



Mayor and Common Council Borough of Flemington

October 18, 2021

Online during COVID-19 Emergency

Call to Order

Mayor Driver called the meeting to order at 6:31 p.m. This meeting was held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Attendee Name	Title	Status	Arrived
Caitlin Giles-McCormick	Council President	Present	
Jessica Hand	Council Member	Present	
Malik Johnston	Council Member	Present	
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

Executive Session (Action May Be Taken)

1. RESOLUTION 2021-214: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF CONTRACT NEGOTIATIONS: MARTUCCI ENGINEERING, LLC

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

Minutes kept separately. The session ended at 6:49 p.m.

Public Comment

No comments were made.

Action of Executive Session

1. RESOLUTION 2021-215: RESOLUTION ACCEPTING THE RESIGNATION OF BOROUGH ENGINEER, ROBERT MARTUCCI

RESULT:	ADOPTED [5 TO 0]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Hand, Johnston, Long, Tilly
ABSTAIN:	Christopher Runion

Mayor Driver said Mr. Martucci indicated he would have the Borough's files ready for pickup in the morning.

2. RESOLUTION 2021-216: RESOLUTION APPOINTING JEROME A. HARRIS, P.E. OF CME ASSOCIATES AS BOROUGH ENGINEER FOR THE REMAINDER OF 2021

RESULT: ADOPTED [5 TO 0]
MOVER: Kimberly Tilly, Council Member
SECONDER: Jessica Hand, Council Member
AYES: Giles-McCormick, Hand, Johnston, Long, Tilly
ABSTAIN: Christopher Runion

Mayor Driver said Mr. Harris currently serves as the Borough's sewer engineer.

Adjournment

Motion To: **Adjourn**

RESULT: APPROVED [UNANIMOUS]
MOVER: Kimberly Tilly, Council Member
SECONDER: Jessica Hand, Council Member
AYES: Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

The meeting ended at 6:53 p.m.

Attest: Sallie Graziano
Sallie Graziano, Borough Clerk

Approved by Council 10/25/2021

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/18/21 06:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

Initiator: Rebecca Newman
Sponsors:

ADOPTED

RESOLUTION 2021-214

DOC ID: 3612

Retiring into Executive Session for the Purpose of Contract Negotiations: Martucci Engineering, LLC

WHEREAS, the Common Council of the Borough of Flemington desires to discuss a professional service between the Borough and Martucci Engineering LLC; and

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

pending or anticipated litigation or contract negotiation other than in section(4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

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

WHEREAS, action may be taken following the closed session;

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 18, 2021

Attest:


Betsy Driver, Mayor


Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/18/21 06:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-215

DOC ID: 3616

**Resolution Accepting the Resignation of Borough Engineer,
Robert Martucci**

WHEREAS, the Borough of Flemington (the "Borough") appointed Robert Martucci, P.E. of Martucci Engineering, LLC as Borough Engineer for the year 2021 pursuant to Resolution 2021-24 adopted by Borough Council on January 4, 2021; and

WHEREAS, on October 13, 2021 Mr. Martucci refused to answer questions of the Mayor and a Borough property owner and developer regarding sewer line installation; and

WHEREAS, in response to the Mayor's question, Mr. Martucci refused to attend a meeting of the Borough Water and Sewer Committee; and

WHEREAS, Mr. Martucci's insubordination and refusal to attend meetings and answer questions is part of a pattern of behavior and has resulted in disputes between Mr. Martucci and Borough officials; and

WHEREAS, by letter dated October 18, 2021, Mr. Martucci resigned as Borough Engineer effective October 19, 2021.


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 accepts Mr. Martucci's resignation.
2. The Borough shall request that Martucci Engineering, LLC provide invoices for all outstanding fees due within 10 business days and shall pay such invoices in the normal course.
3. The Borough shall make arrangements with Mr. Martucci to retrieve all Borough files.

Adopted: October 18, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [5 TO 0]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Hand, Johnston, Long, Tilly
ABSTAIN:	Christopher Runion

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 10/18/21 06:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3617

ADOPTED

RESOLUTION 2021-216

Resolution Appointing Jerome A. Harris, P.E. of CME Associates as Borough Engineer for the Remainder of 2021

WHEREAS, N.J.S.A. 40A:9-140 requires that every municipality shall have a Municipal Engineer; and

WHEREAS, the Borough requires the services of a Borough Engineer on an emergency temporary basis pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, the Borough has issued a Request for Proposals for 2022 Borough Engineering services and anticipates appointing a Borough Engineer at its Reorganization meeting in January 2022; and

WHEREAS, Jerome A. Harris is appointed as the Borough Sewer Engineer for the year 2021 pursuant to Resolution 2021-30; and

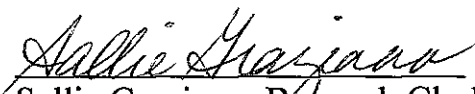
WHEREAS, Mr. Harris has agreed to act as the Borough Engineer for the remainder of 2021 at the same rate he currently charges for sewer engineering services;

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. Jerome A. Harris is hereby appointed Borough Engineer for the remainder of 2021; and
2. The Borough is authorized to enter into a Professional Services Contract with Mr. Harris in a form satisfactory to the Borough Attorney.

Adopted: October 18, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

RESULT:	ADOPTED [5 TO 0]
MOVER:	Kimberly Tilly, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Johnston, Long, Tilly
ABSTAIN:	Christopher Runion