



# Mayor and Common Council Borough of Flemington

October 25, 2021

Online during COVID-19 Emergency

## Call to Order

Mayor Driver called the meeting to order at 6:30 p.m. All Council Members were present except Mr. Runion, who arrived at 7:30 p.m.

## Executive Session (Action May Be Taken)

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Tilly
<b>ABSENT:</b>	Christopher Runion

Minutes kept separately. The session ended at 6:55 p.m. Mayor Driver announced there will be action taken on the issue discussed, during the regular meeting.

Meeting was adjourned until start of the regular meeting at 7:30 p.m.

## Work Session

Not held.

## Regular Meeting (7:30 PM)

This meeting is being 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	Late	7:30 PM
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

### I. Mayor's Report

Mayor Driver summarized the executive session discussion regarding the removal of cellular equipment during rehab of the water tower.

She asked for a moment of silence for Liz Johnson, a former Tap-Into reporter who passed away today.

The Borough has spent the day preparing for expected bad weather - storm drains have been cleaned out and barricades are pre-staged.

144 Main Street has changed hands and the new owners are having work done there.

### II. Council Members' Reports

Council Member Tilly

The HPC met 10/20 and addressed several applications. The Planning Board sent the HPC a letter regarding concerns with the planned HPC ordinance.

The Library Board met on 10/21 - they met with the historical society, which discussed upgrading the arrowhead collection upstairs at the library. The Fire Department next meets on 11/9. The DPW Committee will meet tomorrow.

Council Vice President Long

The Planning Board meets tomorrow for a completeness review of the 91 Main application.

On Wednesday night he and Council Member Hand held a Zoom discussion about mental health. They're creating a mission statement for a group that focuses on mental health and law enforcement. A Zoom link will soon be available on the Borough website.

Council Member Hand

Mr. Long covered the information she had planned to discuss.

Council Member Johnston

Mr. Johnston had no comments to make.

Council Member Runion

Mr. Runion had nothing new to report.

Council President Giles-McCormick

Ms. Giles-McCormick discussed events recently held and those planned in town, including the Halloween parade and costume contest on Thursday, Oct. 28. Trick-or-treating will be Sunday starting at 4 p.m. For those who need it, candy is available at the Police headquarters.

III. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)

No comments.

IV. Approval of Minutes

Motion To: **Approve Minutes: October 12, 2021 Regular Council Meeting**

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

Motion To: **Approve Minutes: October 12, 2021 executive session**

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

Motion To: **Approve Minutes: October 18, 2021 special meeting**

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

Motion To: **Approve Minutes: October 18, 2021 executive session**

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

#### V. Flemington Community Partnership update - Robin Lapidus

Robin Lapidus, executive director of the FCP, discussed the Borough's Opportunity Zone designation. All of the Borough has that designation; it's the only municipality in Hunterdon like that. She discussed the funding advantages the designation carries.

The FCP guided 288 of the Borough's more than 430 businesses to getting COVID relief funding; more than half of those that applied got funding.

She mentioned the sale of 144 Main St., a former gas station, and said many municipalities have brownfields like that - the conversion of this property is a sign of the revitalization in Flemington.

Regarding the \$100,000 opportunity zone challenge grant, she said reports on the effort are ready to be presented to Council and the community. The Borough is now set up for more grant funding and has a clearer picture of what everyone wants.

A Neighborhood Preservation Program grant is providing \$125,000 a year for the next 5 years, to implement plans for things that are on the street and public-facing. A Neighborhood Preservation Program stakeholder team needs to form and meet once a month, and the effort needs a budget. It should be set up within a month to six weeks.

#### VI. Presentation by Altus New Jersey LLC

Jon Goldrath of Altus discussed his firm's successful application for a vertically integrated cannabis permit. The Flemington operation, in the Shoppes at Flemington, will be retail sales only; cultivation and processing will be in a different area.

He discussed the security precautions in general, and anticipates opening in 3 to 4 months. He noted they have to show municipal approval for the application.

### Consent Agenda

Moved by Tilly      Seconded by Hand      All Members voted in favor.

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

Motion to open public hearing: Tilly, seconded by Long. All voted in favor of opening public hearing. Hearing opened at 8:44 p.m.

No comments were made.

Motion to close public hearing: Tilly, seconded by Long. All voted in favor of closing public hearing. Hearing closed at 8:45 p.m.

Ms. Tilly said the HPC wants to work with the Planning Board to understand some concerns that were expressed by that board regarding the ordinance. The ordinance will be re-introduced at a future date.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

2. ORDINANCE 2021-27: 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

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 11/8/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Jessica Hand, Council Member	
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	

3. RESOLUTION 2021-223: AWARDING A CONTRACT FOR THE HOPEWELL AVENUE AND DEWEY AVENUE WATER & SEWER IMPROVEMENTS PROJECT TO REIVAX CONTRACTING CORPORATION, BRIDGEWATER, NJ

Attorney St. Angelo advised that she also has reviewed the bid summaries and the wording of the resolution is appropriate.

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

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

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

5. RESOLUTION 2021-226: CONFIRMING THE TERMINATION OF CERTAIN ENGINEERING CONTRACTS WITH ROBERT MARTUCCI AND MARTUCCI ENGINEERING, LLC

Attorney St. Angelo said Borough Engineer Martucci's resignation was effective Oct. 18, 2021. This resolution addresses a few contracts that were in place outside of his contract as Borough Engineer.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

6. RESOLUTION 2021-227: RESOLUTION AUTHORIZING DRAFTING CERTAIN AMENDMENTS TO A COMMUNICATIONS SITE LEASE AGREEMENT

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

VII. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

No comments.

VIII. Attorney's Report

Attorney St. Angelo has been in contact with Comcast about submitting a letter regarding an ordinance proposal. Also, she anticipates having a policy for Council to discuss regarding adult-use cannabis.

IX. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$613,161.39**

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

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

1. Motion To: **Enter Executive Session for the Purpose of Obtaining Legal Advice Regarding Contract Negotiations with External Contractors; Action May Be Taken**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Caitlin Giles-McCormick, Council President
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

Executive session began at 9:04 p.m. Minutes kept separately. Session ended at 9:16 p.m.

No action was taken following the executive session.

XI. Adjournment

Motion To: **Adjourn**

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

Meeting adjourned at 9:17 p.m.

Attest: Sallie Graziano  
Sallie Graziano, Borough Clerk

*Approved by Council 11/8/2021*

**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:

**ADOPTED**

**RESOLUTION 2021-217**

DOC ID: 3615

**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 Firstrust 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: October 25, 2021



Betsy Driver, Mayor

Attest:



Sallie Graziano, R.M.C.  
Borough Clerk

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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:

**ADOPTED**

**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;

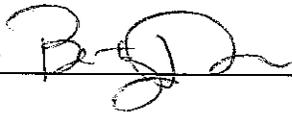
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, as follows:

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: October 25, 2021

Member name: **Flemington Borough**

By: 

Betsy Driver, Mayor

ATTEST:

  
Sallie Graziano, RMC, Borough Clerk

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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 October 25, 2021.

  
Sallie Graziano, RMC, 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:

**ADOPTED**

**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

Adopted: October 25, 2021

Attest:

Sallie Graziano  
Sallie Graziano, Borough Clerk

By: Betsy Driver  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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: 3620

**ADOPTED**

**RESOLUTION 2021-220**

**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;

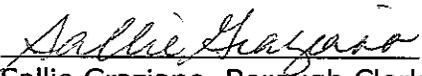
**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that one On-Premise 50/50 Draw Raffle License be granted to Flemington Midget Football to benefit equipment purchases and field maintenance, for a raffle on November 12, 2021, between 6:30 p.m. and 10:30 p.m.

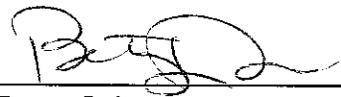
**BE IT ALSO RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that one On-Premise Merchandise Draw Raffle License be granted to Flemington Midget Football to benefit equipment purchases and field maintenance, for a raffle on November 12,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

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

Adopted: October 25, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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: 3623

**ADOPTED**

**RESOLUTION 2021-221**

**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: October 25, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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:

**ADOPTED**

**RESOLUTION 2021-222**

DOC ID: 3621

**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: October 25, 2021



Betsy Driver, Mayor

Attest:



Sallie Graziano, Borough Clerk

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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:

**ADOPTED**

**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;

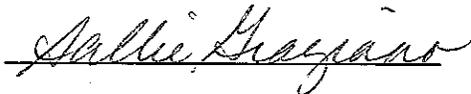
NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Contract for the Hopewell Avenue and Dewey Avenue Water and Sewer Improvement Project be awarded to Reivax Contracting Corporation, 68 Finderne Avenue, Bridgewater, New Jersey 08807 in the amount of \$ 711,199.29 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: October 25, 2021

Attest:

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

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

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

**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:

**ADOPTED**

**RESOLUTION 2021-224**

DOC ID: 3622

**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: October 25, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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



State of New Jersey  
CANNABIS REGULATORY COMMISSION  
P.O. BOX 216  
TRENTON, N.J. 08625-0216

PHILLIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

DIANNA HOJENOU, *Chair*  
SAMUEL DELGADO, *Vice Chair*  
KRISTA NASH, *Commissioner*  
MARIA DEL CID-KOSSO, *Commissioner*  
CHARLES BARKER, *Commissioner*  
JEFF BROWN, *Executive Director*

October 15, 2021

Altus New Jersey LLC  
115 Kelbourne Ave  
Sleepy Hollow, NY 10591

Re: **FINAL AGENCY DECISION**  
*Award of Vertically Integrated Permit to Operate an Alternative Treatment Center ("ATC") Pursuant to the 2019 Request for Applications ("RFA") Process*

Dear Robert Pease,

The New Jersey Cannabis Regulatory Commission ("CRC") has received and reviewed your application for a vertically integrated permit, submitted on 8/20/2019, to operate an Alternative Treatment Center ("ATC") pursuant to N.J.S.A. 24:6I-1 et seq. Following thorough review by the selection committee, and subject to the post-award accountability measures listed below, the CRC has awarded you for a vertically integrated permit.

By way of background, on July 1, 2019, the Department of Health ("Department") posted a Request for Applications ("RFA") to operate up to twenty-four ATCs, of which up to eight such centers would be in the Northern and Central regions of the state, up to seven would be in the Southern region of the State, and one would be in a region to be determined at the time of award based on patient need. The RFA sought to award permits for up to fifteen dispensaries, five cultivation sites, and four vertically integrated ATCs (granting the ability to cultivate, manufacture, and dispense medical cannabis and medical cannabis products). On August 2, 2019, the RFA was updated to clarify provisions related to the application fees required for vertically integrated permit applications.

To allow for a robust industry with room for different operators, prospective applicants were restricted in the number of applications they could submit. Applicants seeking a vertically integrated permit could submit only one application and could not seek any other permit or endorsement. Applicants not seeking a vertically integrated permit were allowed to submit up to one application per region for a maximum of three applications, and only one application could be for a cultivation endorsement.

No applicant could be awarded more than one permit under the 2019 RFA, and no applicant could hold more than one cultivation endorsement, one manufacturing endorsement, and one dispensary endorsement as a result of the awards made pursuant to the RFA.

Applications for vertically integrated permits were due to the Department no later than August 22, 2019, at 3:00 PM. Applicants had the choice of whether to submit the application online and only submit signed coversheets and checks in person, or to submit the entire application in hard copy/paper form.

The Department received a total of 198 applications, including 40 applications for cultivation permit endorsements, 109 applications for dispensary permit endorsements, and 49 applications for vertically integrated permits. An initial completeness review of all 198 applications was conducted by the Department. Of the 198 applications, 2 were submitted as incomplete applications.

Pursuant to N.J.A.C. 8:64-6.2 (now N.J.A.C. 17:30A-6.2 and 6.4), the Department convened a selection committee in conjunction with the RFA. The selection committee was composed of a total of nine individuals in full-time State service from the Department of Health, the Department of the Treasury, the Department of Environmental Protection, and the Department of Labor.

Selection committee members possessed the following expertise:

- Three members were experienced in the regulation of the cultivation, manufacturing and dispensing of medical cannabis;
- One member had expertise in quality assurance, public health and emergency preparedness;
- One member had expertise in public health, pharmaceutical assistance and fiscal management;
- One member had expertise in the management of environmental resources and public affairs;
- One member had expertise in workforce development;
- One member had expertise in labor compliance; and
- One member had expertise in business development and the certification of minority-owned, women-owned, and veteran-owned businesses.

Prior to beginning work on the selection committee, members completed a confidentiality agreement and a business disclosure form so the Department could verify that none of the selection committee members had any outside business interests that would conflict with their work on the committee. Once the completeness review concluded, selection committee members were provided a list of the applicants they would be scoring, including the names of principals, owners, and directors. Every selection committee signed a certification stating they possessed no conflicts of interest with respect to the applicants.

The Department organized three trainings for selection committee members:

- Two initial trainings, one on September 19, 2019 and one on September 23, 2019. Each selection committee member attended one of these trainings.
- A refresher training on February 23, 2021 after the stay on proceedings was lifted on February 17, 2021 (discussed in further detail below).

The trainings included an overview of the Department's regulations, an overview of the medical cannabis market as it existed in September of 2019, and a comprehensive review of the terms of the RFA, the scoring criteria, and the assignments for each team.

The selection committee was divided into three teams of three, with each team responsible for scoring a portion of each permit endorsement application in accordance with specific measures. Each team was responsible for a maximum of 100 points for every permit endorsement sought (100 points for cultivation

and dispensary applications, and 300 points for vertically integrated applications, which includes three endorsements).

In December of 2019, following a challenge by several disqualified applicants, the Superior Court of New Jersey, Appellate Division, issued a stay that barred the Department from undertaking any additional work on the 2019 RFA. Despite the Department's efforts to continue reviewing applications while the Court reviewed the appellants' claims, the Department was prohibited from reviewing, scoring, and awarding any permits under the 2019 RFA process. The stay imposed by the Appellate Division was vacated on February 18, 2021<sup>1</sup>.

Based upon the selection committee's impartial and thorough review of the applications against the criteria set forth in the RFA, the following applicants received the highest composite scores for vertically integrated permits:

Control #	Applicant Name	Canopy Size (sq. ft.)	Region	Total Score
19-0024	Altus New Jersey LLC	30,000	Central	785.00
19-0169	Greenhouse Wellness of New Jersey, LLC	30,000	South	779.33
19-0078	Holistic NJ I LLC	30,000	Central	776.67
19-0002	Healing Essentials, LLC	30,000	South	756.00
19-0198	CHM Consulting, LLC	20,000	Central	746.67
19-0152	Etain New Jersey, LLC	30,000	North	739.33
19-0080	Mission New Jersey, LLC	30,000	Central	738.00
19-0180	AP NJ Health LLC	30,000	Central	733.33

The table shows the top eight scoring vertically integrated applications returned by the selection committee. The highest possible score for cultivation endorsement applications was 900 points. Total scores for all applications ranged from 434.00 points to 785.00 points.

The CRC selected award recipients in accordance with an objective methodology that ensures and adequate supply of medicinal cannabis to meet the needs of registered patients, which is a significant component of the purpose and intent of N.J.S.A. 24:6I-1 et al. The selection methodology formulated by the CRC and the post-award measures: (1) address patient need; (2) prioritize the highest scoring applicants while also complying with the distribution set out in the 2019 RFA; (3) are driven by data; and (4) include accountability measures that ensure that awardees operate to the standards proposed in their applications. The resulting awardees are expected to get up and running quickly and begin addressing patient need as soon as practicable.

Vertically integrated ATCs are authorized to cultivate, manufacture, and dispense medicinal cannabis items. Therefore, the CRC's awards reflect an evaluation of applicants' ability to produce medicinal

<sup>1</sup> Pursuant to N.J.S.A. 24:6I-24(a), the CRC has assumed all responsibility for the Medicinal Marijuana Program from the Department of Health. This occurred in April 2021 following constitution of the CRC Board of Commissioners. With this transfer of authority came the responsibility to review and approve or deny applications submitted pursuant to the 2019 RFA.

cannabis and medicinal cannabis products when selecting vertically integrated ATCs, but also their ability to provide an additional access point to patients. The methodology used to award these permits was as follows: (1) Select the highest scoring vertically integrated applicant in each region<sup>2</sup>; and (2) Select a fourth vertically integrated ATC based on overall score and patient need.

In accordance with the above criteria and analysis, the CRC first selected the highest scoring applicant in the Northern Region – Etain. Next, the CRC chose the highest scoring applicant from the Central Region – Altus. Third, the CRC chose the highest scoring applicant from the Southern Region – Greenhouse Wellness. Finally, and pursuant to the terms of the 2019 RFA, the fourth vertically integrated permit was to be awarded based on overall score and patient need. To determine the region of greatest patient need, the CRC used a four-factor supply/demand measure that takes into account: (1) ratio of patient enrollment in each region to total patient enrollment, (2) the ratio of total population in each region to total population statewide; (3) the ratio of canopy in each region to total canopy in the state, and (4) the ratio of number of dispensaries in the region to total number of dispensaries in the state. The analysis, whether conducted with the current canopy totals or with the added canopy totals based on the 2019 RFA cultivation awards, yielded the same result: the greatest patient need was in the Central Region. Therefore, the fourth permit was awarded to the highest scoring applicant in that region not yet selected – Holistic.

These awards add a total of up to 120,000 square feet of additional cultivation to the state’s existing capacity, as well as four new manufacturing labs and four new dispensaries. This methodology, consistent with the terms of the RFA, adds at least one new vertically integrated permit awardee in every region while providing additional medicinal cannabis resources in the region with the highest number of patients per dispensary. Pursuant to the methodology described above, the awards are as follows:

- a. The highest scoring application in the Northern Region:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-0152	Etain New Jersey LLC	30,000	North	739.33

- b. The highest scoring application in the Central Region:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-0024	Altus New Jersey LLC	30	Central	785.00

- c. The highest scoring application in the Southern Region:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-0169	Greenhouse Wellness of New Jersey, LLC	30,000	South	779.33

- d. Pursuant to the terms of the RFA, the highest scoring application not previously selected

<sup>2</sup> Applicants were only allowed to submit one application so therefore, unlike in the 2018 RFA, this restriction does not disqualify any applications in other regions.

for a proposed award based on overall score and patient need:

Control #	Applicant Name	Region	Canopy Size	Total Score
19-078	Holistic NJ I LLC	Central	30,000	776.67

Based on a full and thorough review of each application against the requirements set forth in the RFA, the composite scores enumerated by the CRC, the selection methodology detailed above, and in accordance with the purposes of N.J.S.A. 24:6I-1 et al. and P.L.2009, c.307 and the regulations promulgated thereunder, the CRC hereby APPROVES the following application, subject to all of the terms and conditions outlined below:

Applicant: Altus New Jersey LLC

Region: Central

Score: 785.00

This award is contingent on the applicant adhering to the following terms and conditions. These conditions are required and designed to maintain accountability to the statements and declarations included in the applicant's proposals. As used in this letter, "date of award" means the date of this Final Agency Decision (Friday, October 15, 2021).

1. Within five (5) business days of this notification of award, each awardee shall confirm in writing to [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov), that it accepts the award. Acceptance of this award may result in the applicant being disqualified from receiving award of any pending permit applications;
2. If accepted, within twenty (20) business days from the date of award, the awardees shall confirm in writing, that it still has site control and local approval for the endorsement. An awardee without both site control and local approval after twenty (20) business days will have its award rescinded;
3. An awardee for a cultivation endorsement or for a vertically integrated permit must be fully permitted within 18 months from the date of this award;
4. An awardee shall operate in accordance with its medicinal cannabis application for at least two (2) years, except that it may apply to expand its cultivation canopy for medicinal cannabis after one (1) year, so long as it can be justified by patient need;
5. Awardees are required to comply with deadlines and timelines established by the CRC for submission of information and documentation, including but not limited to deadlines by which members must be fingerprinted. Failure to adhere to established timelines may result in rescission of the award;

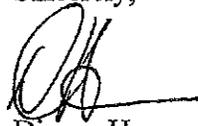
6. Awardees shall not be authorized to add any owners or principals that were not disclosed on the application until after the permit is issued;
7. Awardees shall not be authorized to enter into any management services agreements that were not disclosed in the application for two (2) years following the award;
8. If an awardee received scores for a woman-owned, veteran-owned, or minority-owned business certification, the awardee shall confirm in writing or provide a copy of its approved New Jersey Department of the Treasury, Division of Revenue & Enterprise Services Minority, Women, and/or Veteran-Owned Business certificate within twenty (20) business days of this award to confirm that it still possesses the certification. Maintaining the certification is an ongoing material condition of the award. Any awardee that received scores for having a minority-owned, woman-owned, or disabled-veteran owned business that does not confirm they still have the certification within twenty (20) business days of award will have their award rescinded;
9. If an applicant received scores for a labor peace agreement, maintenance of that agreement is a required condition of the award;
10. The awardee shall not transfer majority ownership interest in the ATC until they have operated for at least two (2) years under the permit issued in accordance with this award;
11. All awards are strictly for the cultivation, manufacturing, and/or dispensing of medicinal cannabis pursuant to P.L. 2009, c.307 and N.J.A.C. 8:64 (now N.J.A.C. 17:30A). The awards do not authorize any personal-use cannabis activities described under P.L. 2021, c. 16 and N.J.A.C. 17:30. Awardees shall operate in accordance with this award as presented in this Final Agency Decision for at least one (1) year prior to applying to the Commission to become an "Expanded ATC"; and
12. If an award is rescinded due to the applicant's failing to abide by the required terms and conditions outlined above, or if an applicant fails to accept its award within five (5) business days of this notification of award, the next highest scoring applicant, such that the award would be consistent with the regional and canopy requirements of the 2019 RFA, will be considered by the Commission for the award.

All applicants have the right to appeal the Commission's decision to the Superior Court of New Jersey, Appellate Division, by Monday, November 29, 2021 (45 days from the date of this letter). All appeals should be directed to: Superior Court of New Jersey, Appellate Division, Richard J. Hughes Justice Complex, P.O. Box 006, Trenton, New Jersey 08625-0006.

Any applicant with questions regarding the 2019 RFA process and methodology, and any unsuccessful applicant that wishes to file a grievance with the Commission, may do so by submitting their question or grievance in writing to [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov) by 5:00 p.m. Eastern Time on October 19, 2021. Multiple questions/grievances can be submitted together but must be numbered. Responses to submissions deemed relevant to the 2019 RFA process and methodology will be provided within 30 days -- by 5:00 p.m. Eastern Time on November 18, 2021. The question and grievance period should only be used for the purpose of addressing questions and complaints related to the 2019 RFA process and methodology. All other questions should be submitted through the Commission website and will be answered in the regular course of business.

Congratulations on your successful application and thank you for your interest in working with the CRC to provide important services and products to the medicinal cannabis patient community of New Jersey.

Sincerely,

A handwritten signature in black ink, appearing to read 'DH', with a horizontal line extending to the right.

Dianna Houenou  
Chairperson  
New Jersey Cannabis Regulatory Commission

**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:

**ADOPTED**

**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: October 25, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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: 3626

**ADOPTED**

**RESOLUTION 2021-227**

**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

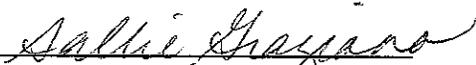
**WHEREAS**, the Borough desires to continue the Lease Agreements and permit the temporary location of the facilities on a monopole; and

**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: October 25, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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

**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:

**ADOPTED**

**RESOLUTION 2021-228**

DOC ID: 3625

**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: October 25, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

**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:

**ADOPTED**

**RESOLUTION 2021-229**

DOC ID: 3627

**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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jessica Hand, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Tilly
<b>ABSENT:</b>	Christopher Runion

**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:

**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:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member
<b>SECONDER:</b>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly

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:

INTRODUCED

ORDINANCE 2021-27

DOC ID: 3624

**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: October 25, 2021

Adopted:

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 11/8/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Jessica Hand, Council Member	
<b>AYES:</b>	Giles-McCormick, Hand, Johnston, Long, Runion, Tilly	