021-28 to the Planning Board for comment and review.

Adopted: November 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-246

DOC ID: 3646

**Authorizing the Partial Closing of a Borough Street for a
Community Event Supporting Kimi Goetz**

Borough of Flemington
County of Hunterdon

WHEREAS, Borough residents will be holding a gathering on December 12, 2021, from noon to 3 p.m. to support skater Kimi Goetz as she competes at the World Cup games in Calgary and prepares for Olympic tryouts; and

WHEREAS, these residents have requested that New York Avenue be closed as follows:
Between the hours of noon and 3:00 PM, between Elwood Avenue and the entrance of the laundromat at Route 31; 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.

Adopted: November 22, 2021

ATTEST:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-247

DOC ID: 3649

**Authorizing Execution of a Contract for the Hopewell Avenue
and Dewey Avenue Road Improvement Projects with Reivax
Contracting Corporation, Bridgewater, NJ**

WHEREAS, pursuant to Resolutions 2021-184 and 185 adopted on September 13, 2021, the Borough of Flemington awarded the Contract for Hopewell Avenue and Dewey Road Improvement Projects (the "Projects") to Reivax Contracting Corporation, 68 FINDERNE AVENUE, BRIDGEWATER, NEW JERSEY 08807 ("Reivax"); and

WHEREAS, the Borough must execute the required Contracts for the Projects; and

WHEREAS, the Borough Engineer and Attorney have reviewed the performance bond and insurance information submitted by Reivax;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Mayor and Clerk are authorized to execute the Contract and associated documents for the Hopewell Avenue and Dewey Avenue Road Improvement Projects with Reivax Contracting Corporation, 68 FINDERNE AVENUE, BRIDGEWATER, NEW JERSEY 08807 subject to the following conditions:

1. The Borough Engineer and Attorney must approve the form and amount of performance bonds and insurance certificates provided by Reivax Contracting Corporation.
2. The Contract is subject to review and approval by the NJDOT.

Adopted: November 22, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-248

DOC ID: 3650

**Authorizing Execution of a Contract for the Hopewell Avenue
and Dewey Avenue Water & Sewer Improvements Project
with Reivax Contracting Corporation, Bridgewater, NJ**

WHEREAS, pursuant to Resolution 2021-223 adopted on October 25, 2021, the Borough of Flemington awarded the Contract for the Hopewell Avenue and Dewey Avenue Water and Sewer Improvement Project (the "Project") to Reivax Contracting Corporation, 68 FINDERNE AVENUE, BRIDGEWATER, NEW JERSEY 08807 ("Reivax"); and

WHEREAS, the Borough must execute the required Contract for the Project; and

WHEREAS, the Borough Engineer and Attorney have reviewed the performance bond and insurance information submitted by Reivax; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Mayor and Clerk are authorized to execute the Contract and associated documents for the Hopewell Avenue and Dewey Avenue Water and Sewer Improvement Project with Reivax Contracting Corporation, 68 FINDERNE AVENUE, BRIDGEWATER, NEW JERSEY 08807 subject to the following conditions:

1. The Borough Engineer and Attorney must approve the form and amount of performance bonds and insurance certificates provided by Reivax Contracting Corporation.
2. The Contract is subject to review and approval by the USDA.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-249

DOC ID: 3651

Authorizing Purchase of Equipment for the Borough Public Works Department Totaling \$103,391.44

Borough of Flemington
County of Hunterdon

WHEREAS, there is a need to purchase equipment for the Borough Public Works Department; and

WHEREAS, Borough Council appropriated funds for these purchases in capital Ordinances 2018/09, 2015/04 and the sewer budget; and

WHEREAS, purchases to be made are through Powerco, Inc., the approved vendor under the Hunterdon County Educational Services Commission cooperative pricing agreement, Bid # HCESC- Cat/Ser-19-030, detailed as follows:

Land Pride High Flow Cold Planer with side shift and tilt, \$30,129.84;

Land Pride Broom with high flow, \$7,949.82;

Snow blower with high flow motor, \$9,387.27;

(Discount for cooperative pricing agreement, -\$4,746.69)

Kubota Compact Track Loader with equipment, \$60,671.20;

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 above-detailed purchases be authorized.

Adopted: Nov. 22, 2021

Betsy Driver, Mayor

ATTEST:

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/22/21 07:30 PM
Department: Clerk of the Borough
Category: Land Development
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-28

DOC ID: 3647

**First Reading: An Ordinance of the Borough of Flemington
Adopting the "Liberty Village Redevelopment Plan,
Flemington Borough," Dated November 18, 2021, in
Accordance with the Local Redevelopment and Housing Law,
N.J.S.A. 40A: 12A-7**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, pursuant to Borough Council Resolution 2021-15, the Borough Council designated the Liberty Village Redevelopment Area, identified as Block 35, Lots 22, 23, 24, 25, 31, 53, 54, 69, 70 & 71 on the Borough of Flemington Tax Map (the "**Liberty Village Redevelopment Area**"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "**Redevelopment Law**"); and

WHEREAS, a draft Liberty Village Redevelopment Plan, dated November 18, 2021 (the "Plan") was prepared by the Borough's Planning Consultant KMA Associates, in consultation with the Mayor and Borough Council and its staff and consultants; and

WHEREAS, by Resolution adopted November 22, 2021, the Borough Council referred the proposed Plan to the Borough Planning Board (the "Board") in accordance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-7(e) for the purpose of obtaining a report of the Board as to whether the Plan is substantially consistent with the Borough Master Plan or is designed to effectuate the Master Plan, and for any recommendation deemed appropriate by the Board concerning the proposed Liberty Village Redevelopment Plan; and

WHEREAS, on December __, 2021, the Board transmitted a report to the Borough Council finding that the Liberty Village Redevelopment Plan, dated November 18, 2021, is substantially consistent with the Flemington Master Plan or is designed to effectuate the Master Plan, and recommending the adoption of the Liberty Village Redevelopment Plan, dated November 18, 2021; and

WHEREAS, the Borough Council has determined that the effective Redevelopment of the Liberty Village Redevelopment Area would be stimulated by adopting the Liberty Village Redevelopment Plan as set forth in the attachment to this Ordinance.

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

Section 1. The Liberty Village Redevelopment Plan dated November 18, 2021 be and hereby is adopted.

Section 2. The Liberty Village Redevelopment Plan, dated November 18, 2021, incorporated herein by reference, as if set forth at length, a copy of which is on file in the office of the Borough Clerk, meets the criteria, guidelines and conditions set forth at N.J.S.A. 40A:12A-7; and is otherwise in conformance with the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 3. The Liberty Village Redevelopment Plan, dated November 18, 2021, is consistent with the Borough of Flemington's Master Plan or is designed to effectuate the Plan.

Section 4. The Liberty Village Redevelopment Plan, dated November 18, 2021, shall supersede the existing zoning, and the Official Zoning Map is hereby amended to reflect the zoning set forth in the Plan.

Section 5. In the event that any section, part or provision of the Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any party thereof, other than the part so held unenforceable or invalid.

Section 6. This ordinance shall take effect upon final passage, publication, and filing with the Office of the Clerk of Hunterdon County, all as required by law.

Introduced:

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

- 211118 Liberty Village Redevelopment Plan (PDF)