



# **Mayor and Common Council Borough of Flemington**

**October 25, 2021**

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**Online during COVID-19 Emergency**

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## **Call to Order (6:30 PM)**

### **Executive Session - Action May Be Taken (6:30 PM)**

1. RESOLUTION 2021-229: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION TO DISCUSS CONTRACT NEGOTIATIONS REGARDING THE COMMUNICATIONS CELL TOWER LEASE

## **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:	<b>Approve Minutes: October 12, 2021 Regular Council Meeting</b>
Motion To:	<b>Approve Minutes: October 12, 2021 executive session</b>
Motion To:	<b>Approve Minutes: October 18, 2021 special meeting</b>
Motion To:	<b>Approve Minutes: October 18, 2021 executive session</b>

- V. Flemington Community Partnership update - Robin Lapidus

- VI. Presentation by Altus/Standard Farms regarding medical marijuana dispensary
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### **Consent Agenda**

1. RESOLUTION 2021-217: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2021-006 HELD ON BLOCK 42 LOT 9, 200 MAIN STREET
2. RESOLUTION 2021-218: APPOINTING WILLIS TOWERS WATSON AS RISK MANAGEMENT CONSULTANT FOR THE BOROUGH OF FLEMINGTON FOR 2022
3. RESOLUTION 2021-219: AUTHORIZING THE APPOINTMENT OF SALLIE GRAZIANO, BOROUGH CLERK, AS THE FUND COMMISSIONER FOR STATEWIDE INSURANCE FOR 2022
4. RESOLUTION 2021-220: AUTHORIZING TWO ON-PREMISE RAFFLES FOR FLEMINGTON MIDGET FOOTBALL TO BE HELD ON NOVEMBER 12, 2021
5. RESOLUTION 2021-221: AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE POSITION OF COMPUTER CONSULTANT FOR 2022
6. RESOLUTION 2021-222: EXTENDING THE DEADLINE FOR THE SUBMISSION OF PROPOSALS FOR LABOR ATTORNEY, BOROUGH PLANNER AND BOROUGH ENGINEER SERVICES FOR 2022 TO NOVEMBER 12, 2021
7. RESOLUTION 2021-228: IN SUPPORT OF THE FLEMINGTON AREA FOOD PANTRY'S EFFORT TO OBTAIN A USDA RURAL DEVELOPMENT GRANT TO AID IN THE ESTABLISHMENT OF A PANTRY ANNEX AT 47 MAPLE AVENUE IN THE BOROUGH OF FLEMINGTON

### **Regular Agenda**

1. ORDINANCE 2021-24: SECOND READING, AMENDING CHAPTER 14, SECTION 1404 OF THE BOROUGH CODE REGARDING THE HISTORIC PRESERVATION COMMISSION
  2. ORDINANCE 2021-27: FIRST READING, REVISING SECTION 3-3 OF THE BOROUGH CODE REGARDING THE PROCESS FOR SELLING OR DISPOSING OF JUNK OR ABANDONED VEHICLES SEIZED BY THE POLICE DEPARTMENT
  3. RESOLUTION 2021-223: AWARDING A CONTRACT FOR THE HOPEWELL AVENUE AND DEWEY AVENUE WATER & SEWER IMPROVEMENTS PROJECT TO REIVAX CONTRACTING CORPORATION, BRIDGEWATER, NJ
  4. RESOLUTION 2021-224: RESOLUTION IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY ALTUS NEW JERSEY, LLC, WITHIN THE BOROUGH OF FLEMINGTON
  5. RESOLUTION 2021-226: CONFIRMING THE TERMINATION OF CERTAIN ENGINEERING CONTRACTS WITH ROBERT MARTUCCI AND MARTUCCI ENGINEERING, LLC
  6. RESOLUTION 2021-227: RESOLUTION AUTHORIZING DRAFTING CERTAIN AMENDMENTS TO A COMMUNICATIONS SITE LEASE AGREEMENT
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VII. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

VIII. Attorney's Report

IX. Payment of the Bills

Motion To: **Pay the Bills**

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

XI. Adjournment

Motion To: **Adjourn**

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Rebecca Newman  
Initiator: Rebecca Newman  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-217**

DOC ID: 3615

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**Authorizing the Redemption of Tax Sale Certificate 2021-006  
Held on Block 42 Lot 9, 200 Main Street**

BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON

**WHEREAS**, funds were received in the amount of \$29,951.39 for the redemption of tax sale certificate # 2021-006 held on Block 42 Lot 9, known as 200 Main Street., property owner Kwenyan Professional Health Ser. LLC, certificate owner, US Bank Cust/PC8 Firsttrust Bank

**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 Tax Sale certificate #2021-006 held on Block 42 Lot 9 is redeemed in the amount of \$29,951.39 and the CFO is instructed to cut a check to the lien holder.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted:

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

Attest:

\_\_\_\_\_  
Sallie Graziano, R.M.C.  
Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-218**

DOC ID: 3614

**Appointing Willis Towers Watson as Risk Management  
Consultant for the Borough of Flemington for 2022**

**BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON**

WHEREAS, the Borough of Flemington has joined the Statewide Insurance Fund, a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and

WHEREAS, the Borough of Flemington has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position;

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

That Willis Towers Watson is hereby appointed as the Borough of Flemington's local Risk Management Consultant.

The Fund Commissioner and the Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2022 in the form attached hereto.

Adopted:

Member name: **Flemington Borough**

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

Betsy Driver, Mayor

ATTEST:

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

CERTIFICATION:

I, Sallie Graziano, RMC, Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**SCHEDULED**

**RESOLUTION 2021-219**

DOC ID: 3613

**Authorizing the Appointment of Sallie Graziano, Borough Clerk, as the Fund Commissioner for Statewide Insurance for 2022**

WHEREAS, Flemington Borough (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Flemington that Sallie Graziano, Borough Clerk, is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2022**; and

BE IT FURTHER RESOLVED that Rebecca Newman, Tax Collector, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2022**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Flemington Borough

ATTEST:

\_\_\_\_\_

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

Sallie Graziano, Borough Clerk

Print Name: Betsy Driver

Title: Mayor

This Resolution was agreed to the \_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of:

\_\_\_\_\_Affirmative \_\_\_\_\_Abstain \_\_\_\_\_Negative \_\_\_\_\_Absent

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-220**

DOC ID: 3620

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**Authorizing Two On-Premise Raffles for Flemington Midget Football to be Held on November 12, 2021**

**WHEREAS** applications have been received by the Borough of Flemington from Flemington Midget Football to grant 2 On-Premise Raffle Licenses; and

**WHEREAS** no objection has been 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 that one On-Premise 50/50 Draw Raffle License be granted to Flemington Midget Football to benefit equipment purchases and field maintenance, for a raffle on November 12, 2021, between 6:30 p.m. and 10:30 p.m.

**BE IT ALSO RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that one On-Premise Merchandise Draw Raffle License be granted to Flemington Midget Football to benefit equipment purchases and field maintenance, for a raffle on November 12, 2021, between 6:30 p.m. and 10:30 p.m.

**LOCATION:** Stangl Factory, 50 Stangl Road, Flemington, N.J.

Adopted:

Attest:

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

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



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-221**

DOC ID: 3623

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**Authorizing Issuance of a Request for Proposals for the  
Position of Computer Consultant for 2022**

**WHEREAS**, the Borough of Flemington desires to hire a computer consultant for 2022 who will facilitate the Borough's need to maintain and protect data and records via computer network systems; and

**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 this position;

**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 position.

Adopted:

Attest:

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

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

**ATTACHMENTS:**

- RFP - Computer Services(2) (DOCX)

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-222**

DOC ID: 3621

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**Extending the Deadline for the Submission of Proposals for  
Labor Attorney, Borough Planner and Borough Engineer  
Services for 2022 to November 12, 2021**

Whereas, interest has been shown in submitting proposals for providing professional labor attorney, Borough Planner and Borough Engineer services in 2022; and

Whereas, some people showing interest have asked for extensions of the deadline to submit proposals;

Now, Therefore, Be it Resolved that the Mayor and Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby extend the deadline for submission of proposals for labor attorney, Borough Planner and Borough Engineer services to November 12, 2021.

Adopted:

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

Attest:

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-223**

DOC ID: 3619

**Awarding a Contract for the Hopewell Avenue and Dewey Avenue Water & Sewer Improvements Project to Reivax Contracting Corporation, Bridgewater, NJ**

WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for the Hopewell Avenue and Dewey Avenue Water and Sewer Improvements project on October 7, 2021, as shown on the attached bid summary; and

WHEREAS, seven (7) bids were received as follows:

<u>Contractor</u>	<u>Base Bid</u>
Reivax Contracting Corporation, Bridgewater, NJ	\$711,199.29
MSP Construction Corp., Branchburg, NJ	\$797,804.00
Pact One LLC, Ringoes, NJ	\$936,010.00
Your Way Construction, Irvington, NJ	\$985,006.05
Underground Utilities, Newark, NJ	\$1,062,630.00
Crossroads Paving, Newark, NJ	\$1,121,065.00
Mountain View Development, Califon, NJ	\$1,584,440.00

WHEREAS, bids have been reviewed by the former Borough Engineer, Robert Martucci, and by the Borough Attorney, Tara St. Angelo, and they have determined that the bid submitted by Reivax Contracting Corporation, 68 Finderne Avenue, Bridgewater, NJ 08807 is the lowest responsive bid for the Hopewell Avenue and Dewey Avenue Water and Sewer Improvements project in the amount of \$711,199.29 for the Base Bid; and

WHEREAS, the Borough of Flemington has sufficient funds provided by USDA for the contract work;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Contract for the Hopewell Avenue and Dewey Avenue Water and Sewer Improvement Project be awarded to Reivax Contracting Corporation, 68 Finderne Avenue, Bridgewater, New Jersey 08807 in the amount of \$ 711,199.29 subject to the following conditions:

1. The Contract is awarded as a unit price bid. Contract and final payment will be based upon the actual quantities installed at the unit price bid, as outlined in the Plans and Specifications prepared by Robert Martucci, P.E., former Borough Engineer.
2. The Contract is subject to review and approval by the USDA.

Adopted:

**Attest:**

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**Betsy Driver, Mayor**

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**Sallie Graziano, Borough Clerk**

**ATTACHMENTS:**

- Hopewell-Dewey water-sewer bid summy (PDF)

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3622

**SCHEDULED**

**RESOLUTION 2021-224**

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**Resolution in Support of the Location and Operation of a Cannabis Dispensary by Altus New Jersey, LLC, Within the Borough of Flemington**

**WHEREAS**, the medical use of cannabis is authorized in the State of New Jersey pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, *et seq.* ("CUMA"); and

**WHEREAS**, the Borough expressly authorized the operation of cannabis cultivators and retailers in certain zoning districts and subject to certain restrictions pursuant to Ordinance 2021-14; and

**WHEREAS**, on October 15, 2021, the Cannabis Regulatory Commission (the "Commission") awarded Altus New Jersey, LLC ("Altus") a license to operate an Alternative Treatment Center pursuant to CUMA; and

**WHEREAS**, a copy of the Final Agency Decision is attached hereto; and

**WHEREAS**, pursuant to the Final Agency Decision, Altus is required within twenty (20) business days to provide the Commission proof that it has "local approval" to operate a cannabis business; and

**WHEREAS**, Altus has indicated a desire to operate a medical cannabis dispensary in the Shoppes at Flemington located at 100 Reaville Road; and

**WHEREAS**, the proposed location is within the Borough's Highway Retail (HR) Zoning District; and

**WHEREAS**, pursuant to Ordinance 2021-14, medical cannabis dispensaries are permitted as conditional uses in the HR District; and

**WHEREAS**, Altus appeared before the Borough Council on October 25, 2021 to request the required proof of "local approval;"

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

1. The Mayor and Council believe that the Borough of Flemington would benefit from the location of a medical cannabis dispensary within the Borough, subject to compliance with Ordinance 2021-14 and required approvals from the Land Use Board.
2. Representatives of Altus New Jersey, LLC made a presentation before the Mayor and Council regarding its proposed medical cannabis dispensary business, including its intended location at 100 Reaville Avenue.
3. Ordinance 2021-14 permits the operation of a medical cannabis dispensary as a conditional use in the HR District, subject to certain conditions, including site plan approval by the Borough Land Use Board.

4. This resolution may be used by Altus New Jersey, LLC as proof of local support required by the Cannabis Regulatory Commission pursuant to the Final Agency Decision dated October 15, 2021 awarding Altus New Jersey, LLC a license to operate a vertically integrated Alternative Treatment Center.

5. This Resolution shall take effect immediately.

Adopted:

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk

**ATTACHMENTS:**

- Altus New Jersey LLC 2019 FAD(1) (PDF)

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-226**

DOC ID: 3618

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**Confirming the Termination of Certain Engineering Contracts  
with Robert Martucci and Martucci Engineering, LLC**

**WHEREAS**, by letter dated October 18, 2021, Robert Martucci resigned as Borough Engineer effective October 18, 2021; and

**WHEREAS**, the Borough Council accepted such resignation by Resolution dated October 18, 2021; and

**WHEREAS**, subsequently Mr. Martucci indicated that the Borough executed separate contracts retaining his engineering services for certain projects; and

**WHEREAS**, such projects and contracts include the following:

- Water Tank and Standpipe Project (CFDA No. 10.760), which because of USDA grant funding required the execution of a separate Agreement for Professional Services between the Borough and Martucci dated March 24, 2020
- Hopewell and Dewey Water and Sewer Improvement Project, which because of USDA grant funding required the execution of a separate Agreement for Professional Services between the Borough and Martucci dated February 15, 2021
- Corcoran, South Main, and Dewey Road Improvements (Project No. TB 1009-001), which due to I-Bank financing required a separate contract and proposal agreement with Mr. Martucci dated August 27, 2021
- Union Hotel Redevelopment water and sewer infrastructure project, which pursuant to the Second Amended Redevelopment Agreement between the Borough and Flemington Center Urban Renewal, LLC dated September 29, 2020 appointed Martucci as the design engineer and resulted in the execution of an escrow Agreement between Martucci and the Borough dated October 13, 2020

**WHEREAS**, contracts for these projects were awarded to Mr. Martucci as a result of his position as Borough Engineer; and

**WHEREAS**, Mr. Martucci's resignation as Borough Engineer effectively terminated these contracts; however, Borough Council wishes to confirm termination of these contracts effective to the date of Mr. Martucci's resignation (i.e. October 18, 2021); and

**WHEREAS**, by letter dated October 21, 2021, Mr. Martucci indicated his concurrence with the termination of those contracts and that he would return all files and plans associated with such contracts.

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

1. The Borough hereby terminates the above-referenced contracts with Mr. Martucci and Martucci Engineering, LLC effective October 18, 2021.
2. The Borough hereby terminates all other contracts with Mr. Martucci and Martucci Engineering, LLC effective October 18, 2021.
3. The Borough Clerk and Attorney are authorized to provide copies of this Resolution to representatives of I-Bank, USDA, and Flemington Center Urban Renewal, LLC.

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: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-227**

DOC ID: 3626

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**Resolution Authorizing Drafting Certain Amendments to a  
Communications Site Lease Agreement**

**WHEREAS**, the Borough of Flemington entered into lease agreements with Cellco Partnership d/b/a Verizon Wireless (dated July 14, 2008) and Sprint Spectrum L.P. (dated January 29, 2019) to lease space on the water tower located at 37 Shields Avenue, Raritan Township (the "Property") that permits the location of cellular facilities on the water tower (collectively the "Lease Agreements"); and

**WHEREAS**, as a result of the Borough's ongoing project to refurbish the water tower, such cellular facilities must be temporarily moved to a monopole to be constructed on the Property;

**WHEREAS**, the Lease Agreements do not permit the construction or the location of such a pole on the Property; and

**WHEREAS**, the Borough desires to continue the Lease Agreements and permit the temporary location of the facilities on a monopole; and

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

1. The Town Attorney is authorized to draft amendments to the Lease Agreements permitting the temporary location of the cellular facilities on a monopole, subject to a location for said pole satisfactory to the Borough Engineer and DPW Supervisor and Cellco Partnership d/b/a Verizon Wireless and Sprint Spectrum L.P. obtaining all required land use approvals from Raritan Township.
2. Said amendments, once drafted and approved by Cellco Partnership d/b/a Verizon Wireless and Sprint Spectrum L.P., shall be considered for approval at a public meeting by the Borough Mayor and Council.
3. This Resolution shall take effect immediately.

Adopted:

Attest:

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Betsy Driver, Mayor

---

Sallie Graziano, Borough Clerk

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-228**

DOC ID: 3625

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**In Support of the Flemington Area Food Pantry's Effort to  
Obtain a USDA Rural Development Grant to Aid in the  
Establishment of a Pantry Annex at 47 Maple Avenue in the  
Borough of Flemington**

WHEREAS, the Flemington Area Food Pantry is submitting an application for a USDA Rural Development grant to support the build-out of a 1,400-square-foot Pantry Annex at 47 Maple Avenue in the Borough of Flemington; and

WHEREAS, the annex is intended to store packaged groceries and personal products for the Pantry's pop-up pantry locations at two low-income senior developments, including the Herman Kapp Senior Residence in Flemington; and

WHEREAS, the Pantry has expanded beyond its current facility and needs the extra space; and

WHEREAS, the Pantry will not be doing any direct food distribution at the annex but will have a walk-in refrigerator and freezer and a generator, and in the case of a power outage or natural disaster, the facility could be used for emergency food distribution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington support the Flemington Area Food Pantry's efforts to establish the Pantry Annex at 47 Maple Avenue in the Borough of Flemington.

Adopted:

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**RESOLUTION 2021-229**

DOC ID: 3627

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**Resolution to Retire into Executive Session to Discuss  
Contract Negotiations Regarding the Communications Cell  
Tower Lease**

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: October 25, 2021

Attest:

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

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

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/27/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**TABLED**

**ORDINANCE 2021-24**

DOC ID: 3574

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**Second Reading, Amending Chapter 14, Section 1404 of the  
Borough Code Regarding the Historic Preservation  
Commission**

See attached document.

Introduced: September 27, 2021

Adopted:

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk

**ATTACHMENTS:**

- HPC ordinance\_revised 9.27.21 CLEAN (00451195xE767A) (DOCX)
- PB Resolution 2021-17 (PDF)

**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 10/25/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**SCHEDULED**

**ORDINANCE 2021-27**

DOC ID: 3624

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**First Reading, Ordinance Amending Section 3-3.3 of the  
Borough Code to Clarify the Process for Selling or Disposing  
of Junk or Abandoned Vehicles Seized by the Police  
Department and Section 3-28.13 to Set Towing Rates  
Commensurate with Those Set by the New Jersey State  
Police**

**WHEREAS**, the Flemington Police Department lawfully causes the seizure of improperly operated or parked motor vehicles; and

**WHEREAS**, some of the motor vehicles being seized become abandoned or go unclaimed by the owners; and

**WHEREAS**, the Borough Council desires to amend the Borough Code to set forth the process for proper disposal of unclaimed or abandoned vehicles in accordance with N.J.S.A. 39:10a-1.1 et seq.

**WHEREAS**, the Borough Council also desires to amend its towing rate schedule to be consistent with that set by the New Jersey State Police.

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

**Section 1.** Subsections A, D, and E of Section 3-3.3 of the Borough Code entitled "Police Department Possession, are hereby amended as follows (additions noted in bold italics **thus** and deletions noted with strikethrough ~~thus~~):

A. All abandoned motor vehicles shall be taken in possession by the police department (***or towing contractor at the direction of the Police Department***) and removed to a storage place. ~~The police department shall then follow the procedures established by R.S. 39:10A to sell the abandoned motor vehicle at public auction.~~

B. Unchanged

C. Unchanged

D. Conduct of Sale. ***The towing contractor shall notify the Chief of Police of the make, model and vehicle identification number of any towed vehicle held in storage which remains unclaimed for 30 days or more.*** Sales of all junk and abandoned vehicles shall be conducted in accordance with the provisions of N.J.S.A. 39:10A-1 et seq.

E. Proceeds from Sale. Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the subject vehicle. ~~Excess proceeds shall be paid to the Borough.~~ If the proceeds are insufficient to cover the accumulated costs, such excess cost shall be waived by the towing contractor or title agent and no further funds will be due from the Borough or the purchaser of the vehicle. This section will be administered in accordance with N.J.S.A. 39A:10-1 et seq. ***Excess proceeds shall be split between the Borough and towing contractor.***

F. Unchanged

G. Unchanged

H. Unchanged

I. Unchanged

**SECTION 2.** Section 3-28.13 of the Borough Code, entitled "Fees," is hereby deleted in its entirety and replaced with the following:

The Borough of Flemington prescribes to the rate chart established by the New Jersey State Police for tow operators on state highways. This can be found at [www.gsta.org](http://www.gsta.org) ~~<http://www.gsta.org>~~.

**SECTION 3.** All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**Section 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**Section 5.** This Ordinance shall take effect upon final passage and publication as required by law.

Introduced:

Adopted:

Attest:

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Betsy Driver, Mayor

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Sallie Graziano, Borough Clerk