



# Mayor and Common Council Borough of Flemington

September 13, 2021

Online during COVID-19 Emergency

## Call to Order

Called to order at 6:30 p.m. Present were Attorney St. Angelo, Attorney Brewer, Mayor Driver, Council Members Giles-McCormick, Hand, Long, Runion and Tilly, and Clerk Graziano. Council Member Johnston was absent.

## Executive Session (6:37 PM)

1. RESOLUTION 2021-180: TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING COURTHOUSE SQUARE LITIGATION

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

Minutes kept separately. The session ended at 7:10 p.m. Mayor Driver announced that Council will take action later in the meeting on a resolution for a settlement agreement. The meeting adjourned until 7:30 p.m.

## 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	Absent	
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

### I. Mayor's Announcement

Mayor Driver summarized the Executive Session earlier and said a settlement agreement has been reached with the Friends of Historic Flemington over the remaining lawsuits involving the Courthouse Square development. The agenda will have to be amended to include a resolution addressing this.

### II. OEM Report

1st Deputy David Giuliani discussed the response to Tropical Storm Ida and the continuing state of emergency. He thanked all first responders and the DPW for their efforts. The number to call for help from FEMA is 908-874-6660.

He noted that the CDC considers the county at high risk for transmission of COVID-19; access is limited at Borough Hall, where masks are required, and Council is meeting online-only.

### III. Mayor's Report

Mayor Driver said following the earlier executive session, action will be taken regarding settlement of the lawsuits involving the Courthouse Square development. Other resolutions to be added to the agenda are: Regarding the sale of 144 Main St., freon removal from flood-damaged appliances, accepting



the donation of a police vehicle, and waiving the inspection fee for vehicles replacing taxis that were damaged in flooding.

She thanked the Borough's first-responders for their help during the flooding from Tropical Storm Ida. Probably 50% of the basements in the Borough flooded; we had 9 inches of rain in 3 hours or less. Much debris was generated- so far 410 cubic yards. She thanked Raritan Township for working with the Borough to allow us to take recyclable storm-damaged items to their facility. Info is coming in the mail about how to file a claim with FEMA.

She also mentioned recent events including the county's 20th-anniversary 911 service, the Jazz Fest on Friday night, and the annual cops-and-kids kickball game on Sunday.

#### IV. Council Members' Reports

##### Council President Giles-McCormick

She thanked first-responders and the DPW for their help throughout the storm and cleanup. State funds are available for small businesses with damage. Five businesses have opened recently. The Jazz Fest on Friday was well-attended. She attended the 911 memorial service on Saturday and said it was very moving.

##### Council Member Runion

A resolution on tonight's agenda addresses energy savings for the municipal energy supply. This is for government buildings, not a residential plan.

##### Council Member Hand

She thanked the Police, DPW, OEM and Fire Departments for their help during Tropical Storm Ida. At the end of August she attended a mental health seminar. The Community Garden group is organizing a cleanup at Tuccamirgan Park for Sunday, Oct. 10.

##### Council Vice President Long

The Planning Board is meeting remotely. Tomorrow's meeting includes a public hearing on a redevelopment area study for Liberty Village.

He thanked the Police, Fire and EMS squads for their work during the storm, saying it was neighbors helping neighbors.

He attended the 911 service and found it very respectful.

He said a resolution will be added to the agenda to accept the donation of a vehicle for the police department.

On Sept. 29, he and Council Member Hand will hold a discussion with residents on Zoom regarding mental health and police work. Reach out to him or Ms. Hand to participate.

##### Council Member Tilly

Ms. Tilly thanked the Fire Department for their selfless sense of duty as they pumped out other people's basements while their own were flooding. She spoke about how the DPW and OEM worked together to keep the flooded streets safe, and continue to work with Council liaisons to coordinate recovery moving forward.

Garbage and recycling totes should be here soon.

There was activity on the Water Tank site today, with the new tank being installed in sections. She said once it is up, the older tank will be taken offline and rehabbed.

##### Council Member Johnston

Absent.

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

No comments.

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VI. Approval of Minutes

Motion To: **Approve Minutes: August 23, 2021 Regular Council Meeting**

<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Jessica Hand, Council Member
<b>SECONDER:</b>	Caitlin Giles-McCormick, Council President
<b>AYES:</b>	Caitlin Giles-McCormick, Jessica Hand, Jeremy Long, Christopher Runion
<b>ABSTAIN:</b>	Kimberly Tilly
<b>ABSENT:</b>	Malik Johnston

VII. Motion To: **Amend Agenda to Add Resolutions**

Ms. Giles-McCormick moved and Ms. Tilly seconded a motion to add five new resolutions to the agenda: Regarding resolution of the Courthouse Square lawsuits; authorizing signature on DEP documents for the sale of 144 Main St.; paying for freon removal from flood-damaged appliances; accepting donation of a vehicle for the Police Department, and waiving the inspection fees for vehicles to replace flooded-out taxis.

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

**Resolutions Added from the Floor**

1. RESOLUTION 2021-194: TO AUTHORIZE EXECUTION OF A SETTLEMENT AGREEMENT IN THE ACTION ENTITLED "FRIENDS OF HISTORIC FLEMINGTON, ET AL VS. BOROUGH OF FLEMINGTON, ET AL," DOCKET NO. HTN-L-376-18 AND "FRIENDS OF HISTORIC FLEMINGTON ET AL VS. PLANNING BOARD OF THE BOROUGH OF FLEMINGTON, ET AL," DOCKET NO. HTN-L-13-19

Attorney Brewer gave an overview of the litigation and the proposed settlement, which calls for amending the Redevelopment Plan to reflect the scaled-down version that has been approved.

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

Following the vote the Mayor thanked Attorney Brewer for his steady guidance, and members of the Union Hotel Development Committee for all their efforts.

2. RESOLUTION 2021-195: AUTHORIZING THE MAYOR AND CLERK TO SIGN DOCUMENTS FOR SUBMISSION TO THE STATE DEP REGARDING THE BOROUGH-OWNED PROPERTY AT 144 MAIN ST., BLOCK 38, LOT 1.01

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

3. RESOLUTION 2021-196: AUTHORIZING A CONTRACT WITH SAMR, INC., FOR FREON REMOVAL

Ms. Tilly noted that the \$12.50 that would be charged by the state contractor to remove freon from an appliance is a great deal.



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

4. RESOLUTION 2021-197: ACCEPTING THE DONATION OF A VEHICLE FOR POLICE USE

Mr. Long said the Police detective division has a need for an undercover vehicle. Police Chief Jerry Rotella said it will be used as a surveillance vehicle, to observe and report, not to respond to calls. It's for investigations.

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

5. RESOLUTION 2021-198: WAIVING CERTAIN FEES REGARDING REPLACEMENT OF FLOOD-DAMAGED TAXICABS

<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

Consent Agenda

Moved by: Tilly    Seconded by: Hand    Vote: All present voted in favor.

- 1. RESOLUTION 2021-181: AUTHORIZING THE RELEASE OF A PORTION OF THE EXECUTIVE SESSION MINUTES
- 2. RESOLUTION 2021-183: AUTHORIZING THE BOROUGH PLANNER TO PREPARE AMENDMENTS TO THE BOROUGH'S LAND DEVELOPMENT CODE

Regular Agenda

- 1. RESOLUTION 2021-182: AUTHORIZING THE FLEMINGTON BOROUGH POLICE DEPARTMENT TO OPERATE A COMMUNITY CRIMECAM PROGRAM

Police Chief Rotella said this is a voluntary program for people to register their exterior security cameras with the Police. In an investigation, police could ask to see video. The police would not be tapping into the security cameras and watching what's happening in real time.

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

- 2. RESOLUTION 2021-191: WAIVING CERTAIN PERMIT FEES FOR REPAIRING FLOOD-DAMAGED STRUCTURES





<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

3. ORDINANCE 2021-20, SECOND READING: ORDINANCE CREATING THE POSITION OF MUNICIPAL COURT VIOLATIONS CLERK AND SETTING A SALARY RANGE

Motion to open public hearing: Tilly, seconded by Long. All present voted in favor. Hearing opened at 8:31 p.m.

No one commented. Motion to close public hearing: Hand, seconded by Tilly. All present voted in favor. Hearing closed at 8:31 p.m.

<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

4. ORDINANCE 2021-21, FIRST READING: ORDINANCE CHANGING THE NAME OF CENTRAL AVENUE TO CENTRAL STATION

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/27/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Caitlin Giles-McCormick, Council President	
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly	
<b>ABSENT:</b>	Malik Johnston	

5. ORDINANCE 2021-22, FIRST READING: AMENDING SECTION 3-3 OF THE BOROUGH CODE TO SET FORTH THE PROCESS FOR SELLING OR DISPOSING OF JUNK OR ABANDONED VEHICLES SEIZED BY THE POLICE DEPARTMENT

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/27/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Jessica Hand, Council Member	
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly	
<b>ABSENT:</b>	Malik Johnston	

6. RESOLUTION 2021-184: AWARDING THE CONTRACT FOR THE HOPEWELL ROAD IMPROVEMENT PROJECT TO REIVAX CONTRACTING COMPANY OF BRIDGEWATER, NJ IN THE AMOUNT OF \$404,153.50 FOR THE BASE BID

<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

7. RESOLUTION 2021-185: AWARDING THE CONTRACT FOR THE DEWEY AVENUE ROAD IMPROVEMENT PROJECT TO REIVAX CONTRACTING COMPANY OF BRIDGEWATER, NJ FOR THE BASE BID AMOUNT OF \$340,700.50



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

8. RESOLUTION 2021-186: RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING AND/OR EXTENDING IS MUNICIPAL FACILITY TO SERVE AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE

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

9. RESOLUTION 2021-187: RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,802,000 GENERAL OBLIGATION BONDS OF THE BOROUGH OF FLEMINGTON IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE ("USDA") RURAL DEVELOPMENT

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

10. RESOLUTION 2021-188: RESOLUTION OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A: 2-26(E) AND CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF NOT EXCEEDING \$1,802,000 GENERAL OBLIGATION BONDS TO THE UNITED STATES OF AMERICA ACTING THROUGH THE USDA RURAL DEVELOPMENT

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

11. RESOLUTION 2021-189: AUTHORIZING ADDITIONAL PAYMENT OF \$2,120.00 TO ENVIRONMENTAL MANAGEMENT ASSOCIATES FOR ENVIRONMENTAL SERVICES IN CONNECTION WITH BOROUGH-OWNED PROPERTY AT 144 MAIN STREET (BLOCK 38, LOT 1.01)

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

12. RESOLUTION 2021-190: RESOLUTION AWARDDING A CONTRACT TO GREAT AMERICAN GAS AND ELECTRIC, LLC, FOR ELECTRIC GENERATION SUPPLY



Mr. Runion said this plan, for municipal buildings only, would comprise 20% more renewable energy than the state mandate, and save the Borough about \$1,400 over 2 years.

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

13. RESOLUTION 2021-192: AUTHORIZING MAINTENANCE TO BE COMPLETED AT 54 E MAIN STREET AND THE COSTS TO BE COLLECTED BY THE TAX COLLECTOR

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

14. RESOLUTION 2021-193: APPOINTING MARTUCCI ENGINEERING, LLC, FOR ASSESSMENT AND ESTIMATING SERVICES FOR A BOROUGH OF FLEMINGTON PRELIMINARY ASSESSMENT

Mayor Driver said this is to assess resiliency and stormwater issues.

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

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

Joanne Braun, 77 Jefferson Court, Raritan Twp., asked about progress on the work being done on the Courthouse Square development. Mayor Driver said they're removing the roof of the hotel board by board, and asbestos remediation work has been done.

Robin Lapidus, executive director of the Flemington Community Partnership, thanked everyone who helped out while basements were flooding, and also those who helped out at the recent Central Jersey Jazz Festival.

IX. Attorney's Report

At the next meeting Attorney St. Angelo anticipates having updates for some Historic Preservation Commission ordinances. She's also working on Community Garden issues, a new position for an office worker at Borough Hall, and she's working with the Engineer on an easement for a new well.

X. Payment of the Bills

Motion To: Pay the Bills in the Amount of \$2,300,352.82

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

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

None needed.

XII. 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

The meeting adjourned at 8:56 p.m.

Attest:

  
Sallie Graziano, Borough Clerk





**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3584

**ADOPTED**

**RESOLUTION 2021-180**

**To Retire into Executive Session for the Purpose of  
Obtaining Legal Advice Regarding Courthouse Square  
Litigation**

WHEREAS, the Common Council of the Borough of Flemington desires to seek legal advice related to the Courthouse Square Project; and

WHEREAS, due to ongoing litigation the Borough is involved with, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7-8), which cites:


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

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public, given the ongoing lawsuits 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-started purpose.

Adopted: September 13, 2021

Attest:

  
Sallie Graziano, Borough Clerk

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

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



ADOPTED

RESOLUTION 2021-181

Authorizing the Release of a Portion of the Executive Session Minutes

BOROUGH OF FLEMINGTON  
COUNTY OF HUNTERDON


**WHEREAS**, Periodically the Borough Attorney and Clerk review the contents of the approved executive session minutes to determine if any items discussed in closed session have been resolved, and therefore can be released to the public; and

**WHEREAS**, upon review, portions of the contents of the executive session minutes are able to be released to the public;

**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 approve release to the public of the attached portions of the contents of the executive session minutes from the following meetings:  
January 8, 2019; January 24, 2019; January 28, 2019; February 11, 2019; March 11, 2019; March 25, 2019; April 8, 2019; June 10, 2019; July 8, 2019; August 12, 2019; September 23, 2019; October 15, 2019; October 28, 2019; November 14, 2019; December 3, 2019; and December 9, 2019.

Adopted: September 13, 2021  
Attest:

  
Betsy Driver, Mayor

  
Sallie Graziano, Borough Clerk

ATTACHMENTS:

- REDACTED ex sess mins 1-8-19 to 12-9-19 (PDF)
- priv log ex sess mins 10-23-17 to 12-9-19 (PDF)

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

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Redaction / Privilege Log for Executive Session Minutes

Date of Minutes	Reason for Redaction / Privilege
October 23, 2017	Privileged in full – Discussion of litigation filed by Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
November 13, 2017	Privileged in full – Discussion of litigation filed by Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
January 22, 2018	Redactions – Discussion of settlement negotiations that could implicate privacy concerns of the property owner and overarching negotiation strategies in future tax appeals
February 12, 2018	Privileged in full – Discussion of municipal issues including OPMA, OPRA, public contracts, Attorney-client privilege, attorney work product
March 12, 2018	Privileged in full – Discussion of personnel item concerning Rebecca Newman
May 14, 2018	Privileged in full – Discussion of litigation filed by Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
May 29, 2018	Privileged in full – Discussion of litigation filed by Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
September 11, 2018	Redactions – Discussion regarding settlement negotiations
November 19, 2018	Privileged in full –

	Discussion of litigation filed by Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
December 10, 2018	Privileged in full – Discussion of sale of municipal property to redeveloper. However, this implicates matters that are still subject to the litigation filed by FCUR. (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ). Additionally, these discussions implicate the negotiation position of the Borough on a real estate matter that has not closed yet.
January 8, 2019	Redactions – Discussion of settlement and attorney advice regarding the tax appeal for Liberty Village (Attorney-Client privilege; attorney work product; discussions regarding litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
January 24, 2019	Discussion of litigation filed by Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
January 28, 2019	Redactions – Discussion of attorney advice and settlement regarding litigation with Mid-American Salt (Attorney-Client privilege; attorney work product; discussions regarding litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) )
February 11, 2019	Redactions – <ul style="list-style-type: none"> <li>• Discussion of contract negotiations with Raritan Township (advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1)).</li> <li>• Discussion of draft policy (advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1)) and attorney advice regarding special events.</li> </ul>

	<ul style="list-style-type: none"> <li>• Discussion regarding contract negotiations and draft policy regarding the police station (advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1)).</li> <li>• Discussion regarding settlement and attorney advice regarding the litigation with Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li> </ul>
March 11, 2019	<p>Redactions –</p> <ul style="list-style-type: none"> <li>• Attorney advice and settlement discussions regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li> <li>• Attorney advice regarding sidewalk maintenance policies.</li> </ul>
March 25, 2019	Redactions concerning discussion of a personnel matter.
April 8, 2019	Redactions – Attorney advice and settlement discussions regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).
June 10, 2019 (Parts 1 and 2)	Redactions – Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).
July 8, 2019	Redactions – Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).

August 12, 2019	Redactions – Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).
September 23, 2019 (Parts 1 and 2)	Redactions <ul style="list-style-type: none"> <li>• Discussion of a personnel issue and attorney advice regarding said issue.</li> <li>• Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li> </ul>
October 15, 2019	Redactions – <ul style="list-style-type: none"> <li>• Discussion of contract negotiations with Teamsters union (advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1)).</li> <li>• Attorney advice regarding OPRA.</li> </ul>
October 28, 2019	Redactions <ul style="list-style-type: none"> <li>• Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li> </ul>
October 28, 2019 (Late Executive Parts 1 and 2)	Redactions <ul style="list-style-type: none"> <li>• Discussion of a personnel issue and attorney advice regarding said issue.</li> </ul>
November 14, 2019	Redactions <ul style="list-style-type: none"> <li>• Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li> </ul>
December 3, 2019	Redactions



	<ul style="list-style-type: none"><li>• Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li></ul>
December 9, 2019	<p>Redactions</p> <ul style="list-style-type: none"><li>• Attorney advice regarding litigation with the Friends of Flemington (Attorney-Client privilege; attorney work product; discussions regarding pending and ongoing litigation; advisory, consultative and deliberative material (N.J.S.A. 47:1A-1.1) ).</li></ul>

3

3

3

Executive Session January 8, 2019: Called for legal advice regarding a proposed settlement of the Liberty Village tax appeal. Opened at 5:32 p.m. on motion by Harris, seconded by Runion. All voted yes.

Present: Municipal Real Estate Attorney Tom Denitzio; Municipal Attorney Franklin Whittlesey; Tax Assessor Ed Kerwin; Mayor Betsy Driver; Council President Michael Harris; Council Members John Gorman, Caitlin Giles-McCormick and Chris Runion; CFO Bill Hance; Clerk Sallie Graziano

Attorney Denitzio said we've been working on resolving tax assessment appeals with Liberty Village since 2017, when the first appeal was filed. Another appeal was filed in 2018. A complaint challenging the assessments in 2017 and 2018 is pending in tax court, with no trial date set. On Dec. 18, 2018, he and the assessor sat with the owners of Liberty Village and their attorney, Peter Zipp. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Liberty Village's assessment went from \$11.5 million to \$7 million in 2018, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Attest:**

Approved by  
Council 1/28/19

**Executive Session January 24, 2019**

**Called for the purpose of meeting with Attorney Joseph Maraziti to discuss ongoing litigation and contractual negotiations.**

**Present: Mayor Betsy Driver; Council members Chris Runion, Susan Peterson, Caitlin Giles-McCormick, John Gorman and Michael Harris; Attorney Joseph Maraziti; Attorney Andy Brewer.**

**Mr. Maraziti introduced himself and Mr. Brewer, and assured council they will keep matters discussed here confidential. He summarized his firm's experience with development issues, representing municipalities throughout New Jersey, dealing with litigation, redevelopment plans and more. He said he and Mr. Brewer have looked over the Redeveloper Agreement, the financial agreement and a number of the lawsuits.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Harris moved to return to open session. Ms. Giles-McCormick seconded. All voted in favor. The session ended at 6:39 p.m.

Attest: Sallie Graziano  
Sallie Graziano, RMC, Borough Clerk

Approved by  
Council 2/25/19

Executive Session January 28, 2019, convened at 10:40 p.m.

Called for legal advice regarding the Mid-American Salt lawsuit, and the Courthouse Square project.

Present: Mayor Betsy Driver; Council Members Caitlin Gillies-McCormick, John Gorman, Michael Harris, Susan Peterson, Christopher Runion, and Jeffrey Doshna; Attorney Frank Whittlesey

Mid-American Salt: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Courthouse Square: Mayor Driver said there are new drawings for the project.

Mr. Whittlesey said at their last court appearance, the judge told the developer he needs to send the Friends group a proposal.

Mayor Driver said that the DEP has indicated that before they can close on the sale of 90-100 Main St., they have to meet all the mitigating conditions of SHPO approval.

Mr. Harris moved to return to open session; seconded by Mr. Runion. All voted in favor. Session ended at 11:05 p.m.

Attest:—

*Sallie Graziano*

Sallie Graziano, RMC, Borough Clerk

*Approved by  
Council  
2/25/19*



**Executive Session February 11, 2019**

**Called for the purposes of:** Contract negotiations regarding a Parks and Recreation agreement with Raritan Township; legal advice concerning the Courthouse Square project; legal advice regarding special events; and contract negotiations regarding a police station study. Convened at 9:20 p.m.

**Present:** Mayor Betsy Driver; Council President Michael Harris; Council Vice President Chris Runion; Council Members Jeffrey Doshna, Caitlin Giles-McCormick, John Gorman and Susan Peterson; Municipal Attorney Frank Whittlesey; by speakerphone, Special Municipal Attorney Joseph Maraziti; and Clerk Sallie Graziano

**Parks and Recreation:** Mayor Driver reviewed that the 40-year agreement with Raritan Township for Parks and Recreation expired, and we can't just pass a resolution to extend the agreement. We need an interim 1-year contract to cover us this year, while we examine things further. [REDACTED]

[REDACTED] A special meeting is planned for Friday, 2/15 at 3:30 p.m. to consider approving a one-year contract.

**Special Events:** [REDACTED]

[REDACTED]

**Police Station Study:** [REDACTED]

[REDACTED]

Attorney Maraziti said a court appearance on settlement of the Friends of Historic Flemington cases has been rescheduled for Feb. 21, [REDACTED]

**Attorney Whittlesey said at a January settlement conference,**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mayor Driver asked the Redevelopment Committee to keep her apprised of their meetings. Mr. Harris said the next one is scheduled for Friday at 5 p.m.

Mr. Doshna moved and Ms. Peterson seconded a motion to return to open session. All voted aye; Council returned to open session at 11:01 p.m.

Attest: Sallie Graziano  
Sallie Graziano, Borough Clerk

Approved  
by Council  
2/25/19

**Executive Session March 11, 2019:** Called for the purpose of obtaining legal advice on the Courthouse Square project, the Mid-American Salt litigation, and property maintenance sidewalk issues.

**Present:** Mayor Betsy Driver; Council President Michael Harris; Council Vice President Chris Runion; Council Members Jeff Doshna, Caitlin Giles-McCormick, John Gorman and Susan Peterson; Borough Attorney Frank Whittlesey; and Borough Redevelopment Attorney Joe Maraziti. Started at 10:35 p.m.

**Courthouse Square:**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Attorney Maraziti departed.

**Mid-American Salt litigation:** Attorney Whittlesey said Mid-American Salt has agreed to accept the Borough's earlier offer of \$5,000 to settle the case.

**Property Maintenance:** There was general discussion about complaints of sidewalk maintenance.

[REDACTED]

Session ended at 12:05 a.m.

Attest: Sallie Graziano Sallie Graziano, Borough Clerk

*Approved by Council 3/25/19*

Early Executive Session March 25, 2019: Called for the Purpose of Discussing a Personnel Matter  
Involving [REDACTED]. 6:45 p.m.

Present: Mayor Betsy Driver, Council President Michael Harris, Council Vice President Chris Runion,  
Council Members Jeffrey Doshna, Caitlin Giles-McCormick and Susan Peterson; Borough Attorney Frank  
Whittlesey; CFO Bill Hance. Councilman Gorman was absent.

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mr. Doshna moved to return to public session, seconded by Ms. Giles-McCormick. All present voted in  
favor. The session ended at 7:00 p.m.

Attest:

Sallie Graziano

Sallie Graziano, RMC, Borough Clerk

Approved by Council 4/8/19

Early Executive Session April 8, 2019, 5:30 p.m. Called for the purpose of obtaining legal advice regarding lawsuits filed by the Friends of Historic Flemington.

Present: Mayor Betsy Driver; Council Vice President Chris Runlon; Council members Susan Peterson, Jeff Doshna, Caitlin Giles-McCormick and John Gorman; Attorneys Frank Whittlesey, Andrew Brewer and Joe Maraziti; Clerk Sallie Grziano. Councilman Michael Harris was absent.

Attorney Maraziti updated council on the progress of settlement discussions held before Judge Miller on March 26, and future scheduling. Attorney Brewer said that Judge Miller is handling settlement negotiations, but Judge O'Neill is still handling the litigation track, in case things don't settle. He discussed scheduling for that.

Attorney Maraziti said the Borough Redevelopment Committee should prepare for a meeting with attorneys and the Friends group on April 23. Another settlement hearing is scheduled before Judge Miller on April 30.

Discussion centered on settlement proposals and where progress might be made.

Mr. Doshna moved to close the executive session, seconded by Mr. Runlon. All present voted in favor. The session ended at 6:57 p.m.

Attest:

Sallie Graziano, RMC, Borough Clerk

Approved by Council 4/22/19

Executive Session May 28, 2019

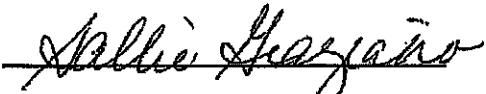
Called for the purpose of receiving legal advice regarding the Courthouse Square project.

Present: Mayor Driver, Council Members Doshna, Giles-McCormick, Peterson, Runion; Attorney Whittlesey; Clerk Graziano. Council Members Harris and Gorman absent.

Attorney Whittlesey advised that the group suing the Borough, Friends of Historic Flemington, has filed a lengthy Open Public Records Act request with the Borough Clerk. The clerk imposed a special service charge, to which the requestor has objected. The clerk responded to the objection and is maintaining that a special service charge is warranted.

Mr. Doshna moved to return to open session, seconded by Ms. Peterson. All present voted in favor. The executive session ended at 9:20 p.m.

Attest:

  
Sallie Graziano, RMC, Borough Clerk

*Approved by Council June 24, 2019*



**Executive Session June 10, 2019, Part I**

**Called for the purpose of obtaining legal advice regarding the Courthouse Square project.**

**Participants:** Mayor Driver; Council Members Doshna, Giles-McCormick, Harris, Peterson and Runion; Borough Attorney Whittlesey; Development Attorney Maraziti (by phone); Clerk Graziano. Council Member Gorman was excused. Convened at 10:30 p.m.

Mr. Maraziti, Mr. Harris and Council Members Peterson, Runion, and Giles-McCormick discussed [REDACTED]  
[REDACTED]  
[REDACTED]

Mr Maraziti expressed his opinion that [REDACTED]  
[REDACTED]. Council President Harris thereafter left the meeting at 11:15 p.m.

The executive session continued without Mr. Harris.

Attest: \_\_\_\_\_

*Sallie Graziano*

Sallie Graziano, Borough Clerk

*Approved by Council June 24, 2019*

**Executive Session June 10, 2019, Part II**

**Called for the purpose of obtaining legal advice regarding the Courthouse Square project.**

**Participants:** Mayor Driver; Council Members Doshna, Giles-McCormick, Peterson and Runion; Borough Attorney Whittlesey; Development Attorney Maraziti (by phone); Clerk Graziano. Council Member Gorman was excused. Mr. Harris recused himself from this portion of the meeting.

This is a continuation of the 6/10 executive session that started at 10:30 p.m., following the departure of Council Member Harris at 11:15 p.m.

Attorney Maraziti discussed terms of the contract to sell 90-100 Main St. to the Courthouse Square developer, and relocation of the Police Department [REDACTED]  
[REDACTED]

The session ended at 11:37 p.m., with Mr. Doshna moving and Ms. Peterson seconding a motion to return to open session.

Attest: Sallie Graziano  
Sallie Graziano, Borough Clerk

*Approved by Council June 24, 2019*

Executive Session July 8, 2019

Called for the purpose of obtaining legal advice regarding the Courthouse Square development.

Present: Mayor Betsy Driver, Council President Michael Harris, Council Vice President Chris Runion, Council Members Susan Peterson and Caitlin Giles-McCormick, Borough Attorney Frank Whittlesey, Redevelopment attorneys Joseph Maraziti Jr. and Andy Brewer (both on speakerphone). Council Members Gorman and Doshna were excused.

Mayor Driver noted for the record Mr. Harris's presence at the meeting. Mr. Harris said he declined to voluntarily recuse himself from the planned discussion.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mr. Harris moved and Mr. Runion seconded a motion to return to open session. All present voted in favor. The meeting ended at 9:48 p.m.

Attest: Sallie Graziano

Sallie Graziano, RMC, Borough Clerk

Approved by Council 7/22/2019

Andy Brewer, Esq [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]

The Council came out of executive session at 10:55 PM.

By Rebecca Newman

Approved by Council 10/15/19

September 9, 2019 Executive Session, 7:00 p.m.

Called for the purpose of obtaining legal advice on pending litigation involving the Union Hotel and the Construction Board of Appeals.

Present: Mayor Betsy Driver; Council President Michael Harris; Council Vice President Chris Runion; Council Members John Gorman, Susan Peterson, Caitlin Gilles-McCormick and Jeffrey Doshna; Borough Attorney Frank Whittlesey; Borough Construction Official Jeffrey Klein; Clerk Sallie Graziano

Attorney Whittlesey gave an overview of the situation with the hotel's condition and the Construction Board of Appeals. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Gorman moved to return to open session; Mr. Harris seconded. All members voted to return to public session at 7:35 p.m.

Attest: Sallie Graziano  
Sallie Graziano, Borough Clerk

Approved by Council 9/23/19

*Property Maint.*

**Executive Session PART I: Sept. 23, 2019, 6:30 p.m., at Historic Hunterdon Courthouse, 71 Main St.**

**Purpose:** Obtaining legal advice regarding Courthouse Square litigation, and discussion of personnel matter involving the Property Maintenance Official

**Present:** Mayor Betsy Driver; Council President Michael Harris; Council Vice President Chris Runion; Council Members John Gorman, Caitlin Giles-McCormick and Jeff Doshna; Borough Attorney Franklin G. Whittlesey; Redevelopment Attorney Joseph Maraziti (on speakerphone); Clerk Sallie Graziano. Council Member Susan Peterson was absent.

The decision was made to address the property maintenance issue first; Attorney Maraziti hung up for this part, and Ms. Giles-McCormick recused herself from the conversation and left the room.

Mayor Driver gave an overview of a property maintenance enforcement issue. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Giles-McCormick returned to the executive session, Mr. Harris recused himself and Attorney Maraziti called in as the topic turned to Courthouse Square litigation and possible settlement terms.

(Minutes from this part of the executive session are included in PART II).

Mr. Doshna moved and Ms. Giles-McCormick seconded ending the executive session and returning to public session. All members present voted in favor. The session ended at 7:26 p.m.

Attest: *Sallie Graziano*

Sallie Graziano, RMC, Borough Clerk

*Approved by Council 10/15/19*

## Courthouse Square

**Executive Session PART II: Sept. 23, 2019, 6:30 p.m., at Historic Hunterdon Courthouse, 71 Main St.**

**Purpose: Obtaining legal advice regarding Courthouse Square litigation, and discussion of personnel matter involving the Property Maintenance Official**

**Present: Mayor Betsy Driver; Council President Michael Harris; Council Vice President Chris Runion; Council Members John Gorman, Caitlin Giles-McCormick and Jeff Doshna; Borough Attorney Franklin G. Whittlesey; Redevelopment Attorney Joseph Maraziti (on speakerphone); Clerk Sallie Graziano. Council Member Susan Peterson was absent.**

**The decision was made to address the property maintenance issue first; Attorney Maraziti hung up for this part, and Ms. Giles-McCormick recused herself from the conversation and left the room.**

**(Minutes from this part of the executive session are included in PART I)**

**Ms. Giles-McCormick returned to the executive session, Mr. Harris recused himself, and Attorney Maraziti called in as the topic turned to Courthouse Square litigation and possible settlement terms.**

**Attorney Maraziti said a letter was received from the attorney for the Friends of Historic Flemington that outlined settlement terms**

[REDACTED]

**Mr. Doshna moved and Ms. Giles-McCormick seconded ending the executive session and returning to public session. All members present voted in favor. The session ended at 7:26 p.m.**

**Attest:** Sallie Graziano

Sallie Graziano, RMC, Borough Clerk

*Approved by Council 10/15/19*



Executive Session, October 15, 2019

Called for the purpose of discussing contract negotiations concerning the PBA and the Teamsters, and for legal advice regarding the Open Public Records Act.

Present: Mayor Driver; Council President Harris; Council Vice President Runion; Council Members Gorman, Peterson, Giles-McCormick, and Doshna; Attorney Whittlesey; Clerk Graziano

Contracts:

Mr. Doshna gave an overview of the two contracts. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]

OPRA:

[REDACTED]  
[REDACTED]

Mr. Doshna moved and Mr. Gorman seconded returning to open session. All voted yes. The executive session ended at 12:46 a.m.

Attest: \_\_\_\_\_

Sallie Graziano, Borough Clerk

**October 28, 2019, Early Executive Session, 6:30 PM**

**Called for the purpose of addressing matters pertaining to pending litigation regarding the Courthouse Square project.**

**Present: Mayor Betsy Driver; Borough Attorney Frank Whittlesey; Special Counsel Joseph Maraziti; Andrew Janiw of Beacon Planning; Council Vice President Chris Runion; Council Members John Gorman, Susan Peterson, Caitlin Giles-McCormick and Jeff Doshna. Council President Michael Harris arrived at 6:40 p.m.**

**Mayor Driver said the report would be discussed in public at the Nov. 18 meeting at the historic courthouse.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Mayor Driver said council could hold a special meeting for an executive session before the Nov. 18 regular meeting, so council can discuss the report after they've had a chance to look at it.**

Mr. Doshna moved to return to open session, seconded by Mr. Harris. All voted in favor. The executive session ended at 7:30 p.m.

Attest: Sallie Graziano  
Sallie Graziano, RMC, Borough Clerk

Approved by Council 11/18/19

October 28, 2019, Late Executive Session Part I

Called for the purpose of discussing separate personnel matters involving the [REDACTED]  
[REDACTED]

Present: Mayor Driver; Attorney Whittlesey; Council President Harris; Council Vice President Runlon;  
Council Members Gorman, Peterson, Giles-McCormick and Doshna; Clerk Graziano

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Ms. Giles-McCormick left the session as this discussion ended.

(Part II of this executive session continued without Ms. Giles-McCormick's participation).

Attest: Sallie Graziano  
Sallie Graziano, RMC, Borough Clerk

Approved by Council 11/18/19

October 28, 2019, Late Executive Session, Part II

Called for the purpose of discussing separate personnel matters involving the [REDACTED]  
[REDACTED].

(This is a continuation of the late executive session after the point at which Ms. Giles-McCormick recused herself).

Present: Mayor Driver; Attorney Whittlesey; Council President Harris; Council Vice President Runion; Council Members Gorman, Peterson, and Doshna; Clerk Graziano

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mr. Gorman moved and Mr. Doshna seconded returning to open session. All members present voted in favor. The session ended at 11:46 p.m.

Attest:

Sallie Graziano

Sallie Graziano, RMC, Borough Clerk

Approved by Council 11/18/19

Executive Session November 14, 2019; Borough Hall, 6:10 p.m.

Called for the purpose of addressing matters pertaining to pending litigation regarding the Courthouse Square project.

Present: Mayor Driver, Council President Harris, Council Vice President Runion, Council Members Giles-McCormick, Gorman, Peterson and newly seated Kimberly A. Tilly, Borough Attorney Frank Whittlesey, Redevelopment Attorney Andrew Brewer, and Andrew Janiw and Barbara Ehlen from Beacon Planning.

Mayor Driver said the financial impact report prepared by Beacon will be released to the public on Friday, if the council deems the report complete.

Mr. Janiw summarized the findings of the report, covering population impact (about 400 people); school impact (about 24 schoolchildren using an updated formula); police staffing (add 1-2 officers, 1-2 vehicles, sell the current station for \$1.1 million and replace it at a cost of \$3 million to \$5 million); infrastructure (costs borne by developer, with a credit against user fees); EMS (estimate 1 additional call per week).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Janiw said he plans a 45-minute presentation at Monday's meeting, followed by a question and answer period.

Mr. Harris moved to return to open session, seconded by Ms. Tilly. All voted in favor. The executive session ended at 7:45 p.m.

Attest: Sallie Graziano

Sallie Graziano, Borough Clerk

Approved by Council 12/9/19

Executive Session November 18, 2019, 10:25 p.m. at Borough Hall, 38 Park Ave.

Called for the purpose of addressing a matter of potential litigation involving property maintenance.

Present: Attorney Frank Whittlesey, Mayor Betsy Driver, Council President Michael Harris, Council Vice President Chris Runion, Council Members John Gorman, Kimberly Tilly and Susan Peterson. Council Member Caitlin Giles-McCormick recused herself.

Attorney Whittlesey said Mr. Nuechterlein submitted a request to be reimbursed \$2,500 to replace bushes that were cut to the ground on the authority of the property maintenance official, who failed to follow property procedure. We had offered him \$500.

Mr. Harris summarized the situation. Attorney Whittlesey advised the Borough to give Mr. Nuechterlein the replacement value. The consensus was to have borough staff do the work or, if that's not possible, contract to have someone do the work, and also give Mr. Nuechterlein something for compensation.

Council called Mr. Nuechterlein into the executive session to discuss options. There was consensus that either the DPW or J&J Landscaping would do the work of replacing the bushes with 3-foot spirea bushes.

Mr. Gorman moved to return to open session, seconded by Mr. Harris. All present voted in favor. The executive session ended at 10:42 p.m.

Attest: Sallie Graziano

Sallie Graziano, Borough Clerk

*Approved by Council 12/9/19*

December 3, 2019 Executive Session, 5:12 p.m.

Called for the purpose of obtaining legal advice regarding the Courthouse Square project.

Present: Mayor Driver; Council President Harris; Council Vice President Runion; Council Members Tilly, Gorman, Peterson; Council Member Giles-McCormick on speakerphone; Borough Attorney Whittlesey; Development Attorneys Joseph Maraziti and Andrew Brewer; Clerk Graziano

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Harris moved to return to open session, seconded by Ms. Tilly. All members voted in favor of returning to open session. The executive session ended at 6:15 p.m.

Attest: Sallie Graziano  
Sallie Graziano, RMC, Borough Clerk

Approved by Council 1/2/2020



Called for the purpose of obtaining legal advice regarding the sale of Borough-owned property at 90-100 Main St.

**Present: Mayor Driver; Council President Harris; Council Vice President Runion; Council Members Gorman, Tilly, Peterson and Giles-McCormick; Borough Attorney Whittlesey; Development Attorneys Joseph Maraziti and Andrew Brewer; Clerk Graziano.**

Attorney Brewer updated the Council on the results of a case management conference concerning the lawsuit against the Planning Board alleging conflicts of interest. Discovery has been ordered and we can expect it will take a significant amount of time.

**Mr. Harris moved to return to open session, seconded by Ms. Tilly. All present voted in favor of returning to open session. The executive session ended at 7:15 p.m.**

**Attest:**

Salvatore Graziano

**Sallie Graziano, RMC, Borough Clerk**

Approved by Council 1/2/2020

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**ADOPTED**

**RESOLUTION 2021-182**

DOC ID: 3573

## **Authorizing the Flemington Borough Police Department to Operate a Community CrimeCam Program**

**WHEREAS**, video surveillance is one of the best methods of apprehending criminals and convicting suspects who are caught in the act of committing a crime; and

**WHEREAS**, many business owners and residents currently operate surveillance systems at their businesses and/or homes; and

**WHEREAS**, the Flemington Borough Police Department has proposed a Community CrimeCam Program which is a voluntary community safety initiative through which such surveillance system locations are registered with the Police; and

**WHEREAS**, when a crime occurs in a specific area, the Flemington Borough Police Department will request a copy of the video footage from nearby cameras to help establish leads, identify suspects and save investigative time; and

**WHEREAS**, all registered camera locations will be stored in a secure database, allowing the Police Department to map out locations of cameras throughout the Borough, and camera owners will only be contacted by Police if a crime occurs in the area of their camera's coverage; and

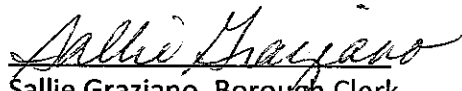
**WHEREAS**, The CrimeCam program is voluntary and consent to view video footage can be withdrawn at any time; and

**WHEREAS**, the program is not intended for active surveillance or monitoring of cameras.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Flemington authorizes operation of the Community CrimeCam Program.

Adopted: September 13, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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



ADOPTED

RESOLUTION 2021-183

Authorizing the Borough Planner to Prepare Amendments to the Borough's Land Development Code

WHEREAS, the Borough Planner, Elizabeth McManus, has recommended addressing two issues in the Borough's Land Development Code; and

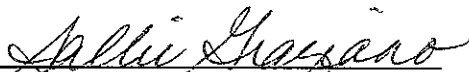
WHEREAS, one issue deals with the lack of specifications regarding zoning density, and another issue deals with the size of private parking garages; and

WHEREAS, Ms. McManus has presented the attached 2 proposals for amending the Borough's Land Development Code to address the issues; and

WHEREAS, the cost for each proposal is \$750, excluding the cost of meetings with the Planning Board or Council, for a total of \$1,500;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington, County of Hunterdon, authorizes Borough Planner Elizabeth McManus to proceed with the work as described in her proposals, at a total cost not to exceed \$1,500 excluding the cost of meetings with the Planning Board or Council.

Adopted: September 13, 2021  
Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**ADOPTED**

**RESOLUTION 2021-184**

DOC ID: 3581

**Awarding the Contract for the Hopewell Road Improvement Project to Reivax Contracting Company of Bridgewater, NJ in the Amount of \$404,153.50 for the Base Bid**

**WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for Hopewell Avenue Road Improvement Project on August 26,2021 and;**

WHEREAS, six (6) bids were received as follows:

Contractor	Base Bid
Reivax Contracting Co. Bridgewater, NJ	\$404,153.50
Crossroads Paving Newark, NJ	\$493,111.50
Topline Constr. Corp. Somerville, NJ	\$498,037.95
ADS Contractors LLC Pittstown, NJ	\$521,755.08
Black Rock Ent. Old Bridge, NJ	\$512,537.00
Brennan Bros. Old Bridge, NJ	\$598,698.85

WHEREAS, bids have been reviewed by the Borough Engineer, Robert Martucci, and by the Borough Attorney Tara St. Angelo, and they have determined that the bid submitted by Reivax Contracting Company 68 FINDERNE AVENUE BRIDGEWATER, NEW JERSEY 08807 is the lowest responsive bid for Hopewell Avenue Road Improvement Project in the amount of \$404,153.50 for the Base Bid and;


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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Contract for Hopewell Road Improvement Project be awarded to Reivax Contracting Company 68 FINDERNE AVENUE BRIDGEWATER, NEW JERSEY 08807 for the bid in the amount of \$404,153.50 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. Borough Engineer.
2. The Contract is subject to review and approval by the New Jersey Department of Transportation.

Adopted: September 13, 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston





**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**RESOLUTION 2021-185**

DOC ID: 3582

**Awarding the Contract for the Dewey Avenue Road Improvement Project to Reivax Contracting Company of Bridgewater, NJ for the Base Bid Amount of \$340,700.50**

**WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for the Dewey Avenue Road Improvement Project on August 26, 2021; and**

WHEREAS, six (6) bids were received as follows:

Contractor	Base Bid
Reivax Contracting Co. Bridgewater, NJ	\$340,700.50
ADS Contracting Newark, NJ	\$379,720.08
Crossroads Paving Newark, NJ	\$397,741.50
Topline Construction Corp Somerville, NJ	\$402,192.93
Black Rock Ent. Old Bridge, NJ	\$430,383.80
Brennan Brothers Inc. Old Bridge, NJ	\$493,657.85

WHEREAS, bids have been reviewed by the Borough Engineer, Robert Martucci, and by the Borough Attorney Tara St. Angelo, and they have determined that the bid submitted by Reivax Contracting Company, 68 Finderne Avenue, Bridgewater, NJ 08807 is the lowest responsive bid for the Dewey Avenue Road Improvement Project in the amount of \$340,700.50 for the Base Bid and;

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


NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Contract for the Dewey Avenue Road Improvement Project be awarded to Reivax Contracting Company, 68 Finderne Avenue, Bridgewater, NJ 08807 for the bid in the amount of \$340,700.50 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., Borough Engineer.

2. The Contract is subject to review and approval by the New Jersey Department of Transportation.

Adopted: September 13, 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

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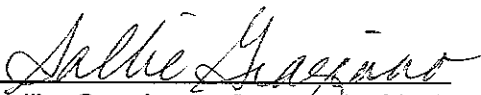
ADOPTED


RESOLUTION 2021-186

**Resolution Authorizing and Providing for the Incurrence of Indebtedness for the Purpose of Providing a Portion of the Cost of Acquiring, Constructing, Enlarging, Improving And/Or Extending is Municipal Facility to Serve Area Lawfully Within Its Jurisdiction to Serve**

See attached document.

Adopted: September 13, 2021  
Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

ATTACHMENTS:

- usda loan res 1,802,000.00 (PDF)

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

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**LOAN RESOLUTION**  
(Public Bodies)A RESOLUTION OF THE Borough CouncilOF THE Flemington Borough, in the County of Hunterdon, State of New JerseyAUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS  
Municipal

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Flemington Borough

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One Million Eight Hundred Two Thousand & 00 100pursuant to the provisions of N.J.S.A. 40A-2-1 et seq.; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 498,000.00

under the terms offered by the Government; that the \_\_\_\_\_

and \_\_\_\_\_ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance, to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was:                      Yeas 5                      Nays 0                      Absent 1

IN WITNESS WHEREOF, the Borough Council \_\_\_\_\_ of the  
Flemington Borough \_\_\_\_\_ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this \_\_\_\_\_ 13th day of September, 2021

(SEAL)

Attest:  
Sallie Graziano  
Sallie Graziano,  
Title Clerk

By Betsy Driver  
Title Mayor

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**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as Clerk of the Flemington Borough  
hereby certify that the Borough Council of such Association is composed of  
\_\_\_\_\_ members, of whom, \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
held on the 13th day of September, 2021; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of Sept 14, 2021  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this 14th day of September 2021

Sallie Graziano  
Sallie Graziano,  
Title Clerk

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**ADOPTED**

**RESOLUTION 2021-187**

DOC ID: 3579

**Resolution Determining the Form and Other Details of Not Exceeding \$1,802,000 General Obligation Bonds of the Borough of Flemington in the County of Hunterdon, State of New Jersey and Providing for Their Sale to the United States of America Acting through the United States Department of Agriculture ("USDA") Rural Development**

**WHEREAS**, the Borough of Flemington (the "Borough"), in the County of Hunterdon, State of New Jersey, has determined that there exists a need within the Borough to finance costs associated with (i) Sewer Utility Improvements on Dewey Avenue (from Mine Street to Bonnell Street); Corcoran Street (from Park Avenue to Allen Street); Hopewell Avenue (from East Main Street to North Main Street), said improvements to include, but not limited to, improvements to and/or replacement of sewer pipes, laterals and manholes; sewer utility improvements on Main Street (from Route 12 to Church Street) including, but not limited to, sewer clean out improvements; (ii) various water utility improvements on Dewey Avenue (from Mine Street to Bonnell Street); Corcoran Street (from Park Avenue to Allen Street); Shields Avenue (from Mine Street to end of the water main); Pennsylvania Avenue Extension (from Route 31 to end of the water main); Hopewell Avenue (from East Main Street to North Main Street) said improvements to include, but not be limited to, as applicable, water main line improvements and/or replacement including, but not limited to, acquisition and installation, as applicable, of cement lined duct iron and/or copper piping; valve improvements; and acquisition and installation, as applicable, of fire hydrant assemblies; and, as applicable, associated traffic control, roadway pavement restoration, curb, sidewalk and driveway repairs and lawn restoration; and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (collectively, the "Project"); and

**WHEREAS**, the Borough has determined to finance the Project with the proceeds of loan(s) (the "Loan") to be made to the Borough by the United States of America acting through the United States Department of Agriculture Rural Development (the "USDA Rural Development"); and

**WHEREAS**, to evidence the Loan, the USDA Rural Development requires the Borough to authorize, execute, attest and deliver the Borough's not to exceed \$1,802,000 General Obligation Bonds (the "Bonds") in accordance with the provisions hereof and pursuant to the terms of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") and other applicable law; and

**WHEREAS**, section 27(a)(2) of the Local Bond Law allows for the sale of the Bonds to the USDA Rural Development without any public offering, all under the terms and conditions set forth herein.

**NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, as follows:**

**Section 1.** In accordance with the provisions of N.J.S.A. 40A:2-27(a)(2), the Borough hereby sells and awards the Borough's not to exceed \$1,802,000 General Obligation Bonds (the "Bonds") to the USDA Rural Development in accordance with the provisions hereof. The Bonds have been authorized pursuant to various bond ordinances finally adopted at meetings of the Borough Council duly called and held on March 22, 2021 and April 12, 2021, respectively, and published as required by law, at which meetings quorums were present and acting throughout, all pursuant to terms of the Local Bond Law and other applicable law.

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**Section 2.** The Chief Financial Officer of the Borough (the "Chief Financial Officer") is hereby authorized and directed to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the USDA Rural Development and the terms and conditions hereof, the following items with respect to the Bonds:

- (a) The aggregate principal amount of the Bonds to be issued, provided that the total amount of Bonds issued shall not exceed the aggregate principal amount of \$1,802,000;
- (b) The maturity and principal installments of the Bonds, which maturity shall not exceed 40 years;
- (c) The date of the Bonds;
- (d) The interest rates of the Bonds;
- (e) The purchase price of the Bonds; and
- (f) The terms and conditions under which the Bonds shall be subject to redemption prior to their stated maturities.

**Section 3.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Bonds by the parties authorized under Section 4(c) hereof.

**Section 4.** The Borough Council hereby determines that certain terms of the Bonds shall be as follows:

- (a) The Bonds shall be issued in a single denomination and shall be numbered GO-1;
- (b) The Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Bonds shall be executed by the manual or facsimile signatures of the Mayor of the Borough (the "Mayor") and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Borough (the "Borough Clerk").

**Section 5.** The Bonds shall be substantially in the form set forth in Exhibit A attached hereto with such additions, deletions and omissions as may be necessary for the Borough to comply with the requirements of the USDA Rural Development, upon the advice of Bond Counsel to the Borough (as hereinafter defined).

**Section 6.** The law firm of Archer & Greiner P.C., Red Bank, New Jersey, Bond Counsel to the Borough ("Bond Counsel"), the Borough Engineer, the Borough Attorney and the Borough Auditor are each hereby authorized and directed to perform all actions necessary to consummate the issuance of the Bonds and the Project for which the Bonds are issued including, but not limited to, drafting and arranging for the printing and execution of the Bonds and all applicable documentation necessary to memorialize and consummate the issuance of the Bonds and the undertaking of the Project, preparing all necessary financial information, all engineering and design work, preparation of plans and specifications and conducting all necessary studies, searches and analysis in connection with the issuance of the Bonds and the undertaking of the Project. The Mayor, the Chief Financial Officer and the Borough Clerk are each hereby authorized and directed to

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execute and deliver any certificates necessary or desirable in connection with the financial and other information.

**Section 7.** The Mayor, Chief Financial Officer, the Borough Clerk and any other Borough representative, are each hereby authorized and directed to (i) execute any certificates or documents necessary or desirable in connection with the sale of the Bonds or the undertaking of the Project and each are hereby further authorized and directed to deliver same to the USDA Rural Development upon delivery of the Bonds and the receipt of payment therefor or in accordance with the USDA Rural Development and (ii) perform such other actions as they deem necessary, desirable or convenient, in consultation with Bond Counsel, in relation to the execution and delivery thereof.

**Section 8.** Upon the adoption hereof, the Borough Clerk shall forward certified copies of this resolution to John M. Cantalupo, Esq., Bond Counsel to the Borough.

**Section 9.** This resolution shall take effect immediately.

Adopted: September 13, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

**EXHIBIT A**

**SAMPLE FORM ONLY - DO NOT COMPLETE**

UNITED STATES OF AMERICA  
BOROUGH OF FLEMINGTON  
IN THE COUNTY OF HUNTERDON  
STATE OF NEW JERSEY

GENERAL OBLIGATION BOND  
CALLABLE

NUMBER GO-\_\_\_\_

DATE OF ORIGINAL ISSUE: \_\_\_\_\_, 202\_\_

REGISTERED OWNER: United States of America

PRINCIPAL SUM: \_\_\_\_\_ Dollars  
[\$ \_\_\_\_\_]

THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to the order of the United States of America (also referred to herein as "Payee") or successor thereto, acting through the United States Department of Agriculture, Mount Laurel, New Jersey, or registered assigns, the Principal Sum specified above and to pay interest on the unpaid principal balance thereof at the rate of \_\_\_\_\_ and \_\_\_\_\_ hundredths percentum (\_\_\_\_%) per annum, in

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Seventy-Nine (79) equal installments of \$\_\_\_\_\_, commencing on \_\_\_\_\_, 20\_\_ and on each \_\_\_\_\_ and \_\_\_\_\_ thereafter, and one (1) final installment of \$\_\_\_\_\_ on \_\_\_\_\_, 20\_\_, in an amount to the unpaid principal balance hereof, plus interest accrued thereon to such date, unless all or any portion hereof shall have been paid earlier in accordance with the terms thereof.

Payments made on the indebtedness evidenced by this instrument regardless when made, shall be applied first to interest due through the date of payment and next to the principal.

This Bond shall be subject to redemption, without penalty, at any time prior to its stated maturity at the option of the Borough by payment of all the unpaid principal then due plus interest due to the date of redemption.

Upon surrender of this bond and the written request of the registered holder thereof satisfactory to the Borough, this Bond will be transferred to a new registered owner. No transfer of this bond shall be valid unless recorded on the books of Borough kept for this purpose in the office of its Chief Financial Officer and noted on the back of this Bond.

This Bond is authorized and issued pursuant to: (i) the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey (the "Local Bond Law"); (ii) bond ordinances duly adopted by the Borough Council on March 22, 2021 and April 12, 2021, respectively; and (iii) a resolution duly adopted by the Borough Council on September 13, 2021.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal of and the interest on this Bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or the statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed and that this Bond, together with all other indebtedness of the Borough, is within every debt and other limit prescribed by such Constitution or statutes, as permitted by Resolution of the Local Finance Board.



IN WITNESS WHEREOF, the Borough of Flemington, in the County of Hunterdon, State of New Jersey has caused this Bond to be executed in its name by signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be hereunto impressed and the Bond and the seal to be attested to by the manual signature of its Clerk and this Bond to be dated the Date of Original Issue as specified above.

ATTEST (SEAL)  
By: *Shirley Kayano* [Clerk]

BOROUGH OF FLEMINGTON, IN THE  
COUNTY OF HUNTERDON, STATE OF  
NEW JERSEY  
By: *Ben D.*  
[Mayor]  
By: *William J. Hance*  
[Chief Financial Officer]

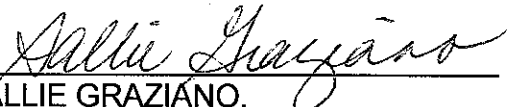


**CERTIFICATION**

I, SALLIE GRAZIANO, Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,802,000 GENERAL OBLIGATION BONDS OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE ("USDA") RURAL DEVELOPMENT" is a copy of a resolution which was duly adopted by the Borough Council at a meeting duly called and held on September 13, 2021 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this 14th day of September, 2021.

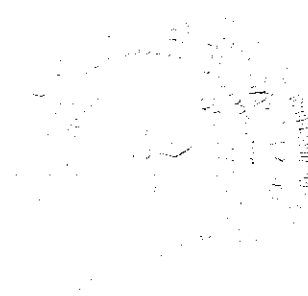
(SEAL)

  
SALLIE GRAZIANO,  
Borough Clerk

**ATTACHMENTS:**

- usda 1,802,000.00 loan RUS Bull 1780-27 (PDF)
- USDA 1,802,000.00 loan RUS Bull 1780-12 (PDF)
- RD 400-1 EO (PDF)
- RD 400-4 assurance (PDF)
- AD 1049 drug-free (PDF)

<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

**ADOPTED**

Initiator: Sallie Graziano  
Sponsors:

**RESOLUTION 2021-188**

DOC ID: 3578

**Resolution of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, Authorizing the Making of an Application to the Local Finance Board Pursuant to N.J.S.A. 40A: 2-26(E) and Certain Other Matters in Connection with the Issuance of Not Exceeding \$1,802,000 General Obligation Bonds to the United States of America Acting through the USDA Rural Development**

WHEREAS, the Borough of Flemington (the "Borough"), in the County of Hunterdon, State of New Jersey desires to finance the costs associated with (i) Sewer Utility Improvements on Dewey Avenue (from Mine Street to Bonnell Street); Corcoran Street (from Park Avenue to Allen Street); Hopewell Avenue (from East Main Street to North Main Street), said improvements to include, but not limited to, improvements to and/or replacement of sewer pipes, laterals and manholes; sewer utility improvements on Main Street (from Route 12 to Church Street) including, but not limited to, sewer clean out improvements; (ii) various water utility improvements on Dewey Avenue (from Mine Street to Bonnell Street); Corcoran Street (from Park Avenue to Allen Street); Shields Avenue (from Mine Street to end of the water main); Pennsylvania Avenue Extension (from Route 31 to end of the water main); Hopewell Avenue (from East Main Street to North Main Street) said improvements to include, but not be limited to, as applicable, water main line improvements and/or replacement including, but not limited to, acquisition and installation, as applicable, of cement lined duct iron and/or copper piping; valve improvements; and acquisition and installation, as applicable, of fire hydrant assemblies; and, as applicable, associated traffic control, roadway pavement restoration, curb, sidewalk and driveway repairs and lawn restoration, as applicable; and all work, materials, equipment, labor and appurtenances (collectively, the "Project"); and

WHEREAS, the Borough believes that it is necessary to permanently finance the Project through the issuance of bonds due to the current interest rate environment and the Borough's source for the permanent financing of the Project is the Borough's issuance of General Obligation Bonds in an aggregate principal amount not to exceed \$1,802,000 (the "Bonds") through the United States of America acting through the United States Department of Agriculture Rural Development (the "USDA Rural Development"); and

WHEREAS, the Borough now desires to authorize the issuance of the Bonds through the USDA Rural Development; and

WHEREAS, the Borough's ability to issue such Bonds through the USDA Rural Development requires the authorization of certain matters and certain actions to be undertaken by Borough officials, officers and professionals including, but not limited to, the preparation and submission of an application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board") and the completion and submission of certain closing documentation to the USDA Rural Development; and

WHEREAS, the Borough desires to conduct the private sale of its Bonds in an aggregate principal amount not to exceed \$1,802,000 to provide funds to finance the Project, and certain additional financing costs, and desires to make application to the Local Finance Board to seek the approval pursuant to N.J.S.A. 40A:2-26(e) for a non-conforming principal maturity schedule; and

WHEREAS, the Borough believes:

- (a) it was in the public interest to accomplish the Project;

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(b) the Project is for the health, welfare, convenience or betterment of the inhabitants of the Borough;

(c) the amounts expended for the Project are not unreasonable or exorbitant; and

(d) the Project is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and the Project will not cause any undue financial burden to be placed upon the inhabitants of the Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, as follows:

**SECTION 1.** The Borough's Bond Counsel, Archer & Greiner P.C. (the "Bond Counsel") and such other officials, officers and professionals of the Borough including, but not limited to, the Mayor, the Chief Financial Officer, the Clerk, the Engineer, the Auditor and the Borough's Attorney are each hereby authorized and directed to prepare and submit an application to the Local Finance Board (the "Application") in connection with the financing of the Project and to represent the Borough in matters pertaining thereto.

**SECTION 2.** The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, consents, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

**SECTION 3.** The Borough Clerk is hereby directed to file a certified copy of this resolution with the Local Finance Board and to forward a certified copy of this resolution to Bond Counsel to supplement the Application therewith.

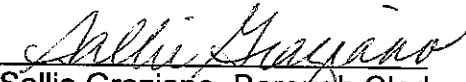
**SECTION 4.** Bond Counsel is each hereby authorized to prepare, along with the other officials, officers and professionals of the Borough, the USDA Rural Development's closing documents in consultation with the Borough's Mayor, Chief Financial Officer and the Borough Attorney and to submit same to the USDA Rural Development.

**SECTION 5.** The Borough's Mayor or Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the Project not determined by this or a subsequent resolution, all in consultation with Bond Counsel, the Auditor, the Engineer or the Borough's Attorney, and the manual or facsimile signature of the Borough's Mayor or Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Borough's Mayor, Chief Financial Officer, Clerk and any other Borough Representative including, but not limited to, Bond Counsel, the Engineer, the Auditor and the Borough's Attorney, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to consummate the transaction contemplated by the Borough's undertaking of the Project, and any and all such actions or inactions taken by the aforesaid Borough Representatives heretofore are hereby ratified and confirmed, *nunc pro tunc*.

**SECTION 6.** This resolution shall take effect immediately.

Adopted: September 13, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

**RECORDED VOTE**

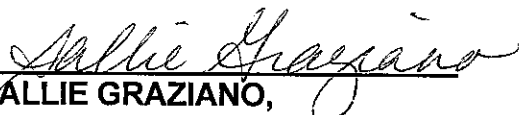


AYES 5NAYS 0ABSTENTIONS 0ABSENTEES 1**CERTIFICATION**

I, SALLIE GRAZIANO, Clerk of the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26(e) AND CERTAIN OTHER MATTERS IN CONNECTION WITH ISSUANCE OF NOT EXCEEDING \$1,802,000 GENERAL OBLIGATION BONDS TO THE UNITED STATES OF AMERICA ACTING THROUGH THE USDA RURAL DEVELOPMENT", is a copy of a resolution which was duly adopted by the Borough Council at a meeting duly called and held on September 13, 2021 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough as of this 14th day of September, 2021.

(SEAL)

  
**SALLIE GRAZIANO,**  
Borough Clerk

<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**ADOPTED**

**RESOLUTION 2021-189**

DOC ID: 3577

**Authorizing Additional Payment of \$2,120.00 to  
Environmental Management Associates for Environmental  
Services in Connection with Borough-Owned Property at 144  
Main Street (Block 38, Lot 1.01)**

WHEREAS, Resolution 2016-200 authorized hiring Environmental Management Associates to perform environmental services in connection with the Borough-owned property at 144 Main St., (Block 38, Lot 1.01); and

WHEREAS, these services have included compliance with administrative requirements, maintenance and repair of the existing groundwater monitoring well network, and continued groundwater monitoring; and

WHEREAS, Resolution 2016-200 authorized a cost of \$48,375.00 for a period of eight years; and

WHEREAS, the work required in connection with the Borough-owned property at 144 Main St., (Block 38, Lot 1.01) has entailed additional costs of \$2,120.00;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington authorizes an additional payment of \$2,120.00 to Environmental Management Associates to perform environmental services in connection with the Borough-owned property at 144 Main St., (Block 38, Lot 1.01).

Adopted: September 13, 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Rebecca Newman

Sponsors: Council Member Christopher Runion

**ADOPTED**

**RESOLUTION 2021-190**

DOC ID: 3583

**Resolution Awarding a Contract to Great American Gas and Electric, LLC, for Electric Generation Supply**

**WHEREAS**, the Borough of Flemington and the Hunterdon County Cooperative Pricing System have entered into a Cooperative Pricing Agreement pursuant to N.J.S.A. 40A:11-3; and

**WHEREAS**, the Hunterdon County Cooperative Pricing System, as the lead agency, has complied with the provisions of the Local Public Contracts Law and has awarded a Master Contract for Electric Generation Supply, for Electric Power Supply (Identification Code #51-HCCPS) under Hunterdon County Bid #2021-11 for a twenty-four (24) month contract beginning with meter read date October 2021 and ending September 30, 2023, to Great American Gas and Electric, LLC, 550 Mamaroneck Ave., Suite 305A, Harrison, NY 10528 for Bid Group One (1) and One (1) A; and

**WHEREAS**, Bid Group One (1) A provides an enhanced renewable energy option where the total amount of renewable energy is 20% greater than the total amount of renewable energy required by virtue of the New Jersey Renewable Portfolio Standard in any given compliance year (rate \$0.08719 per kilowatt hour); and

**WHEREAS**, the current Jersey Central Power and Light rate is \$0.09134 per kilowatt hour; and

**WHEREAS**, Bid Group One (1) A will yield a projected savings to the Borough over the two-year contract in the amount of \$1,407.64; and

**WHEREAS**, the Borough Council has elected to opt in for Bid Group One (1) A; and

**WHEREAS**, in accordance with the provision of the Cooperative Pricing Agreement, the Borough must enter into a formal written contract directly with the successful bidder; and


**WHEREAS**, the Chief Financial Officer certifies that funds are available in the 2021 utility budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that a contract be awarded for the Electric Generation Supply (Identification Code #51-HCCPS) under Hunterdon County Bid #2021-11 for a twenty-four (24) month contract beginning with meter read date October 2021 and ending September 30, 2023, to Great American Gas and Electric, LLC, 550 Mamaroneck Ave., Suite 305A, Harrison, NY 10528 for Bid Group One (1) A.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are authorized to execute said contract documents.

Adopted: September 13, 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>	Christopher Runion, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

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**HCCPS 2021 ELECTRICITY GENERATION SUPPLY SERVICE BID  
RENEWABLE ENERGY CONTRACT RATE OPTION FORM**

INSTRUCTIONS: COMPLETE THIS FORM TO OPT-IN TO THE ENHANCED RENEWABLE ENERGY PROGRAM RATE AND RETURN TO CONCORD ENERGY SERVICES, BY EMAIL TO THE ATTENTION OF: [kcoulter@concord-engineering.com](mailto:kcoulter@concord-engineering.com) by close of business on Friday, September 10, 2021.

My Municipality chooses to OPT-IN to the Voluntary Enhanced Renewable Energy Option in Bid Group 1A at the contract rate of \$0.08719/kWh for our JCP&L General Service Electricity Accounts. The Voluntary Enhanced Renewable Energy Option consists of renewable energy that is 20% greater than the total amount of renewable energy (Class I, Class II and solar combined) required by virtue of the New Jersey Renewable Portfolio Standard (RPS) in any given RPS compliance year. The additional 20% renewable energy will come from renewable energy generation certificates with sources such as wind, solar and bio-mass at a minimally higher cost, but still with savings to the Municipality.

**STEP 2: PLEASE COMPLETE THE FOLLOWING (all fields required, please write legibly):**

Municipality Name: Flemington Borough  
Contact Name: Sallie Graziano  
Contact Position: Borough Clerk  
Contact Email Address: clerk@historicflemington.com  
Contact Phone: 908-782-8840 ext 722

**STEP 3: SIGNATURE OF AUTHORIZED REPRESENTATIVE:**

Signature: Betsy Driver  
Printed Name and Position: Betsy Driver, Mayor

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ADOPTED

RESOLUTION 2021-191

Waiving Certain Permit Fees for Repairing Flood-Damaged Structures

WHEREAS, beginning on September 1, 2021, Tropical Storm Ida created heavy rainfall in Flemington Borough and surrounding areas causing widespread flooding; and

WHEREAS, the flooding prompted Governor Phil Murphy to declare a State of Emergency and the Borough to declare a local State of Emergency; and

WHEREAS, the floodwater has caused potential property damage to a large number of residences, businesses, garages, and accessory structures throughout many areas of the Borough; and

WHEREAS, repairs to damaged structures may require construction, alteration, rehabilitation, or demolition permits; and

WHEREAS, permit fees may be an additional burden to property owners who are already facing financial impacts of the flooding; and

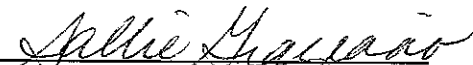
WHEREAS, permit fees may discourage some property owners for seeking permits which could result in improper and unsafe repairs to homes and businesses; and

WHEREAS, the Borough Council has determined it is in the best interests of the Borough to waive all permit fees pursuant to Sections 9-1.8 and 9A-3 of the Borough Code and the Uniform Construction Code for those affected by the recent flooding through the end of 2021.

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

1. The collection of all construction, demolition, alteration, and rehabilitation permit fees is hereby waived for all residents and businesses affected by the flooding caused by Tropical Storm Ida for the remainder of the year 2021.
2. Those seeking a waiver of said permit fees shall provide proof of the flooding when submitting a permit application. Such proof may be in the form of an insurance claim, FEMA claim, or other evidence deemed acceptable by the relevant Code Official.
3. This Resolution shall take effect immediately.

Adopted: September 13, 2021  
Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Rebecca Newman  
Initiator: Rebecca Newman  
Sponsors:  
DOC ID: 3586

**ADOPTED**

**RESOLUTION 2021-192**

**Authorizing Maintenance to be Completed at 54 E Main Street  
and the Costs to be Collected by the Tax Collector**

Borough of Flemington  
County of Hunterdon

WHEREAS, the property owners of 54 E Main Street vacated their property; and

WHEREAS, the bank has taken title to the property; and

WHEREAS, the property was not being maintained and became overgrown and hazardous to the surrounding community; and

WHEREAS, Property Maintenance has made several attempts to contact the owners with no success, multiple letters have been returned as undeliverable; and

WHEREAS, Property Maintenance is requesting permission to hire a contractor to correct these hazards; and

WHEREAS, the cost to correct these hazards are as follows:

Mow Lawn - \$150.00; and

WHEREAS, the tax collector is authorized to collect unpaid municipal charges pursuant to State statute.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council, County of Hunterdon, State of New Jersey, that the Property Maintenance Officer has permission to have a contractor cut the lawn at 54 E Main Street upon passage of this resolution.

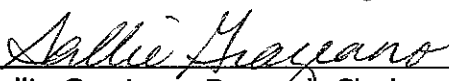
BE IT FURTHER RESOLVED, that the Property Maintenance Officer can have the lawn mowed in the future if the property becomes overgrown again.

BE IT FURTHER RESOLVED the total amount of maintenance costs through 12/31/2021 be added as an unpaid municipal charge to Block 5 Lot 12 known as 54 E Main Street to be collected by the tax collector.

Adopted: September 13, 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Appointments  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**ADOPTED**

**RESOLUTION 2021-193**

DOC ID: 3587

**Appointing Martucci Engineering, LLC, for Assessment and Estimating Services for a Borough of Flemington Preliminary Assessment**

**WHEREAS**, the Borough of Flemington has sustained damage from Hurricane Ida; and

**WHEREAS**, The Borough of Flemington intends to file a preliminary assessment of the extent and cost to the Federal Emergency Management Agency (FEMA) for reimbursement; and

**WHEREAS**, Borough Engineer Martucci Engineering, LLC has provided a cost estimate not to exceed \$1,000.00 to the Borough of Flemington to aid in the preliminary assessment for FEMA; and

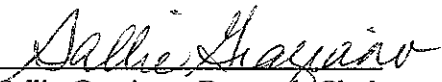
**WHEREAS**, the Borough wishes to hire Martucci Engineering LLC to complete the task and assist as needed to procure the funds;

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

1. Martucci Engineering, LLC is hereby authorized to serve as Project Engineer for the purpose of completing the FEMA assessment and estimate plus support as noted in his price submitted on September 9, 2021; and
2. Payment for the service contemplated herein is not to exceed \$1,000.00
  - a. This being submitted at the Council meeting held on Monday, September 13, 2021.

Adopted: September 13, 2021

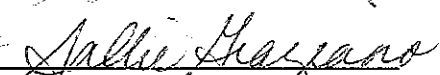
Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

**CERTIFICATION**

I, Sallie Graziano, Municipal Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey do hereby certify the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Flemington Borough Council at the Council meeting held on Monday, September 13, 2021.

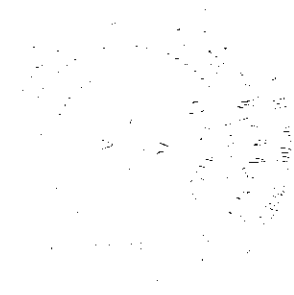
  
Sallie Graziano, RMC  
Municipal Clerk

  
Date of Certification

<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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3590

**ADOPTED**

**RESOLUTION 2021-194**

**To Authorize Execution of a Settlement Agreement in the Action Entitled "Friends of Historic Flemington, Et Al Vs. Borough of Flemington, Et Al," Docket No. HTN-L-376-18 and "Friends of Historic Flemington Et Al Vs. Planning Board of the Borough of Flemington, Et Al," Docket No. HTN-L-13-19**

**WHEREAS**, on October 1, 2018, the Friends of Historic Flemington filed a Complaint in Lieu of Prerogative Writ against the Borough of Flemington and additional Defendants under Docket No.: HTN-L-376-18 ("Redevelopment Plan Lawsuit"), challenging a redevelopment plan that was adopted by the Borough Council by way of Ordinance 2017-17; and

**WHEREAS**, on January 8, 2019, the Friends of Historic Flemington filed a Complaint in Lieu of Prerogative Writ against the Borough of Flemington Planning Board and Flemington Center Urban Renewal, LLC, ("Redeveloper") under Docket No.: HTN-L-13-19 ("Site Plan Lawsuit"), challenging a 2018 Site Plan Approval obtained by the Redeveloper from the Borough of Flemington Planning Board; and

**WHEREAS**, the parties to both the Redevelopment Plan Lawsuit and the Site Plan Lawsuit have reached a global, comprehensive settlement; and

**WHEREAS**, the terms of the settlement require the Borough of Flemington to execute a Settlement Agreement; and

**WHEREAS**, the settlement of the Redevelopment Plan Lawsuit and the Site Plan Lawsuit have been resolved pursuant to the terms of the "Global Settlement Agreement Between Friends of Historic Flemington, LLC, Gary Schotland, Lois K. Stewart, Borough Council of the Borough of Flemington, The Planning Board of the Brough of Flemington, and Flemington Center Urban Renewal, LLC" annexed hereto as Exhibit A and made a part hereof (the "Agreement"); and

**WHEREAS**, Special Redevelopment Counsel has recommended that the Borough of Flemington enter into the Agreement and resolve the Redevelopment Plan Lawsuit and the Site Plan Lawsuit as it is in the best interest of the Borough to do so; and


**WHEREAS**, it is now the intention of the Borough to execute the attached Agreement in order to settle and resolve the Redevelopment Plan Lawsuit and the Site Plan Lawsuit.

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

1. The Mayor is hereby authorized and directed to execute the Agreement in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington, and all consultants are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

Adopted: September 13, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

**CLERK'S CERTIFICATION**



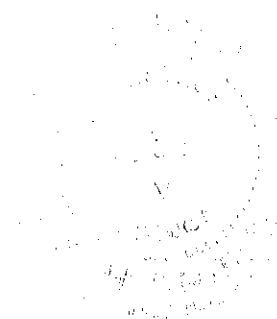
I, Sallie Graziano, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on September 13, 2021.

  
Sallie Graziano, RMC, Flemington Borough Clerk

**ATTACHMENTS:**

- GLOBAL SETTLEMENT AGREEMENT - Revised FINAL (DOCX)

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



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3591

**ADOPTED**

**RESOLUTION 2021-195**

**Authorizing the Mayor and Clerk to Sign Documents for Submission to the State DEP Regarding the Borough-Owned Property at 144 Main St., Block 38, Lot 1.01**

**WHEREAS**, 144 Main St., Block 38, Lot 1.01 ("Property") is owned by the Borough; and

**WHEREAS**, two oil tanks (a heating oil tank and a waste oil tank) were discovered on the Property after the Borough purchased it; and

**WHEREAS**, both tanks were removed and the areas around the tanks were remediated by the Buyer's agent, Simple Tank Services, LLC; and

**WHEREAS**, pursuant to the Buyer's Contract of Sale with the Borough and the terms of the auction, NJDEP requires Buyer to obtain a Preliminary Assessment of the Property prior to closing; and

**WHEREAS**, in the course of preparing the Preliminary Assessment, Buyer was advised that the waste oil tank was never properly registered with NJDEP; and

**WHEREAS**, in order to complete submission of the Preliminary Assessment, NJDEP requires that the waste oil tank be registered; and

**WHEREAS**, said registration requires signature of the Owner of the Property; and


**WHEREAS** the Mayor and Clerk are proper officials on behalf of the Borough to execute said registration.

**NOW, THEREFORE, BE IT RESOLVED** by the Council and Mayor of the Borough of Flemington, County of Hunterdon, that the Mayor and Clerk are authorized to sign documents necessary to properly register the waste oil tank upon review and approval of said documents by the Borough Attorney.

**BE IT FURTHER RESOLVED** that the Borough is relying on the information submitted by Buyer and its agents in authorizing the Mayor's and Clerk's signatures on the required documents.

Adopted: September 13, 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>	Caitlin Giles-McCormick, Council President
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Financial Approval  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano  
Sponsors:

**ADOPTED**

**RESOLUTION 2021-196**

DOC ID: 3592

**Authorizing a Contract with SAMR, Inc., for Freon Removal**

**WHEREAS**, beginning on September 1, 2021, Tropical Storm Ida created heavy rainfall in Flemington Borough and surrounding areas causing widespread flooding; and

**WHEREAS**, the floodwater has caused potential property damage to a large number of residences, businesses, garages, and accessory structures throughout many areas of the Borough; and

**WHEREAS**, many large appliances, including air conditioners, refrigerators, etc., belonging to Borough residents and businesses were damaged during the flooding; and

**WHEREAS**, residents and businesses have begun disposing of these damaged appliances; and

**WHEREAS**, to protect the public health, freon must be removed from some large appliances prior to proper disposal; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-6 authorizes the awarding of emergency purchases and contracts, without public advertising for bids and bidding therefore, when an emergency affecting health, safety or welfare requires the immediate delivery of the articles or the performance of the services; and

**WHEREAS**, SAMR, Inc. has provided the Borough a quote of \$12.50 per unit to remove Freon from appliances; and

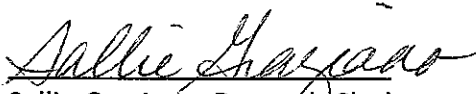
**WHEREAS**, an emergency affecting health, safety or welfare requires the immediate action or the performance of the services;

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

1. The Chief Financial Officer is hereby authorized to appropriate the necessary funds for the emergency work to remove Freon from appliances in consultation with the Borough Director of Public Works as described above; and
2. The Mayor and Borough Clerk are hereby authorized and directed to execute a contract and/or payment to SAMR Inc., 1950 Rutgers University Blvd., Lakewood NJ 08701 for the freon removal on an emergency basis.
3. This Contract is awarded without public bidding on an emergency basis in accordance with N.J.S.A. 40A:11-6 of the Local Public Contracts Law due to the threat posed to public safety by the existence of freon in appliances damaged in the flooding caused by Tropical Storm Ida.
4. This Resolution shall take effect immediately.

Adopted: September 13, 2021

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

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

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**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors: Council Vice President Jeremy Long

**ADOPTED**

**RESOLUTION 2021-197**

DOC ID: 3588

**Accepting the Donation of a Vehicle for Police Use**

**WHEREAS**, the Borough of Flemington is authorized to accept and maintain donations of real and personal property; and

**WHEREAS**, the Borough Council finds it is appropriate to accept a donation of a certain vehicle for use in undercover police operations; and

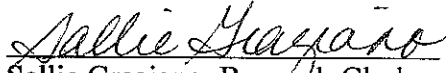
**WHEREAS**, the Borough Council finds it appropriate to keep the year, make, model, and VIN number of the vehicle confidential to protect the integrity of undercover police operations

**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 donation described above is accepted and shall be used as allowed by law
2. The Mayor and Clerk are hereby authorized to execute any documents necessary for this gift, including for the transfer of title and insurance.

Adopted: September 13, 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>	Jeremy Long, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Board Policy  
Prepared By: Sallie Graziano  
Initiator: Sallie Graziano  
Sponsors:  
DOC ID: 3589

**ADOPTED**

**RESOLUTION 2021-198**

**Waiving Certain Fees Regarding Replacement of Flood-Damaged Taxicabs**

**WHEREAS**, beginning on September 1, 2021, Tropical Storm Ida created heavy rainfall in Flemington Borough and surrounding areas causing widespread flooding; and

**WHEREAS**, the flooding prompted Governor Phil Murphy to declare a State of Emergency and the Borough to declare a local State of Emergency; and

**WHEREAS**, the floodwater has caused potential damage to vehicles operating as Taxis in the Borough of Flemington; and

**WHEREAS**, replacement of damaged taxicabs requires a safety inspection of the new vehicles by the Police Department, under Borough Ordinance; and

**WHEREAS**, the \$75 inspection fee may be an additional burden to taxi license owners who are already facing financial impacts of the flooding; and

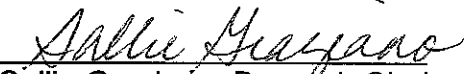
**WHEREAS**, the Borough Council has determined it is in the best interests of the Borough to waive any inspection fee for vehicles replacing licensed taxicabs through the end of 2021;

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

1. The collection of any fees for safety inspections of vehicles being used as replacements for taxicabs damaged by the flooding caused by Tropical Storm Ida is waived for the remainder of the year 2021.
2. Those seeking a waiver of said inspection fees shall provide proof of the flooding damage when submitting an application. Such proof may be in the form of an insurance claim, FEMA claim, or other evidence deemed acceptable by the relevant official.
3. This Resolution shall take effect immediately.

Adopted: September 13, 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**ADOPTED**

**ORDINANCE 2021-20**

DOC ID: 3562

## **Second Reading: Ordinance Creating the Position of Municipal Court Violations Clerk and Setting a Salary Range**

**WHEREAS**, the Deputy Clerk of the Borough of Flemington Municipal Court has given notice of her planned retirement; and

**WHEREAS**, the Municipal Court Judge and Municipal Court Clerk have recommended to the Council that a full-time violations Clerk be appointed in lieu of appointing a new deputy clerk; and

**WHEREAS**, a review of salaries for violations clerks in the area reveals that the salary range set forth below is reasonable.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that the Borough of Flemington (the "Code") is hereby amended and supplemented as follows:

**SECTION 1.** Section 2-8 of the Code, entitled "Municipal Court" shall be amended as follows (additions are shown as *thus*; deletions are shown as ~~thus~~):

- a. There is hereby established a municipal court for the Borough of Flemington pursuant to N.J.S.A. 2A:8-1 et seq., which shall be known as the "Municipal Court of the Borough of Flemington."
- b. The municipal court of the Borough of Flemington shall have an official seal which shall bear the impress of the name of the court.
- c. The court created hereby shall be presided over by a judge, who shall be known as the judge of the municipal court of the Borough of Flemington, and who shall be appointed pursuant to the provisions of N.J.S.A. 2A:8-5. The judge of the municipal court of the Borough shall serve for a term of three years from the date of his appointment to fill a vacancy caused other than by expiration of term shall be made for the unexpired term only.
- d. The judge of the municipal court of the Borough shall possess the qualifications set forth in N.J.S.A. 2A:8-7.
- e. The judge of the municipal court of the Borough shall be compensated by an annual salary to be paid by the Borough, which salary shall be fixed by ordinance adopted by the Mayor and Common Council of the Borough of Flemington. The compensation so paid shall be in lieu of any and all other fees.
- f. ***Municipal Court Staff***
  - i. There shall be a clerk of the municipal court of the Borough who shall be appointed by the Mayor with the advice and consent of the Common Council of the Borough. Said clerk shall serve a term of one year from date of his or her appointment and until his or her successor is appointed and qualified. The clerk of the municipal court of the Borough shall receive an annual salary as fixed by ordinance.
  - ii. The Mayor and Common Council of the Borough may, by ordinance or resolution, provide for other necessary clerical and other assistance for the municipal court and provide for their compensation. The Mayor and Common Council of the Borough may, by ordinance or resolution, designate any officer or employee of the Borough to serve as clerk of the municipal court with or without additional compensation.
  - iii. ***There may be a violations clerk of the municipal court of the Borough appointed by the Mayor with the advice and consent of the Common Council of the Borough. Said violations clerk, if one is appointed, shall serve a term of one year from date of his or her appointment and until his or her successor is appointed and qualified. The violations clerk of the municipal court of the Borough shall receive an annual salary as fixed by ordinance.***

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g. The municipal court of the Borough and the municipal judge thereof shall have, possess and exercise, all of the functions, powers, duties and jurisdiction conferred by law upon said court and judge.

h. The office of prosecutor of the municipal court of the Borough is hereby established. The prosecutor shall be appointed by the Mayor with the advice and consent of the Common Council of the Borough and shall serve for a term of one year from his or her appointment, or until his successor is appointed and qualified. The prosecutor of the municipal court of the Borough shall receive an annual salary as fixed by ordinance.

i. The prosecutor of the municipal court of the Borough shall appear and participate in all contested cases in the municipal court wherein a police officer of the Borough is the complaining witness.

**SECTION 2.** The Borough's 2021 Salary Ordinance (Ordinance 2021-18) is amended to add the salary of the Violations Clerk as follows:

Violations Clerk: \$30,000 to \$40,000 annually

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to provide a copy hereof to the Municipal Court Clerk and Municipal Court Judge

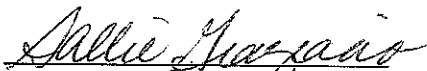
**SECTION 6.** The Municipal Court Clerk is hereby authorized to take all steps necessary to have the municipal court staffing changes approved by the Administrative Office of Courts.

**SECTION 7.** This Ordinance shall take effect upon final passage and publication in accordance with the law.

Introduced: August 23, 2021

Adopted: September 13, 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, Long, Runion, Tilly
<b>ABSENT:</b>	Malik Johnston



**Mayor and Common Council**

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

**TABLED**

**ORDINANCE 2021-21**

DOC ID: 3575

**First Reading, Ordinance Changing the Name of Central Avenue to Central Station**

**Flemington Borough, Hunterdon County**

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40:67-1(k), *et seq.*, the governing body of a municipality may make ordinances to provide for the changing of names of streets within the municipality; and

**WHEREAS**, the property owners fronting on Central Avenue have requested the street name be changed to "Central Station" in order to recognize the history of the railway in the area and the current operation of the Black River & Western Railroad; and

**WHEREAS**, it appears that all property owners on Central Avenue on the Borough of Flemington Tax Map Sheet 5 have agreed to the street name change to Central Station; and

**WHEREAS**, the Borough Zoning Officer has confirmed the availability of the street name "Central Station;" and

**WHEREAS**, the Borough Council wishes to change the name of the entire length of Central Avenue to Central Station;

**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.** The street name of "Central Avenue," in the Borough of Flemington, County of Hunterdon shall be renamed "Central Station."

**Section 2.** The Public Works Department of the Borough of Flemington is hereby authorized and directed to install any and all street signs and traffic markings reflecting the change of the street name from Central Avenue to Central Station and the Borough Clerk is hereby authorized to instruct the Borough Engineer to revise the Borough's Official Tax Maps to reflect the change in the street name.

**Section 3.** The Borough Clerk is hereby further authorized and directed to notify the Borough Residents along said street of the effective date of the name change and to further advise all appropriate agencies, including but not limited to, the United States Post Office, the Police and Fire Departments, the First Aid Squad and the Hunterdon County Department of Planning and Development of the change in said street name.

**Section 4.** To the extent applicable, a copy of this Ordinance shall be filed in the Office of the Hunterdon County Clerk in accordance with N.J.S.A. 40:67-2.

**Section 5.** 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 6.** 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.

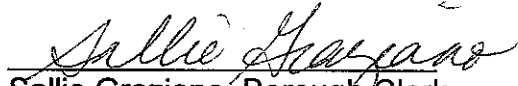
**Section 7.** This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: September 13, 2021

Adopted:

Attest:



  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/27/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Caitlin Giles-McCormick, Council President	
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly	
<b>ABSENT:</b>	Malik Johnston	

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Mayor and Common Council

38 Park Avenue  
Flemington, NJ 08822

Meeting: 09/13/21 07:30 PM  
Department: Clerk of the Borough  
Category: Council Ordinance  
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

TABLED

ORDINANCE 2021-22

DOC ID: 3564

**First Reading: Amending Section 3-3 of the Borough Code to Set Forth the Process for Selling or Disposing of Junk or Abandoned Vehicles Seized by the Police Department**

**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.

**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.** Section 3-3 of the Borough Code shall be renamed "Abandoned or Unclaimed Motor Vehicles" and amended as follows (Additions noted in bold italics *thus*):

§ 3-3.1. Definition.

**ABANDONED MOTOR VEHICLE**

Shall mean any vehicle propelled otherwise than by muscular power, including vehicles which run upon rails or tracks, which are found in any public street, highway or lands and either not bearing current registration plates or, if bearing current registration plates, remaining stationary and unused on the public street, highway or lands for more than 14 days consecutively. ***Said definition shall include junk vehicles remaining stationary and unused on a public street, highway, or lands for more than 14 consecutive days.***

**JUNK VEHICLES.**

***Shall mean a motor vehicle incapable of being operated safely or of being put in a safe operational condition except at a cost in excess of the value thereof.***

§ 3-3.2

Prohibition. No person shall abandon a motor vehicle upon the public streets, highways and lands.

§ 3-3.3

Police Department Possession.

**A.** All abandoned motor vehicles shall be taken in possession by 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. Abandoned Vehicles.** ***If an abandoned vehicle is unclaimed by the owner or other person having legal right thereto for a period of 20 business days, the towing contractor shall notify the Chief of Police or his designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale pursuant to N.J.S.A. 39:10A-1 and 4.***

**C. Junk Vehicles.** ***If a junk vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, the towing contractor shall notify the Chief of Police or his designee that the vehicle has been held for***





**the statutory time and that the vehicle is ready for sale. The Borough shall supply titles for abandoned junk vehicles in accordance with N.J.S.A. 39:10-1 and 3.**

**D. Conduct of Sale.** 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.

**F. Failure to Follow Statutory Procedures.** Any towing contractor found to be disposing of vehicles in violation of this procedure will be charged with misapplication of entrusted property (N.J.S.A. 2C:21-15) and will be prohibited from providing service for the Borough.

**G. Rights of Owners**

1. The owner of any vehicle towed shall have the right to remove property belonging to him or her from the stored vehicle unless a "police hold" is marked on the towing form.

2. The vehicle owner or his or her authorized representative shall have the right to take photographs of stored vehicles.

3. If the Police Department receives any complaints arising from the towing and storage of motor vehicles required by the Borough without the consent of the owner, such complaints shall be heard and decided by the Chief of Police or his designee.

**H. Public Inspection.** This chapter, all regulations adopted by the Police Chief and the fee schedules of individual towers and title agents shall be available to the public during normal business hours.

**I. Liability of Borough.** There shall be no privity of contract between the Borough and any towing operator on the rotation list or agent authorized to apply for junk or saleable vehicle titles and utilized by the Police Department pursuant to this section. Except to the extent that the Borough will use the proceeds from the sale of abandoned and junk vehicles to satisfy towing and storage charges pursuant to this section, the Borough will not be liable for any towing or storage or related charges for services rendered pursuant to this chapter.

**SECTION 2.** 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 3.** 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 4.** This Ordinance shall take effect upon final passage and publication as required by law.



Introduced: September 13, 2021

Adopted:

Attest:

  
Sallie Graziano, Borough Clerk

  
Betsy Driver, Mayor

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 9/27/2021 7:30 PM</b>
<b>MOVER:</b>	Kimberly Tilly, Council Member	
<b>SECONDER:</b>	Jessica Hand, Council Member	
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly	
<b>ABSENT:</b>	Malik Johnston	

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