

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 11/18/20 05:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**RESOLUTION 2020-196**

DOC ID: 3345

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**Second Amendment to Sales Agreement for Borough  
Property at 144 Main Street to Allow Extended Access and  
Potential Reimbursement Contingent on Approval from the  
NJ Department of Environmental Protection**

WHEREAS, through Resolution 2020-157, adopted Aug. 24, 2020, the Borough of Flemington granted to the prospective purchasers of Borough-owned property at 144 Main Street, Block 38, Lot 1.01, 45 days of extended access to investigate the effects of two underground tanks discovered on the property and authorized a \$15,000 credit at closing, contingent on approval by the New Jersey Department of Environmental Protection, to compensate the prospective purchasers for handling removal of the tanks; and

WHEREAS, the prospective purchasers of the above-named property have requested additional time to remove the two tanks and perform additional testing; and

WHEREAS, the prospective purchasers have requested reimbursement of any costs over \$15,000 that they incur in connection with the tank removal and additional testing;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, authorizes amending the sales agreement for Borough-owned property at 144 Main Street, Block 38, Lot 1.01, to allow extended access for the prospective purchasers to remove two tanks and perform additional testing.

BE IT FURTHER RESOLVED that:

1. If the prospective buyers' costs for removing the tanks and performing additional testing exceeds \$15,000, the Borough of Flemington will request additional funding from the New Jersey Department of Environmental Protection to cover the costs;

2. The Borough will have the right to limit the amount of its reimbursement according to the terms of the agreement;

BE IT RESOLVED that the above authorizations are contingent on approval by the New Jersey Department of Environmental Protection.

Adopted: November 18, 2020

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Tilly
<b>ABSENT:</b>	Christopher Runion