



Mayor and Common Council Borough of Flemington

January 9, 2023

Council Meeting Room
Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822

I. Call to Order

II. Flag Salute

III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of January 9, 2023 was included in a list-of-meetings notice sent to the Hunterdon County Democrat and *Courier-News* on Jan. 5, 2023, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough.

IV. Roll Call

Marcia A. Karrow	Mayor
Susan Engelhardt	Council Member
Malik Johnston	Council Member
Jeremy Long	Council President
Tony Parker	Council Member
Elizabeth Rosetti	Council Member
Kimberly Tilly	Council Member

V. Presentations

VI. Mayor's Report

1.
 - Planning Board Class II Appointment
 - Additional Comments

VII. Council Member Reports

VIII. Administrator's Report

IX. Public Comments - Session I

X. Approval of Minutes

1. Approval of Minutes for December 12, 2022 Regular Council Meeting

2. Approval of Minutes for December 12, 2022 Council Executive Session
3. Approval of Minutes for December 16, 2022 Council Special Meeting

XI. Consent Agenda

1. RESOLUTION 2023-38: SUPPORT OF PROPOSED SENATE BILL NO. 861 ALLOWING MUNICIPALITIES TO CONDUCT ANNUAL EVENT FOR OPEN BURING OF CHRISTMAS TREES
2. RESOLUTION 2023-39: RE-APPOINTING STEPHEN ECKERT AND ALAN UMGELTER AS DEPUTY FIRE MARSHALS, 2023
3. RESOLUTION 2023-40: REFUND OF STREET OPENING PERMIT BOND FEE FOR ROBERT BUHL

XII. Regular Agenda

1. RESOULTION: APPOINTING TONY PARKER TO THE BID BOARD OF TRUSTEES, 2023
2. 2023-28: APPOINTMENT OF REMINGTON VERNICK ENGINEERS AT THE FLEMINGTON BOROUGH ENGINEER, 2023

XIII. Work Session

1. Floodplain Management Ordinance
2. Cannabis Licensing

XIV. Public Comments - Session II

XV. Payment of the Bills

1. Approval to Pay the Bills in the Amount of \$448,549.70

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

XVII Adjournment

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Mayor's Report

AGENDA SECTION: **Mayor's Report**

SUBJECT:

- Planning Board Class II Appointment
- Additional Comments

SUGGESTED ACTION:

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: Approval of Minutes for December 12, 2022 Regular Council Meeting

SUGGESTED ACTION:

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: Approval of Minutes for December 12, 2022 Council Executive Session

SUGGESTED ACTION:

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: Approval of Minutes for December 16, 2022 Council Special Meeting

SUGGESTED ACTION:

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Consent Agenda

SUBJECT: RESOLUTION 2023-38: SUPPORT OF PROPOSED SENATE BILL NO. 861 ALLOWING MUNICIPALITIES TO CONDUCT ANNUAL EVENT FOR OPEN BURING OF CHRISTMAS TREES

SUGGESTED ACTION:

WHEREAS, for many years, numerous municipalities in New Jersey hold annual holiday gatherings where open burnings (bonfires) are conducted using discarded Christmas trees under the watchful eyes of local Fire Departments; and

WHEREAS, Great music, food, and entertainment for children served as an excellent complement to the bonfire on a cold winter night; and

WHEREAS, these events are enjoyed by thousands of residents over the years and are wonderful community events for all that attend; and

WHEREAS, by holding these successful events, it also allowed the municipalities to utilize the trees as fuel for the bonfire rather than have taxpayers fund the cost to have them disposed of through traditional solid waste means and be brought to a landfill; and

WHEREAS, many years ago, the New Jersey Department of Environmental Protection, Division of Air Quality (NJDEP) advised municipalities that opening burning events where Christmas trees were utilized were now prohibited as they considered these trees "rubbish", which was prohibited from being burned in this fashion; and

WHEREAS, since the inception of this enforcement action by NJDEP, municipalities are no longer able to burn Christmas trees at

annual holiday events and are forced to utilize other material that is not deemed “rubbish” by the NJDEP, as well as pay to have the discarded trees disposed of; and

WHEREAS, Senate Bill No. 861 is being considered by the New Jersey Legislature that permit NJDEP to establish rules, regulations, and standards for the open burning of Christmas trees by municipalities within the State, and would permit municipalities to conduct annual events for open burning of Christmas trees.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Flemington support the bill being proposed in order to ensure that the municipalities in the State are permitted to hold annual holiday bonfire fueled by discarded Christmas trees in a safe and enjoyable manner.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Murphy, Senate President, Assembly speaker, DEP Commissioner and Conference of Mayors.

Adopted: January 9, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Consent Agenda

SUBJECT: RESOLUTION 2023-39: RE-APPOINTING STEPHEN ECKERT AND ALAN UMGELTER AS DEPUTY FIRE MARSHALS, 2023

SUGGESTED ACTION:

WHEREAS, Flemington Borough requires fire inspections of commercial and residential properties in the borough, and

WHEREAS, the Fire Marshal is recommending the re-appointment of Stephen Eckert and Alan Umgelter as Deputy Fire Marshals to conduct fire inspections for the Borough at a rate of \$22.01 per hour in 2023; and

WHEREAS, the licensing fees generated by the inspections will cover the expense with no negative impact to any other aspect of the Borough budget or financial commitment to the Fire Department; and

WHEREAS, Mr. Eckert and Mr. Umgelter are fully certified by the State of New Jersey as Fire Officials.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington re-appoints Stephen Eckert and Alan Umgelter as Deputy Fire Marshals as part-time per diem Deputy Fire Marshals at a rate of \$22.01 per hour from January 1, 2023 to December 31, 2023.

Adopted: January 9, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Consent Agenda

SUBJECT: RESOLUTION 2023-40: REFUND OF STREET OPENING
PERMIT BOND FEE FOR ROBERT BUHL

SUGGESTED ACTION:

WHEREAS, Robert Buhl of Amasa Enterprises LLC, 150 Main Street, Flemington applied for a street opening permit for driveway apron repair at 148-150 Main Street and paid all necessary fees, including a \$300 bond; and

WHEREAS, the project has been completed to the satisfaction of the Borough; and

WHEREAS, Mr. Buhl has requested a release of the \$300.00 bond; and

WHEREAS, Michael Campion, director of Public Works, agreed the bond can be released;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund of a bond in the amount of \$300.00 made payable to Robert Buhl is approved.

Adopted: January 9, 2023

ATTEST:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Regular Agenda**

SUBJECT: RESOULTION: APPOINTING TONY PARKER TO THE BID BOARD OF TRUSTEES, 2023

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington created a Special Improvement District, also known as a Business Improvement District (BID) and the Flemington Community Partnership (FCP) through Ordinance 2011-5 and amended by Ordinance 2016-5 on February 22, 2016, to enhance the safety, welfare and economic growth of Flemington Borough, its inhabitants, and the Borough of Flemington as a whole; and

WHEREAS, the BID has established a Board of Trustees to govern the aforementioned Ordinances; and

WHEREAS, the Board of Trustees shall include either the Mayor of the Borough or a member of the Flemington Borough Council chosen by the governing body; and

WHEREAS, the Mayor of the Borough of Flemington has nominated Council Member Tony Parker for the 2023 appointment to the BID Board of Trustees; and

WHEREAS, the term of this appointment is one (1) year; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby appoints Council Member Tony Parker to the BID Board of Trustees for the period of January 1, 2023 to December 31, 2023.

Adopted: January 9, 2023

ATTEST:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Regular Agenda**

SUBJECT: 2023-28: APPOINTMENT OF REMINGTON VERNICK ENGINEERS AT THE FLEMINGTON BOROUGH ENGINEER, 2023

SUGGESTED ACTION:

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

WHEREAS, proposals were received through a fair and open process; and

WHEREAS, the Clerk of the Borough of Flemington has determined and certified in writing that the value of the contract may exceed \$17,500.00; and

WHEREAS, the term of this contract is one (1) year; and

WHEREAS, five proposals were received and reviewed for these services; and

WHEREAS, Remington & Vernick Engineers has submitted a rate schedule with its proposal for municipal engineering services at a rate of \$185 per hour;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby hire Remington & Vernick Engineers as Municipal Engineer for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by a professional engineer of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$400,000; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with Remington & Vernick Engineers; and

IT IS FURTHER RESOLVED that notice of this Resolution shall be published as required by law; and

IT IS FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in the 2023 budget, various capital ordinances, and various escrow accounts.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

I, Michael Humphrey, Acting Borough Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 4, 2023.

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Work Session

AGENDA SECTION: Work Session

SUBJECT: Floodplain Management Ordinance

SUGGESTED ACTION:

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Work Session

AGENDA SECTION: Work Session

SUBJECT: Cannabis Licensing

SUGGESTED ACTION:

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 9, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Bills

AGENDA SECTION: Payment of the Bills

SUBJECT: Approval to Pay the Bills in the Amount of \$448,549.70

SUGGESTED ACTION:

ATTACHMENTS: