



Mayor and Common Council Borough of Flemington

February 10, 2014

Council Meeting Room

Work Session Agenda (6:45 PM)

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

1. DRAFT NOISE ORDINANCE (ALL)
2. ESTABLISHMENT OF CREATIVE TEAM TO WRITE ARTS PLAN (EDWARDS)

Regular Meeting Agenda (7:30 PM)

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

Flag Salute

Roll Call:

Erica Edwards	Mayor
Dorothy Fine	Councilwoman
John Gorman	Councilman
Phil Greiner	Councilman
Joey Novick	Councilman
Phil Velella	Council Vice President
Brian Swingle	Council President

1. UPDATE: FLEMINGTON BUSINESS IMPROVEMENT DISTRICT (MEGAN JONES-HOLT, EXECUTIVE DIRECTOR)
2. RESOLUTION 2014-44: DESIGNATING AN AREA OF THE DOWNTOWN SOUTH OF THE UNION HOTEL, AS MORE PARTICULARLY DESCRIBED HEREIN, AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW
3. Public Comments -- Session I (up to approximately 3 minutes each for a maximum of approximately 30 minutes)
4. Mayor's Report (up to approximately 3 minutes)
5. Council Members' Reports (up to approximately 3 minutes each)

Councilwoman Fine
Councilman Gorman
Councilman Greiner
Councilman Novick
Council Vice President Velella
Council President Swingle

6. Approval of Minutes

Motion To: **Approve Minutes: December 28, 2013 Regular Council Meeting**

Motion To: **Approve Minutes: January 2, 2014 Reorganization Meeting Minutes**

Motion To: **Approve Minutes: January 27, 2014 Regular Council Meeting**

7. RESOLUTION 2014-45: RECOGNIZING BLACK HISTORY MONTH

8. RESOLUTION 2014-46: AUTHORIZING THE TAX ASSESSOR AND BOROUGH ATTORNEY TO SETTLE THE TAX APPEAL FILED BY AMERICAN TIRE & AUTO CARE, INC., LOCTED AT 78 CHURCH STREET, BLOCK 39 LOT 6

9. ORDINANCE 2014-1: FIRST READING: SALARY ORDINANCE

10. Public Comments -- Session II (up to approximately 3 minutes each for a maximum of approximately 30 minutes or until 10:00 PM whichever earlier occurs)

11. Attorney's Report

12. Payment of the Bills

Motion To: **Pay The Bills**

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

Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1466

SCHEDULED

AGENDA ITEM 2014-2

Draft Noise Ordinance (ALL)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman

Initiator: Rebecca Newman

Sponsors:

DOC ID: 1467

SCHEDULED

AGENDA ITEM 2014-3

Establishment of Creative Team to Write Arts Plan (Edwards)

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

DOC ID: 1465

SCHEDULED**AGENDA ITEM 2014-4**

Update: Flemington Business Improvement District (Megan Jones-Holt, Executive Director)

Mayor and Common Council38 Park Avenue
Flemington, NJ 08822Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

Initiator: Rebecca Newman

Sponsors:

DOC ID: 1463

SCHEDULED**RESOLUTION 2014-44**

**Designating an Area of the Downtown South of the Union
Hotel, as More Particularly Described Herein, as an Area in
Need of Redevelopment, Pursuant to the Local
Redevelopment and Housing Law**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

WHEREAS, pursuant to Borough Council Resolution 2010-94, adopted June 14, 2010, the Borough Council designated the Union Hotel Property, located at 70-76 Main Street, Flemington, and identified as Block 22, Lot 4 on the Borough of Flemington Tax Map (the "Union Hotel"), as an area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, pursuant to Ordinance 2010-14, adopted on October 25, 2010, the Borough Council adopted the Union Hotel Redevelopment Plan; and

WHEREAS, in May 2013, the Borough executed a Redevelopment Agreement with Flemington Union Hotel, LLC (the "Designated Redeveloper"), for the redevelopment of the Union Hotel;

WHEREAS, the Union Hotel Redevelopment Plan contemplated various alternative parking scenarios to address the increased demand that would likely result from such revitalization and reuse of the Union Hotel; and

WHEREAS, the Redevelopment Plan contemplated the possible inclusion and incorporation of certain properties surround the Union Hotel under a shared parking scenario by which the current owners and the Union Hotel would enter an arrangement to share parking to facilitate the respective uses; and

WHEREAS, the project proposed by the Designated Redeveloper will include uses that will likely generate parking demands in excess of the amount of parking spaces that could feasibly be constructed on the Union Hotel property; and

WHEREAS, one of the proposed parking solutions in the Union Hotel Redevelopment Plan was the inclusion of the remainder of Block 22 into a comprehensive parking plan to facilitate the redeveloped Union Hotel as well as existing businesses; and

WHEREAS, there exists an underutilized and largely vacant Borough-owned building within Block 22 to the south of the Union Hotel, separated by three additional privately-owned lots, as well as some other vacancies and underutilization in some surrounding buildings; and

WHEREAS, the Borough has been unable to successfully utilize the Borough-owned building and other buildings have remained vacant or partially vacant for extended time periods and have remained mostly vacant and underutilized; and

WHEREAS, in order to facilitate a comprehensive parking plan and address parking needs, which the Borough believes will be necessary to implement the Union Hotel Redevelopment Plan, and to address the underutilization and vacancies of the Borough-owned property and other surrounding properties, the Borough believes it is necessary and appropriate to investigate and consider the expansion of the Redevelopment Plan area to the south of the Union Hotel, and

WHEREAS, pursuant to Council Resolution 2013-132, adopted August 12, 2013, the Council of the Borough of Flemington directed the Planning Board to undertake a preliminary investigation to determine whether the following parcels of property located south of the Union Hotel, qualify 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"):

<u>Address</u>	<u>Block</u>	<u>Lot</u>
80 Main Street	22	5 & 2
82 Main Street	22	6
90-100 Main Street	22	7, 9, 10
104 Main Street	22	8
110 Main Street	23	1
3 Chorister Place	23	7

(the above properties collectively referred to as the "Study Area"); and

WHEREAS, the Planning Board retained the services of Clark Caton Hintz, a professional planning and architectural firm ("CCH") to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, CCH conducted such investigations and prepared a report of its investigations entitled "Preliminary Investigation For An Area In Need of Redevelopment", dated November 26, 2013 (the "Redevelopment Investigation Report"); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area exhibits conditions which conform with several of the redevelopment criterion under Section 5 of the Redevelopment Law, *N.J.S.A.* 40A:12A-5; and

WHEREAS, on December 16, 2013, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Carl E. Hintz, ASLA, CLA, PP, AICP, of CCH, as well as comments from members of the public in attendance; and

WHEREAS, the Redevelopment Investigation Report and evidence and testimony presented support a finding that the Study Area exhibits several conditions that meet the criteria for designation as an area in need of redevelopment, including but not limited to:

a. substandard, unsafe, unsanitary, dilapidated and obsolescent conditions, and a lack of light, air and space leading to unwholesome living or working conditions, under criteria "a";

b. physical abandonment, continued vacancy and lack of use constituting a discontinuance of a commercial use from which the building has fallen into a state of disrepair and tenantable, under criteria "b";

c. dilapidation, obsolescence, faulty arrangement and design, lack of ventilation, light and sanitary facilities, and an obsolete layout, which constitute a detriment to the health, safety and welfare of the community, under criteria "d";

d. the redevelopment of the Study Area in a designated Town Center is consistent with smart growth planning principals adopted by the State, under criteria "h"; and

WHEREAS, based upon the Redevelopment Investigation Study, the testimony of Carl E. Hintz concerning the Redevelopment Investigation Study and the comments from the public, the Planning Board adopted a resolution on _____, 2014, concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Borough Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Council accepts the conclusions of the Redevelopment Investigation Study and Planning Board's recommendation and wishes to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Flemington that the Study Area described herein be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to *N.J.S.A.* 40A:12A-5 and *N.J.S.A.* 40A:12A-6.

I hereby certify that the above Resolution is a true copy of the Resolution adopted by the Council of the Borough of Flemington on February _____, 2014.

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1468

SCHEDULED

RESOLUTION 2014-45

Recognizing Black History Month

Borough of Flemington
County of Hunterdon

Whereas the first African Americans were brought forcibly to these shores as early as the 17th century; and

Whereas African Americans were enslaved in the United States, including in Hunterdon County, New Jersey, and subsequently faced the injustices of segregation and the denial of basic, fundamental rights; and

Whereas in spite of these injustices, African Americans have made significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancement of the United States; and

Whereas the greatness of America is reflected in the contributions of African Americans in all walks of life throughout the history of the United States: in the writings of W.E.B. DuBois, James Baldwin, Ralph Ellison, and Alex Haley; in the music of Mahalia Jackson, Billie Holiday, Duke Ellington and others including Paul Robeson; in the resolve of athletes such as Jackie Robinson and Muhammed Ali; in the vision of leaders such as Frederick Douglass, Thurgood Marshall, and Martin Luther King, Jr.; and in the bravery of those who stood on the front lines in the battle against oppression such as Harriet Tubman and Rosa Parks;

Whereas the United States of America was conceived, as stated in the Declaration of Independence, as a new nation dedicated to the proposition that "all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness";

Whereas many Americans of all races have demonstrated their commitment to that proposition and have fought to end segregation and the denial of civil rights to African Americans.

Now therefore be it resolved by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Borough of Flemington:

- (1) acknowledges the tragedies of slavery, segregation and racism and condemns them as an infringement on human liberty and equal opportunity;

(2) honors those Americans who have stood beside African Americans in the fight for equal opportunity that continues to this day; and

(3) reaffirms its commitment to the founding principles of the United States of America that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness".

Adopted: February 10, 2014

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1462

SCHEDULED

RESOLUTION 2014-46

**Authorizing the Tax Assessor and Borough Attorney to Settle
the Tax Appeal Filed by American Tire & Auto Care, Inc.,
Locted at 78 Church Street, Block 39 Lot 6**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

WHEREAS, American Tire & Auto Care, Inc., the owner of the property at 78 Church Street (Block 39, Lot 6) in the Borough of Flemington filed real estate tax appeals challenging the 2012 and 2013 assessments of its property which are pending in the Tax Court of New Jersey; and

WHEREAS, the Tax Assessor and Borough Attorney have recommended to the Mayor and Council that such tax appeals be settled by (i) reducing the 2012 assessment from \$1,070,000 to \$1,000,000; (ii) reducing the 2013 assessment from \$1,000,000 to \$900,000; and (iii) assessing the property in 2014 at \$850,000 (without interest being paid on any refund or credit);

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Flemington that the tax appeals pending in the Tax Court of New Jersey be settled in accordance with the recommendations of the Tax Assessor and Borough Attorney; and

BE IT FURTHER RESOLVED, that the Borough Attorney be and hereby is authorized to execute and deliver an appropriate stipulation of settlement which conforms to the terms set forth above.

ERICA EDWARDS, MAYOR

Attest:

REBECCA NEWMAN, CLERK

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/10/14 12:00 AM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1464

SCHEDULED

ORDINANCE 2014-1

Salary Ordinance

2014 Salary Ordinance

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

Mayor	\$6,120.00
Council Member	\$4,935.00
*Property Maintenance Officer	\$10,812.00
*Public Defender	\$5,500.00
*Assistant Prosecutor	\$1,612.00
*Emergency Management Coordinator	\$3,225.00

*Part-time Salaries (no set hours)

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

Borough Clerk (To include Registrar of Vital Statistics)	\$33,709.00
Chief Financial Officer (To include Deputy Collector)	\$40,836.00
Tax Collector	\$18,727.00
Tax Assessor	\$27,359.00
Municipal Court Judge	\$22,189.00
**\$905.72 per 4th Monday Court Session	
Prosecutor	\$17,270.00
**\$705.60 per 4th Monday Court Session	
Court Administrator	\$51,656.00
Court Officer (per night)	\$86.55
Court Night Violations Clerk (per night)	\$78.76
Construction Official / Building Sub-Code Inspector / Zoning	\$29,845.00
*Fire Sub-Code Inspector	\$9,902.00
*Plumbing Sub-Code Inspector	\$9,902.00
*Electric Sub-Code Inspector	\$11,064.00
Fire Marshall	\$31,212.00
Planning Board Secretary	\$21,420.00
*Recycling Coordinator	\$4,000.00
Department of Public Works Director	\$65,431.00
Library Director	\$59,547.00
Librarian	\$34,723.00
Library Aide	\$8.00 - \$12.90
Adult Crossing Guards (per hour rate)	\$16.47
Parking Enforcement Officer (per hour rate)	\$16.47
Special Police Officer: Class I (per hour rate)	\$11.63 - \$17.66
*Casual Employees (per hour rate)	\$10.00 - \$40.80

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

Chief of Police	\$96,047.00
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Introduced:

Adopted:

Erica Edwards, Mayor

Attest:

Rebecca Newman
Municipal Clerk