



# Mayor and Common Council Borough of Flemington

May 24, 2021

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Online during COVID-19 Emergency

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## Executive Session (6:30 PM)

1. RESOLUTION 2021-112: ENTERING INTO EXECUTIVE SESSION FOR THE PURPOSE OF INTERVIEWING A CANDIDATE FOR THE POSITION OF BUSINESS ADMINISTRATOR

## Regular Meeting (7:00 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: May 10, 2021 Regular Council Meeting**

Motion To: **Approve Minutes: May 10, 2021 Executive Session**

## Consent Agenda

1. RESOLUTION 2021-113: RECOGNIZING JUNE AS LGBTQIA PRIDE MONTH, 2021
2. RESOLUTION 2021-114: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE LIQUOR LICENSE NUMBER 1009-32-001-005 FOR FLEMINGTON CENTRAL LIQUORS FOR THE TERM 2021-2022
3. RESOLUTION 2021-115: AUTHORIZING THE RENEWAL OF CLUB LIQUOR LICENSE NUMBER 1009-31-005-001 FOR THE VETERANS OF FOREIGN WARS POST 7856 FOR THE YEAR 2021-2022

## Regular Agenda

1. RESOLUTION 2021-111: SECOND READING: RESOLUTION TO AMEND THE MUNICIPAL BUDGET FOR 2021
2. RESOLUTION 2021-88: ADOPTING THE 2021 MUNICIPAL BUDGET
3. ORDINANCE 2021-12: SECOND READING: AN ORDINANCE AMENDING CHAPTER 11 TITLED UTILITIES IN THE CODE OF THE BOROUGH OF FLEMINGTON, SPECIFICALLY SECTION 11-4.4 SEWER CHARGES
4. ORDINANCE 2021-13: FIRST READING: BOND ORDINANCE PROVIDING FOR IMPROVEMENTS FOR THE SEWER UTILITY, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF
5. RESOLUTION 2021-116: APPROVING THE SCHEDULE OF PAYMENTS FOR THE FLEMINGTON-RARITAN REGIONAL SCHOOL DISTRICT FOR THE 2021-2022 SCHOOL YEAR
6. RESOLUTION 2021-117: APPROVING THE SCHEDULE OF PAYMENTS FOR THE HUNTERDON CENTRAL REGIONAL HIGH SCHOOL DISTRICT FOR THE 2021-2022 SCHOOL YEAR
7. RESOLUTION 2021-118: INCREASING THE BID THRESHOLD TO \$44,000 AND THE QUOTE THRESHOLD TO \$6,600
8. RESOLUTION 2021-119: AUTHORIZING AND REGULATING THE ELECTRONIC DISBURSEMENT OF BOROUGH FUNDS FOR PAYROLL PURPOSES
9. RESOLUTION 2021-120: AUTHORIZING THE RELEASE OF THE REMAINING BALANCE OF \$1,298.50 IN THE DEVELOPER'S ESCROW ACCOUNTS FOR FLEMINGTON REALTY ASSOCIATES, LLC, HELD IN TRUST BY THE BOROUGH OF FLEMINGTON
10. RESOLUTION 2021-121: AUTHORIZING PARTICIPATION IN THE HUNTERDON COUNTY COOPERATIVE PRICING SYSTEM ID#51-HCCPS UPCOMING ENERGY COOPERATIVE BID FOR ELECTRIC GENERATION SUPPLY SERVICES
11. RESOLUTION 2021-122: AUTHORIZING SUBMISSION OF A STRATEGIC PLAN FOR THE CENTRAL HUNTERDON MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2022
12. RESOLUTION 2021-123: AUTHORIZING THE EXECUTION OF A SECOND ADDENDUM FOR THE CONTRACT OF SALE OF BOROUGH-OWNED PROPERTY AT 144 MAIN ST., BLOCK 38, LOT 1.01, TO TIDBITS LLC
- 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 \$151,381.81**

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

IX. Adjournment

Motion To: **Adjourn**

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3495

**SCHEDULED**

**RESOLUTION 2021-112**

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**Entering into Executive Session for the Purpose of  
Interviewing a Candidate for the Position of Business  
Administrator**

WHEREAS, the Common Council of the Borough of Flemington desires to interview a candidate for the position of Business Administrator; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. N.J.S.A. 10:4-12 (9), which cites:

any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting; and

WHEREAS, the Borough Council may take official action on the item discussed in executive session upon completion of the executive session; and

WHEREAS, Minutes of said discussion will be made available as soon as it is deemed in the public interest to do so;

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

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-113**

DOC ID: 3499

**Recognizing the Month of June as "Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Asexual (LGBTQIA) Pride Month" in the Borough of Flemington**

WHEREAS, the Borough of Flemington recognizes that June is traditionally recognized as a month of celebration by LGBTQIA people; and

WHEREAS, the Borough of Flemington values the importance of diversity among its citizens and its employees; and

WHEREAS, the Borough of Flemington has in place policies prohibiting discrimination against LGBTQIA residents and employees; and

WHEREAS, the Borough of Flemington recognizes that LGBTQIA residents, business owners and employees of Flemington have worked hard to make our community a more fabulous place; and

WHEREAS, the Borough of Flemington encourages the work of advocates who dedicate their time and efforts to the equality of all persons, and recognizes the impact that LGBTQIA individuals have had on our community; and

WHEREAS, Flemington continues to encourage all individuals to celebrate the great diversity of the American people;

NOW, THEREFORE, in recognition of LGBTQIA Pride Month, Mayor and Council hereby proclaim the month of June as "Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex & Asexual (LGBTQIA) Pride Month" in the Borough of Flemington.

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-114**

DOC ID: 3498

**Authorizing the Renewal of Plenary Retail Consumption with  
Broad Package Liquor License Number 1009-32-001-005 for  
Flemington Central Liquors for the Term 2021-2022**

**BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON**

**WHEREAS**, application for renewal has been received from Flemington Central Liquors, 8 Reaville Ave., Flemington, NJ, for Plenary Retail Consumption with Broad Package Privilege Liquor License (1009-32-001-005); and

**WHEREAS**, said application is complete and accompanied by the required fees, affidavits, and tax clearance certificate from the New Jersey Division of Taxation; and

**WHEREAS**, no written objection to the renewal of this license was received by the Borough Clerk;

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

1. That the license as referenced above be renewed for the 2021-2022 license year and that the Borough Clerk be directed to forward a certified copy of this Resolution to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and;
2. That the Borough Clerk be authorized to issue the 2021-2022 license to the proper holder.
3. This Resolution shall take effect immediately.

Adopted:

ATTEST:

By: \_\_\_\_\_  
Sallie Graziano, RMC, Borough Clerk

By: \_\_\_\_\_  
Betsy Driver, Mayor

**CERTIFICATION**

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-115**

DOC ID: 3500

**Authorizing the Renewal of Club Liquor License Number  
1009-31-005-001 for the Veterans of Foreign Wars Post 7856  
for the Year 2021-2022**

**BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON**

**WHEREAS**, application has been received from the Veterans of Foreign Wars Post 7856 for renewal of Club Liquor License 1009-31-005-001; and

**WHEREAS**, said application is complete and accompanied by the required fees, affidavits, and tax clearance certificate from the New Jersey Division of Taxation; and

**WHEREAS**, no written objection to the renewal of this license was received by the Borough Clerk;

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

1. That the license as referenced above be renewed for the 2021-2022 license year and that the Borough Clerk be directed to forward a certified copy of this Resolution to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicant; and
2. That the Borough Clerk be authorized to issue the 2021-2022 license to the proper holder.
3. This Resolution shall take effect immediately.

Adopted:

Attest:

By: \_\_\_\_\_  
Sallie Graziano, Borough Clerk

By: \_\_\_\_\_  
Betsy Driver, Mayor

**CERTIFICATION**

I, Sallie Graziano, Borough Clerk of the Borough of Flemington do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on May 24, 2021.

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/10/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**SCHEDULED**

**RESOLUTION 2021-111**

DOC ID: 3491

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**Second Reading: Resolution to Amend the Municipal Budget  
for 2021**

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS, the Local Municipal Water Utility Budget for the Year 2021 was approved on the 12<sup>th</sup> day of April, 2021, and

WHEREAS, the public hearing on said Budget has been held as advertised, and

WHEREAS, it is desired to amend said approved Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, that the following amendment to the approved Budget of 2021 be made:

Recorded Vote: AYES: Giles-McCormick, Hand, Johnston, Long, Tilly

NAYS: None

ABSTENTIONS: Runion

**Dedicated Revenues from Water Utility**

	From	To
Rents	\$1,339,500.00	\$1,404,808.38
Total:	\$1,546,000.00	\$1,611,308.38

**Water Utility Appropriations**

	From	To
Deficit in Operation in Prior Years	\$17,000.00	\$82,308.38
Total:	\$1,546,000.00	\$1,611,308.38

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for their certification of the 2021 Local Municipal Budget so amended.



BE IT FURTHER RESOLVED, that this complete amendment or summary, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Hunterdon County Democrat in the issue of May 13, 2021, and that said publication contain notice of public hearing on said amendment to be held virtually on May 24, 2021 at 7:30 PM.

Introduced: May 10, 2021

Adopted:

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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: 05/10/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**TABLED**

**RESOLUTION 2021-88**

DOC ID: 3447

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**Adopting the 2021 Municipal Budget**

BE IT RESOLVED that the 2021 Municipal Budget, shown in the attached document and as amended by Resolution 2021-111, be adopted by the Council of the Borough of Flemington, County of Hunterdon, State of New Jersey.

Introduced: April 12, 2021  
Public Hearing held: May 10, 2021  
Amended: May 10, 2021  
Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/10/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Rebecca Newman  
Initiator: Rebecca Newman  
Sponsors:

**TABLED**

**ORDINANCE 2021-12**

DOC ID: 3485

**Second Reading: An Ordinance Amending Chapter 11 Titled  
Utilities in the Code of the Borough of Flemington,  
Specifically Section 11-4.4 Sewer Charges**

**BE IT ORDAINED** that Chapter 11 titled Utilities in the Code of the Borough of Flemington, specifically Section 11-4.4 Sewer Charges, be revised as follows: (deletions are designated by strike-outs; additions are listed in bold).

**§ 11-4.4 Sewer Charges.**

	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<u>Annual fee per unit</u>	<u>450.00</u>	<u>465.00</u>	<u>480.00</u>	<u>495.00</u>	<u>510.00</u>	<u>525.00</u>
	<b><u>525.00</u></b>	<b><u>545.00</u></b>	<b><u>565.00</u></b>	<b><u>585.00</u></b>	<b><u>605.00</u></b>	<b><u>625.00</u></b>

Introduced: May 10, 2021

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Bond Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**SCHEDULED**

**ORDINANCE 2021-13**

DOC ID: 3502

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**Bond Ordinance Providing for Improvements for the Sewer Utility by and in the Borough of Flemington, in the County of Hunterdon, State of New Jersey; Appropriating \$250,000 Therefor and Authorizing the Issuance of \$200,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as a general improvements or purposes to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$250,000, which sum includes \$50,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$250,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$200,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are improvements for the Sewer Utility including, but not limited to, acquisition of a non-passenger pick-up truck and a

backhoe, and assessment of sewer inflow and infiltration processes and alternatives at various locations throughout the Borough and associated capital repairs and improvements to the sewer systems associated therewith; and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$200,000.

(c) The estimated cost of said improvement or purpose is \$250,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$50,000, is the down payment for said improvement or purpose.

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as

may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof

computed from the date of the said bonds authorized by this bond ordinance, is 7.55 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$200,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial

Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: May 24, 2021

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SALLIE GRAZIANO,  
Borough Clerk

ADOPTED ON SECOND READING

DATED: June 14, 2021

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SALLIE GRAZIANO,  
Borough Clerk

APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

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BETSY DRIVER  
Mayor



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-116**

DOC ID: 3489

**Approving the Schedule of Payments for the Flemington-Raritan Regional School District for the 2021-2022 School Year**

**WHEREAS**, the total levy for the 2021-2022 school year for the Flemington-Raritan Regional School District has been certified at \$5,847,841.00;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Flemington that the 2021-2022 school tax be paid as follows:

July 15, 2021	\$974,640.00
September 15, 2021	\$974,640.00
November 16, 2021	\$974,640.00
January 15, 2022	\$974,640.33
March 15, 2022	\$974,640.33
May 15, 2022	\$974,640.34

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-117**

DOC ID: 3490

**Approving the Schedule of Payments for the Hunterdon  
Central Regional High School District for the 2021-2022  
School Year**

**WHEREAS**, the total levy for the 2021-2022 school year for the Hunterdon Central  
Regional High School District has been certified at \$2,320,534.00;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough  
of Flemington that the 2021-2022 school tax be paid as follows:

July 10, 2021	\$386,756.00
September 10, 2021	\$386,756.00
November 10, 2021	\$386,756.00
January 10, 2022	\$386,755.34
March 10, 2022	\$386,755.34
May 10, 2022	\$386,755.32

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-118**

DOC ID: 3493

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**Increasing the Bid Threshold to \$44,000 and the Quote  
Threshold to \$6,600**

**WHEREAS**, the State of New Jersey has adjusted the bid threshold for contracting units subject to the Local Public Contracts Law effective July 1, 2020; and

**WHEREAS**, contracting units that have appointed a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9(b) and take advantage of a higher bid threshold pursuant to N.J.S.A 40A:11-3 can have a maximum bid threshold of \$44,000;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington that the bid threshold for the Borough be increased to \$44,000 and the quote threshold be increased to \$6,600.

Adopted:

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

Attest:

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-119**

DOC ID: 3494

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## **Authorizing and Regulating the Electronic Disbursement of Borough Funds for Payroll Purposes**

WHEREAS the Local Finance Board of the State of New Jersey adopted formal rules regarding "Electronic Disbursement Controls for Payroll Purposes" in order to provide formal authority for local governments to hire third-party payroll services / disbursing services to disburse funds to payroll agencies: and

WHEREAS, in order to have a payroll servicer provide disbursement services, the governing body of the Borough of Flemington must formally approve the principle of third-party having access to Borough funds, formally assigning responsibility to an official to oversee the process and by approving all contracts or extensions,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington as follows:

1. The Borough of Flemington, County of Hunterdon, is authorized to use a payroll service to prepare payment documentation, take possession of Borough funds, and make such disbursement itself on behalf of the Borough.
2. The following payroll service providers shall be required to comply with these regulations;
  - a. Payroll service providers who use their own customized programming process to execute disbursement for the Borough;
  - b. Payroll service providers who use a third-party to execute disbursements for the Borough.
3. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and shall require the contractor to do the following, not by way of limitation; data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Borough funds to contractor's account for subsequent disbursement of payment.
4. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service.
5. The payroll service is permitted to hold Borough funds pending transmittal to a payee.
6. A payroll service must meet all of the following requirements:
  - a. Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of approval officer.

- b. Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Borough.
- c. Meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guard against theft and other adverse conditions.
- d. All contracts entered into pursuant to these regulations and the laws authorizing the same shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Flemington that the contract for the 2021-2022 payroll services be awarded to R & L Data Centers in an amount not to exceed \$15,000 per year.

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: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-120**

DOC ID: 3496

**Authorizing the Release of the Remaining Balance of  
\$1,298.50 in the Developer's Escrow Accounts for Flemington  
Realty Associates, LLC, Held in Trust by the Borough of  
Flemington**

Flemington Borough, Hunterdon County

WHEREAS, Flemington Realty Associates, LLC, Attn: Robert D. Berlant, 2 North Road, Suite 1, Warren, NJ 07059 has requested the release of the balance remaining in escrow account #E-PB12-10B; and

WHEREAS, said application has been dismissed without prejudice and clearances have been received from the professionals involved authorizing the release of the escrow account;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey that the balance of the escrow account posted in connection with the Flemington Realty Associates, LLC application in the amount of \$1,298.50 be and is hereby refunded to Flemington Realty Associates, LLC.

Adopted:

Attest:

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

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

**Certification**

I, Sallie Graziano, Clerk of the Borough of Flemington, County of Hunterdon do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Flemington Borough Council on May 24, 2021.

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

Dated: \_\_\_\_\_

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-121**

DOC ID: 3497

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**Authorizing Participation in the Hunterdon County  
Cooperative Pricing System ID#51-HCCPS Upcoming Energy  
Cooperative Bid for Electric Generation Supply Services**

**WHEREAS**, the Energy Cooperative Program is a shared purchasing program for electric power, designed to aggregate the energy bills of voluntarily participating local government entities, with the focus on reducing the cost of basic generation services (BGS).

**WHEREAS**, there is no cost to municipalities to participate in the County-led cooperative.

**WHEREAS**, through the joining together of the County and participating municipalities, it is anticipated that the economy of scale will result in lowering BGS costs for all participants.

**WHEREAS**, the program will not move forward if projected savings are less than 5%.

**WHEREAS**, the County of Hunterdon as Lead Agent on behalf of the Hunterdon County Cooperative Pricing System (HCCPS) will publicly advertise for bids via an Online Auction for the purpose of procuring electric generation supply services on behalf of the Cooperative's Participating Members; and

**WHEREAS**, the Borough of Flemington is a member of the Hunterdon County Cooperative Pricing System ID#51-HCCPS and wishes to be a participant in the upcoming energy cooperative bid for Electricity Generation Supply Services for its municipal electric accounts.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Flemington, County of Hunterdon, that the Borough participate in the upcoming energy cooperative bid for Electric Generation Supply Service and Borough officials are authorized to sign the HCCPS Participation Form and provide the necessary information required to participate in the bid.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Purchasing Agent Hunterdon County and its consultant Concord Energy Services.

Adopted:

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, RMC, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-122**

DOC ID: 3501

**Authorizing Submission of a Strategic Plan for the Central Hunterdon Municipal Alliance Grant for Fiscal Year 2022**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Flemington, County of Hunterdon, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Central Hunterdon Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$ <u>15,463.00</u>
Cash Match	\$ <u>3,865.75</u>
In-Kind	\$ <u>11,597.25</u>

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Borough Council further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

Adopted:

Attest:

APPROVED: \_\_\_\_\_  
Betsy Driver, Mayor

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

**CERTIFICATION**



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 05/24/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-123**

DOC ID: 3503

**Authorizing the Execution of a Second Addendum for the  
Contract of Sale of Borough-Owned Property at 144 Main St.,  
Block 38, Lot 1.01, to Tidbits LLC**

BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON

**WHEREAS**, pursuant to Resolution 2020-99 adopted on May 26, 2020, the Borough entered into a Contract of Sale with TidBits, LLC ("Purchaser") for the sale of the property at 144 Main Street, Block 38, Lot 1.01 (the "Property") on the Tax Map of the Borough of Flemington; and

**WHEREAS**, Purchaser and the Borough were aware that the Property was subject to NJDEP monitoring due to the removal of underground storage tanks that were associated with the previous use of the Property as a gas station; and

**WHEREAS**, since entering into the Contract of Sale, the Purchaser discovered two additional underground storage tanks that were not subject to the ongoing remediation of the Property; and

**WHEREAS**, as a result, the Borough amended the Contract of Sale to allow for an expanded due diligence period, removal of the two additional tanks, and certain credits to the Purchaser at closing; and

**WHEREAS**, since the last amendment to the Contract of Sale, Purchaser's professionals have advised of contamination resulting from the two additional tanks that must be remediated; and

**WHEREAS**, Purchaser has agreed to move forward with the purchase of the Property subject to receiving an additional credit at closing as set forth in the attached Second Addendum to the Contract;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk are authorized to execute a Second Addendum to the Contract in a form substantially consistent with the attached.

Adopted:

Attest:

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

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

DRAFT

**SECOND ADDENDUM TO CONTRACT FOR SALE**  
**BY AND BETWEEN**

TIDBITS NJ, LLC ("BUYER")  
AND  
THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON  
("SELLER")  
FOR  
LOT 1.01, BLOCK 38, BOROUGH OF FLEMINGTON, HUNTERDON COUNTY  
(144 MAIN STREET)

The undersigned parties agree to amend the Contract of Sale of Real Estate dated October 5, 2020, for the above referenced property as follows:

1. Paragraph 1—*Time and Place of Closing*. The time of the closing is extended to a date before July 31, 2021.
2. Paragraph 14 is amended consistent with Paragraph 23 below.
3. Paragraph 22 – *Due Diligence Period*. The period of time for the Buyer to complete their due diligence is extended to July 1, 2021 to afford the parties the opportunity to complete the investigation of any contamination of the Property to determine if there is need for addition cleanup or monitoring. The Seller shall grant Buyer and its agents access to the Property for such purposes upon twenty-four hours written notice, which can be transmitted via email.
4. Paragraph 23 – *Additional Contractual Provisions*. The following additional terms and conditions shall be made a part of the Contract for Sale:
  - a. UST Removal – As set forth in Paragraph 14, the Buyers discovered two additional underground storage tanks after acceptance of the Buyer's bid by the Borough. The soil testing performed on behalf of the Buyer by Simple Tank Services determined that there was a discharge of oil into the soils from both of the above-referenced underground storage tanks, but the extent and scope of that contamination is not currently known. Such findings are documented in a report dated November 9, 2020, a copy of which has been provided to the Seller. The cost and expense of remediation cannot be determined until such time as further soil testing can be performed. The Buyer engaged a contractor to remove the tanks and commence the soil testing to determine the cost and expense of remediation, which coupled with the tank removal is now estimated

to run in excess of \$50,000. The parties agree to proceed to closing provided the Seller receive a closing credit totaling \$35,000 to offset a portion of these costs as follows:

- NJDEP has approved a credit on the purchase price of \$15,000 against any amounts due the NJDEP. The Borough may request upward adjustment of the DEP credit amount, but any such upward adjustment shall not alter the not to exceed credits to the Buyer set forth in this Addendum.
- Flemington Borough has approved a credit on the purchase price of \$20,000.
- If the Buyer elects to cancel for any reason during the due diligence period, the Borough shall reimburse it for the actual costs for the tank removal and soil testing incurred to the date of cancelation up to \$20,000. However, such amount shall not include charges for any testing performed by Buyer or its contractors prior to -December 30, 2020.

**b. Release regarding environmental claims.**

The Buyer specifically releases the Borough from the following claims and of the following rights: Any and all claims and causes of action regarding the condition of the Property, including, without limitation, the environmental condition of the Property and any environmental contamination in, on, under, or about the Property, and any and all environmental claims and causes of action existing now or hereafter created or enacted, whether at common law or by federal, state, county, or municipal law or ordinance, including, without limitation, claims and causes of action under the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 et seq., Spill Compensation and Control Act, N.J.S.A. 50:10-23.11 et seq. ("Spill Act"), or CERCLA, the regulations promulgated thereunder, or any amending or successor legislation and regulations.

This Release is binding on the Buyer, the Buyer's heirs, executors, administrators, personal or legal representatives, successors, and assigns, and is for the benefit of the Borough, the Borough's heirs, executors, administrators, personal or legal representatives, successors, and assigns.

Buyer recognizes that the Borough has a defense to liability under the Spill Act pursuant to N.J.S.A. 58:10-23.11(g)(d)(4).

DRAFT

It is understood and agreed that this Addendum is in addition to the terms and provisions of the Contract of Sale of Real Estate by and between the parties hereto along with all Riders and Addendums preceding this Addendum. Where any clause or clauses in this Addendum are inconsistent with any clause or clauses of the Contract referred to herein, it is understood that this Addendum shall prevail and supersede any inconsistent clause or clauses in the Contract.

The parties have read and understand this Addendum to the Contract for Sale fully. It is signed in accordance with New Jersey law by the Buyer and by the Sellers.

DATED: \_\_\_\_\_

\_\_\_\_\_  
TIDBITS NJ, LLC, Buyer

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE BOROUGH OF FLEMINGTON, Seller