BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
SEPTEMBER 9, 2024

Mayor Karrow called the meeting to order at 7:00 p.m. announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

SALUTE TO THE FLAG

Mayor Karrow stated a notice was provided as required. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

A ***MOTION*** was made by Councilwoman Fusaro to deputize Brian McNally as Deputy Clerk in the absence of the Borough Clerk, and was seconded by Council President Long with a vote of all ayes.

ATTENDANCE ROLL CALL:

Councilwoman Susan Engelhardt	Present
Councilwoman Adrienne Fusaro	Present
Councilman Trent Levitt	Present
Councilman Jeremy Long	Present
Councilman Tony Parker	Present
Councilwoman Elizabeth Rosetti	Present
Mayor Marcia Karrow	Present

Also Present:
Brian McNally, Deputized Deputy Clerk
Chris Corsini, Borough Attorney

Angela Gonzalez, from PS&S explained the change order Resolution that is on the agenda for the pit and pump.

A ***MOTION*** was made by Council President Long to amend the agenda to adopt Resolution 2024-130 at the beginning of the meeting, and was seconded by Councilwoman Engelhardt with a vote of all ayes.

WHEREAS, the Borough of Flemington and Nela Contracting entered into a contract for Phase 2A of the Police Department Improvement Project (Process Area and Public Toilet) pursuant to Resolution No. 204-58 of the Borough; and

WHEREAS, there is Change Order #1 increasing the contract price from $591,340.00 to $696,353.49, which was a 18% increase in the amount of $105,013.49 to the contract amount based on the need to provide an exterior sanitary line pit, ejector pump and replacement of secondary electrical panel as more thoroughly detailed in the memorandum of the project's consulting architect, Angela Gonzalez, AIA, NCARB, of the firm of PS&S, as attached hereto; and

WHEREAS, the aforesaid modification necessitates a change order to reflect the actual contract amount, which change order is permissible under the Local Public Contracts Law and the Local Government Services regulations with respect to the same and specifically required pursuant to N.J.A.C. 5:30-11.5; and

WHEREAS, Angela Gonzalez, AIA, NCARB, consulting architect for the project, recommends authorizing Change Order #1 as detailed in the above-referenced memorandum; and

WHEREAS, Christopher M. Corsini, Borough Attorney, has reviewed the consulting engineer's memorandum and associated documents and has found all of same to be satisfactory; and

WHEREAS, William Hance, Chief Financial Officer, has certified as to the availability of funds pursuant to the relevant provisions of the Local Budget Law;

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

1. Change Order No.1 is hereby approved and the contract price is hereby increased from $591,340.00 to $696,353.49, an increase of 18% to the original contract in the amount of $105,013.49 for the reasons stated herein.

2. It hereby directs Carla Conner, Borough Clerk, to transmit certified copies of this resolution to William Hance, Chief Finance Officer, Angela Gonzalez, Consulting Architect, and Nela Construction.

A ***MOTION*** was made by Council President Long to approve to approve Resolutions #10, seconded by Councilwoman Fusaro and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Council President Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

PRESENTATION – MARKETING PLAN

Robin Lapidus, Executive Director of the FCP, Ally Norton, President of the FCP, Nichelle Pace and Kevin Beyer from Brand Enchanting Media gave a presentation on their objective and goals for the FCP. Brand Enchanting Media is a culturally responsible creative agency built on the power of diversity and inclusion.

MAYOR'S REPORT:
Mayor Karrow reported tomorrow is Hunterdon County's 9/11 Remembrance Ceremony being held at the Hunterdon County Justice Center.

Mayor Karrow had Sgt. Brian McNally explained the renewal letters that went out from JCP&L regarding the Hunterdon Energy Aggregation Cooperative, which seeks to provide lower energy rates to our residents. Sgt. McNally stated all the residents have been automatically enrolled with IDT Energy, the third-party provider who won the bid. Any resident can opt out at any time.

Mayor Karrow also reported on Monday, September 16, 2024 a crane will be positioned on Main Street in front of the Union Hotel for two weeks from the hours of 7:00am-2:00pm. Please follow detour signs and the Parking Committee adjusted three of the four lights in the Borough, the one that was not addressed was Church and Main Street. The light at North Main and Foran Blvd. has been retimed, on Church Street and Broad Street the light had a counter counting cars and that has been fixed and on Rt. 31 the left-hand turn onto Church Street needs to be fixed by the NJDOT.

Mayor Karrow continued and thanked Kim Tilly for collecting the Halloween candy and Mark Hain for organizing and collecting donations for the July 3 fireworks even though they are not in office anymore.

COUNCIL MEMBER REPORTS

COUNCILWOMAN ENGELHARDT:
Councilwoman Engelhardt reported October 14, 2024 the Samuel Fleming House will hold their Apple & Spice in Colonial America event. There will be a Board meeting at J.P. Case on September 12, 2024 and Hunterdon Central's Board meeting will be held September 23, 2024.

COUNCILWOMAN FUSARO:
Councilwoman Fusaro reported the Ordinance on the agenda is only for what was missed from the Borough in 1980. The Borough is not expanding the historic district.

COUNCILMAN LEVITT:
Councilman Levitt reported that schools have reopened, please be mindful while driving that children are walking to school. Hunterdon Central has a new Superintendent, Jessica Cangelosi-Hade. Councilman Levitt also reported that the Planning Board ad HPC held a joint meeting and the HPC presented plans to expand the Historic District. the Planning Board approved the changes to the historic map with very minor changes.

Councilman Levitt continued the rabies clinic will be held November 2, 2024 at 9:00am.

COUNCIL PRESIDENT LONG:
Council President Long reported for the month of September OEM proudly joins the nation wide observance of Emergency Preparedness Month and the OEM and CERT helped with Hunterdon Helpline's Salsa Night. Council President Long also reported that the Fire Department had 31 incidents in August and the Rescue Squad had 277 emergency calls in August. Council President Long is meeting with the Rescue Squad on August 21, 2024 and the next Fire Department meeting will be held on September 10, 2024.

COUNCILMAN PARKER:
Councilman Parker reported the Police are having a busy month and went over the incidents they have been called to. Councilman Parker also reported that Sgt. McNally was given the task to control speeding in the Borough.

Sgt. McNally went over the speed tests he performed in the Borough.

COUNCIL VICE PRESIDENT ROSETTI:
Council Vice President Rosetti reported the Shade Tree Commission meeting will be held September 11, 2024.

PUBLIC COMMENTS – SESSION I:
Robin Lapidus, from FCP stated the Central Jazz Fest will be held on September 14, 2024. The FCP will be decorate the Court Street Park for the kids Halloween extravaganza on October 27, 2024 and the Witch walk and Moon Market will be held on October 25, 2024.

Ms. Lapidus and Mayor Karrow discussed the abatement program for Borough residents and business owners.

APPROVAL OF MINUTES:

Regular Session July 15, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilwoman Fusaro with a vote of all ayes, with the exception of Councilwoman Fusaro who abstained.

Executive Session July 15, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilwoman Fusaro with a vote of all ayes, with the exception of Councilwoman Engelhardt who abstained.

Regular Session August 12, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilwoman Fusaro with a vote of all ayes, with the exception of Councilwoman Engelhardt who abstained.

Executive Session August 12, 2024

A ***MOTION*** was made by Council President Long to approve the minutes, seconded by Councilwoman Fusaro with a vote of all ayes, with the exception of Councilwoman Engelhardt who abstained.

CONSENT AGENDA:

1. RESOLUTION 2024-122 – RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND TO LMR DISPOSAL SERVICES, LLC (LMR) DUE TO ASSISGNMENT OF THE SOLID WASTE COLLECTION AND DISPOSAL SERVICES CONTRACT TO CASELLA MAJOR ACCOUNT SERVICES, LLC (CASELLA) AND ACCEPTING CASELLA'S PERFORMANCE BOND

WHEREAS, the Mayor and Council adopted a Resolution on June 24, 2024 consenting to assignment of the contract with LMR for the solid waste collection and disposal services contract to Casella; and

WHEREAS, the Brough has further determined that Casella has the necessary experience, equipment, and financial wherewithal to provide continuous safe, adequate and proper solid waste collection and disposal services to the Borough; and

WHEREAS, the terms for the provision of solid waste collection and disposal services, including the costs to the Borough, will remain as stated in the agreement with LMR; and

WHEREAS, providing consent to the assignment by LMR of the solid waste collection and disposal services contract to Casella is necessary for the efficient operations of the Borough, and to ensure the continued availability of safe, adequate and proper solid waste collection and disposal services to the citizens of the Borough at the same reasonable market price; and

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey approves the release of LMR's Performance Bond and accepts the Performance Bond from Casella in the amount of $260,400.00

2..RESOLUTION 2024-123 - RESOLUTION APPROVING KATHERINE ABARCA TO BECOME A SOCIAL MEMBER OF THE FLEMINGTON BOROUGH FIRE DEPARTMENT

WHEREAS, Katherine Abarca has applied to be a social member of the Flemington Borough Fire Department, and

WHEREAS, Ms. Abarca has provided the required application,

NOW, THEREFORE, BE IT REOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey that Ms. Abarca is approved to be a social member of the Flemington Borough Fire Department.

3. RESOLUTION 2024-124 - RESOLUTION APPROVING OLIVIA MITCHELL TO BECOME A JUNIOR FIREFIGHTER OF THE FLEMINGTON BOROUGH FIRE DEPARTMENT

WHEREAS, Olivia Mitchell has applied to be a Junior Firefighter of the Flemington Borough Fire Department, and

WHEREAS, Ms. Mitchell has provided the required application,

NOW, THEREFORE, BE IT REOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey that Ms. Mitchell is approved to be a Junior Firefighter of the Flemington Borough Fire Department.

4. RESOLUTION 2024-125 - RESOLUTION APPROVING GERARD MALEK TO BECOME A SOCIAL MEMBER OF THE FLEMINGTON BOROUGH FIRE DEPARTMENT

WHEREAS, Gerard Malek has applied to be a social member of the Flemington Borough Fire Department, and

WHEREAS, Mr. Malek has provided the required application,

NOW, THEREFORE, BE IT REOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey that Mr. Malek is approved to be a social member of the Flemington Borough Fire Department.

5. RESOLUTION 2024-126 - A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Borough of Flemington wishes to apply for funding of $20,102.00 with a match of $190,000.00 for an approximate project total cost of $210,102.00 for a project under the State of New Jersey Safe & Secure Communities Grant Program, and

WHEREAS, the Mayor and Council has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Flemington Borough for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the Mayor and Council that

1. As a matter of public policy Flemington Borough wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.
5. The subaward number is 25-1009.
6. The subaward period is 9/15/24 to 9/14/25.
7. Flemington Borough accepts the subaward of the Safe & Secure grant.

6. RESOLUTION 2024-127 - RESOLUTION ACCEPTING THE RESIGNATION OFANA PALMA

WHEREAS Ana Palma resigned from her positions as Office Assistant with the Borough of Flemington effective September 6, 2024; and

BE IT RESOLVED that the Mayor and Council of the Borough of Flemington accepts the resignation of Ana Palma.

A ***MOTION*** was made by Council President Long to approve the Consent Agenda, seconded by Councilwoman Engelhardt and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Council President Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

INTRODUCTION OF ORDINANCE:
7. ORDINANCE 2024-19 - AN ORDINANCE AMENDING SECTION 2611 OF THE CODE ENTITLED "ZONING MAP"

Title & Whereas Clauses…

Section I. *Section 2611 of the Code, entitled "Zoning Map" is hereby amended to read as follows (additions are shown as thus; deletions are shown as ~~thus~~);*

….

A. Amendments

….

13. *Ordinance No. 2024-19. The Zoning Map is amended to remove Block 1 Lot 13, Block 8 Lots 9, 10, 11, 12, 13, 13.01, Block 13 Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, Block 14 the western portion of Lot 13, Lots 18, 19, 19.81, 19.83, 19.85, 19.87, and 19.89, from the Professional Office (PO) Zoning District and rezone them into the Transition Commercial (TC) Zoning District.*

14. Ordinance No. 2024-19. The Zoning Map is amended to remove Block 6.01 Lot 1 from the Professional Office (PO) Zoning District and rezone them into the Public Schools, Parks (PS/P) Zoning District.

15. Ordinance No. 2024-19. The Zoning Map is amended to remove Block 5 Lots 1 and 2, Block 13 Lots 15 and 16 Block 14 Lots 1, 2, 3, 19, 19.81, 19.83, 19.85, 19.87, 19.89 from the "Redevelopment Office/Senior Housing Overlay District" Overlay.

Section II. *Section 2622 of the Code, entitled "PROFESSIONAL OFFICE (PO) DISTRICT" is hereby repealed in its entirety.* ~~**§ 2622 PROFESSIONAL OFFICE (PO) DISTRICT**~~

…

Section III. *Section 2640 of the Code, entitled "Redevelopment Office/Senior Housing Overlay District" is hereby repealed in its entirety.*
~~§ REDEVELOPMENT OFFICE/SENIOR HOUSING OVERLAY DISTRICT~~

…

Section IV. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Flemington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section V. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

A ***MOTION*** was made by Council President Long to introduce the Ordinance, second by Councilwoman Fusaro and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Council President Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

Public Hearing will be held September 24, 2024.

8. ORDINANCE 2024-20 - BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2023-34 ADOPTED ON DECEMBER 11, 2023, PROVIDING FOR THE MAIN STREET SEWER REPLACEMENT PROJECT, AND APPROPRIATING $1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,400,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE THE LOCATING, REMOVAL AND REPLACEMENT OF GALVANIZED PIPES, AUTHORIZED IN AND BY THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY

WHEREAS, the Borough of Flemington, in the County of Hunterdon, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2023-34 on December 11, 2023, providing for the sewer replacement project located on Main Street from Church Street to the Route 12 Circle in the Borough (the "Prior Ordinance"); and

WHEREAS, the Borough has determined that the purpose of the Prior Ordinance should be amended to include the locating, removal and replacement of galvanized pipes, without increasing the aggregate appropriation or debt authorization for said purposes.

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

Section One. Section 3 (a) of the Prior Ordinance is hereby amended to read as follows:

> Section 3 (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued consist of the locating, removal and replacement of galvanized pipes and the sewer replacement project located on Main Street from Church Street to the Route 12 Circle in the Borough. The sewer replacement project includes the removal and replacement of approximately 1,250 linear feet of 8" SDR-35 sewer pipe, 7 (seven) 4 foot diameter sanitary sewer manholes, 1,050 linear feet of 4" SDR-26 sanitary sewer laterals, 35 sanitary sewer cleanout assemblies, 1,000 square yards of pavement removal, various water service repairs and replacements incidental to the sewer main construction, 1,000 square yards of 2" temporary pavement restoration, and various traffic control and other incidental items, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

Section Two. The aggregate appropriation of $1,400,000, the aggregate debt authorization of $1,400,000, the average period of usefulness of thirty (30) years, and other authorizations set forth in the Prior Ordinance remain unchanged and are hereby confirmed.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq.

A ***MOTION*** was made by Council President Long to introduce the Ordinance, second by Councilwoman Engelhardt and on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Council President Long	Yes

Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

Public Hearing will be held September 24, 2024.

REGULAR AGENDA:

9. RESOLUTION 2024-128 - RESOLUTION APPOINTING KERI ROGERSON TO A FULL TIME POSITION AT THE FLEMINGTIN PUBLIC LIBRARY DUE TO A VACANCY

After a lengthy discussion, the Council tabled the Resolution.

10. RESOLUTION 2024-129 - REJECTING ALL BIDS FOR THE ROADWAY IMPROVEMENT PROJECT FOR MAIN STREET PURSUANT TO N.J.S.A. 40A:11-13.2(E)

WHEREAS, a notice of advertisement for bids and an Invitation to Bid were prepared and advertised on July 25, 2024 in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for the following project:

Roadway Improvement Project for Main Street

WHEREAS, the Borough opened bids on August 22, 2024 with three bids received:

Reivax Contracting	$698,411.54
Z Brothers Contractors, Inc.	$921,039.00
Top Line Construction	$933,175.23; and

WHEREAS, subsequently at the bid opening, it was noted the low bidder, Reivax Contracting, had an incurable and unwaivable defect in their bid submission, rendering said submission unresponsive; and

WHEREAS, this project will be financed in collaboration with the New Jersey Infrastructure Bank, which by correspondence dated August 28, 2024 has directed the Borough to reject all bids for this project in consideration of incurable and unwaivable defect described herein; and

WHEREAS, the Borough's Qualified Purchasing Agent, William Hance, the Borough's Consulting Engineer, Robert Martucci, and the Borough's Attorney, Christopher Corsini, all recommend rejecting all bids pursuant to N.J.S.A. 11-13.2(e) as awarding a contract under these circumstances would violate the provisions of the Local Public Contracts Law;

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

1. Reivax Contracting's bid is rejected pursuant to N.J.S.A. 40A:11-13.2(e).

2. The Qualified Purchase Agent is authorized to rebid this project.

A ***MOTION*** was made by Council President Long to approve the Resolution, second by Councilwoman Engelhardt on Roll Call the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Council President Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

WORKSESSION – DISCUSSION OF TEMPRARY SIGNS

Mayor Karrow and Council went over the two new sign Ordinances that was drafted. Council agreed on fourteen (14) days prior to the scheduled date of an event and with the exception of grand opening-type business signage which shall be permitted up to sixty (60) days prior to the anticipated grand opening date of the applying business. Council also discussed the fee to be increased to $100 per-day for any fine for not removing signs.

PUBLIC COMMENTS – SESSION II:

There was no public comment.

APPROVAL TO PAY THE BILLS:

AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF $655,364.41

A ***MOTION*** was made by Council President Long to pay the bills. This Motion was seconded by Councilwoman Engelhardt and on Roll Call vote the following was recorded:

Councilwoman Engelhardt	Yes
Councilwoman Fusaro	Yes
Councilman Levitt	Yes
Council President Long	Yes
Councilman Parker	Yes
Council Vice President Rosetti	Yes

Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

The general nature of the subject to be discussed in this session is as follows:

1. NEGIOTATIONS: CARDINAL, CAPTIVA AND COURTHOUSE SQUARE
2. PERSONNEL MATTERS

It is unknown precisely when the matters discussed in this session will be disclosed to the public.

- Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.

The Mayor and Council entered into Executive Session and a ***MOTION*** was made by Council President Long, seconded by Councilwoman Engelhardt with a vote of all ayes.

ADJOURNMENT:

A ***MOTION*** was made by Council President Long to adjourn the meeting. and was seconded by Councilwoman Fusaro with a vote of all ayes.

ATTEST:

Carla Conner, Borough Clerk

Marcia Karrow, Mayor

Adopted: September 23, 2024