



Mayor and Common Council Borough of Flemington

November 8, 2021

Online during COVID-19 Emergency

Work Session (7:00 PM)

Meeting called to order at 7:00 p.m. All Council members were present except Ms. Hand, who was ill.

Mayor Driver noted this is the third to last meeting of the year, and if Council members have any business to bring forward this year, time is getting short. New Borough Engineer Jerome Harris was present, and was introduced to the Council.

Ms. Giles-McCormick asked about meetings staying virtual, and Mayor Driver confirmed that is the case for the time being.

Mayor Driver said she's asked for guidance regarding how garbage collection will be handled when snow is an issue. The DPW committee is also discussing bulk pickup dates for 2022.

The session ended at 7:12 p.m. and the meeting adjourned until the start of the regular meeting at 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	Absent	
Malik Johnston	Council Member	Present	
Jeremy Long	Council Vice President	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

I. Mayor's Report

A presentation previously planned by Stantec, regarding the Opportunity Zone study, will be held likely in mid-December. She's hoping to set up a joint Council-Planning Board meeting to review the report.

Liberty Village - The committee has been working on a draft redevelopment plan.

She met with the Flemington-Raritan First Aid and Rescue Squad, which is talking about resuming its fundraising activities toward building a new headquarters.

She congratulated Ms. Giles-McCormick and Elizabeth Rosetti on their apparent election wins.

Following Council reports, she introduced Borough Engineer Jerome Harris, who replaces former engineer Robert Martucci.

II. Council Members' Reports

Council Member Tilly

Ms. Tilly said the DPW committee met Oct. 26. The leaf vacuum truck will be out starting Monday, Nov. 15, so people should rake leaves to the curb, but not put leaves in bags.

Bulk pickup is Friday, Nov. 19; stickers are for sale at Borough Hall.

Mulch is still available; call Mike Campion.

The Fire Department officers meet tomorrow night.

The VFW is holding a Veteran's Day ceremony at the monument on Thursday, 10:30-11 a.m.

Election Day was Nov. 2; she thanked all who ran for office, and all who voted.

Council President Giles-McCormick

She thanked voters in Tuesday's election for their support.

Ms. Giles-McCormick discussed events held in town and some that are planned, including trolley rides in town and visits from Santa.

Council Vice President Long

The Planning Board met Oct. 26 for a completeness hearing on plans for 91 Main St.; the review will continue tomorrow night. They will also be looking at completeness on plans presented by Captiva, and a single-family dwelling on Allen Street.

Police - He advised people to keep their cars locked up. On Oct. 27 he, Ms. Hand and a small group met with Police Officer Emanuele, who discussed his training in de-escalation and dealing with mental health issues. The group is looking at what can be done for people who don't necessarily need a police presence, in the event of a crisis.

Council Member Johnston

Mr. Johnston said it was good to see everyone enjoying the Halloween activities. He said he's getting caught up on Public Works issues.

Council Member Runion

The Sustainable Jersey deadline for documents is Nov. 21, and he's preparing the Borough's application for submission.

Council Member Hand

Absent.

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

Lee Roth, who has a law office on Main Street, said the County has posted a sign on its Main Street parking lot that it's holding an auction on the property. He said he's disappointed, and that loss of the public parking lot will be significant. Michael Skoczek, CEO of the CEA which is sponsoring this year's Turkey Trot, thanked officials for allowing the run to occur and said it will be good to be back on the streets of Flemington.

IV. Liberty Village Redevelopment Plan update - Borough Planner Elizabeth McManus

Planner Elizabeth McManus gave a status update on the Liberty Village redevelopment plan. It's a 23-acre site, and the plan covers the shopping center and parking lots to the east, but not Turntable Junction.

The Liberty Village subcommittee has been working on the plan and it's pretty far along. The buildings and site improvements would be removed, and the new redevelopment would allow integration into the borough. Uses would include townhouses, multifamily development, and limited non-residential uses. It would be inclusionary, with households for people with all types of incomes.

V. Approval of Minutes

Motion To: **Approve Minutes: Oct. 25, 2021 Regular Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Jeremy Long, Council Vice President
AYES:	Giles-McCormick, Johnston, Long, Runion, Tilly
ABSENT:	Jessica Hand

Motion To: **Approve Minutes: Oct. 25, 2021 Early Executive Session**

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

Motion To: **Approve Minutes: Oct. 25, 2021 Late Executive Session**

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

Consent Agenda

Moved by Giles-McCormick; Seconded by Tilly. All present voted in favor.

1. RESOLUTION 2021-230: AUTHORIZING THE RELEASE OF A STREET OPENING BOND FOR 49 BROAD STREET IN THE AMOUNT OF \$3,500.00
2. RESOLUTION 2021-231: RECOGNIZING NOVEMBER AS FAMILY COURT AWARENESS MONTH
3. RESOLUTION 2021-232: CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY OF THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, HAVE REVIEWED THE 2021 BEST PRACTICES CHECKLIST INVENTORY AS PROMULGATED BY THE DEPARTMENT OF COMMUNITY AFFAIRS
4. RESOLUTION 2021-233: A RESOLUTION AUTHORIZING THE BOROUGH OF FLEMINGTON TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

Regular Agenda

1. ORDINANCE 2021-27: SECOND READING, ORDINANCE AMENDING SECTION 3-3.3 OF THE BOROUGH CODE TO CLARIFY THE PROCESS FOR SELLING OR DISPOSING OF JUNK OR ABANDONED VEHICLES SEIZED BY THE POLICE DEPARTMENT AND SECTION 3-28.13 TO SET TOWING RATES COMMENSURATE WITH THOSE SET BY THE NEW JERSEY STATE POLICE

Motion to open public hearing: Tilly, seconded by Giles-McCormick. All voted in favor of opening hearing. Hearing opened at 7:58 p.m.

No comments were made.

Motion to close public hearing: Tilly, seconded by Giles-McCormick. All voted in favor of closing hearing. Hearing closed at 7:59 p.m.

There was some discussion about towing rates and how they are set.

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

2. RESOLUTION 2021-225: RESOLUTION ADOPTING A POLICY REGARDING THE ISSUANCE OF A LETTER OF SUPPORT AND ZONING APPROVAL LETTER TO CANNABIS BUSINESS LICENSE APPLICANTS

Attorney St. Angelo noted that the policy can be adjusted to take into consideration the schedule of the Licensing Commission.

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

ABSENT: Jessica Hand

3. RESOLUTION 2021-234: AUTHORIZING THE HIRING OF A DPW LABORER AT A RATE OF \$20.29 PER HOUR EFFECTIVE IMMEDIATELY

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

4. RESOLUTION 2021-235: AUTHORIZING AN AGREEMENT WITH THE RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY REGARDING REPAYMENT SCHEDULES FOR THE 2010 REVENUE BONDS AND 2012 NJEIT LOAN

Borough Engineer Harris summarized that there has been some dispute between the RTMUA and the Borough over the Borough's share regarding payments of some borrowing, and this reflects a negotiated settlement.

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

5. RESOLUTION 2021-236: AUTHORIZING CHANGE ORDERS 1, 2 & 3, EXISTING WATER TANK & IMPROVEMENTS PROJECT, FOR A TOTAL OF \$46,199.19

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

6. RESOLUTION 2021-237: AUTHORIZING CUTTING AND CAPPING OF WATER/SEWER LINES AND REQUIRING A PERFORMANCE BOND FROM FLEMINGTON CENTER URBAN RENEWAL, LLC

Engineer Harris said that since the streets are likely to be dug up in the future as part of the Courthouse Square project, this makes sense from an engineering standpoint, and the bond will protect the Borough if the project is not completed.

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

7. RESOLUTION 2021-238: TURKEY TROT STREET CLOSURES NOVEMBER 25, 2021

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

8. RESOLUTION 2021-239: AUTHORIZING STREET CLOSURES FOR THE TREE LIGHTING DEC. 3, 2021

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

9. RESOLUTION 2021-240: AUTHORIZING ROAD CLOSURES FOR THE 2021 HUNTERDON HOLIDAY PARADE

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

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

No comments.

VII. Attorney's Report

Attorney St. Angelo said it was nice to see Mr. Harris, after corresponding with him through many emails.

VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$7,153,982.90**

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

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

None needed.

X. Adjournment

Motion To: **Adjourn**

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

The meeting adjourned at 8:21 p.m.

Attest: Sallie Graziano
Sallie Graziano, Borough Clerk

Approved by Council 11/22/2021

ADOPTED

RESOLUTION 2021-225

Resolution Adopting a Policy Regarding the Issuance of a Letter of Support and Zoning Approval Letter to Cannabis Business License Applicants

WHEREAS, the Borough of Flemington (the "Borough") permitted the operation of cannabis retailers and cultivators in certain zoning districts pursuant to Ordinance 2021-14; and

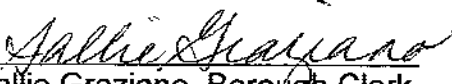
WHEREAS, Applicants for cannabis business licenses must provide "proof of local support" and a "zoning approval letter" to the Cannabis Regulatory Commission pursuant to N.J.A.C. 17:30-7.8 and 7.10; and


WHEREAS, the Borough Council desires to adopt a policy regarding the issuance of such approvals, which is attached hereto;

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 Policy Regarding the Issuance of a Letter of Support and Zoning Approval Letter to Cannabis Business License Applicants is hereby adopted.
2. The Borough Council may amend such policy at any time via resolution.
3. This resolution shall take effect immediately.

Adopted: November 8, 2021
Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

- ATTACHMENTS:
- Policy Regarding Issuance of Letter of Support and Zoning Officer Letter for Cannabis Businesses (00455559xE767A) (DOCX)

Policy Regarding Issuance of Proof of Local Support and Zoning Approval Letter for Cannabis Business License Applicants

The Borough of Flemington permits cannabis cultivators and retailers to operate within certain zoning districts pursuant to Ordinance 2021-14. The Ordinance permits a maximum of two each of cannabis cultivators and retailers within the Borough.

Applicants for recreational cannabis use business licenses are required to receive a letter of support and a zoning approval letter from the Borough as part of the state license application.

Below is a policy regarding the request for such items by potential applicants. Insofar as applicants for medical use cannabis business licenses require a letter of support or zoning approval, this policy shall apply. This policy shall not apply to those receiving a medical use cannabis business license prior to the adoption of this policy.

Letter of Support:

Applicants for an annual license or those seeking to convert a conditional license to an annual license must provide "proof of local support" to the Cannabis Regulatory Commission pursuant to N.J.A.C. 17:30-7.8 and 7.10. A "letter of support" (N.J.A.C. 17:30-5.1(g)) "indicat[es] that the intended location is appropriately located or otherwise suitable for activities related to operations of the proposed cannabis business" and must be granted by Resolution of the Borough Council.

Priority of Applicants

In accordance with applicable regulations, the Borough Council will give priority to the following types of applicants: Social Equity Businesses (N.J.A.C. 17:30-6.6); Diversity-Owned Businesses (defined in Subchapter 1); and Impact Zone Businesses (N.J.A.C. 17:30-6.5)

Application Fees

There shall be an application fee in the amount of \$300.00 to cover review of the submission. This fee shall be reduced to \$50.00 for microbusinesses as defined in N.J.A.C. 17:30-6.7.

Submission Requirements

Those seeking letters of support shall submit the following to the Borough Clerk for consideration by the Borough Council.

- Location of business and identification of zoning district
-

- Concept plan. This should include preliminary information about parking and traffic.
- 200-foot property owner list and a statement of whether the property is located within 200 feet of property zoned for residential use.
- If there is a planned consumption area, information on how it will comply with the Smoke-Free Air Act
- Financial plan
- Background information about the owners, including requisite experience
- Details of any past business experience
- Proof of whether the business will fall into one of the priority groups set forth above
- A statement of whether the business will qualify as a "microbusiness" as set forth in N.J.A.C. 17:30-6.7
- Fees

Timeline to Submit Requests

- January 3, 2022 – deadline to receive requests
- Late January – early February - Special meeting of the Borough Council for potential license applicants to make presentations to Council
- February 28, 2022 – Council awards the letters of support via resolution at its regular meeting

* If two licenses of each permitted class are not awarded for locations in Flemington in the first round of licensing, the Borough Council can elect to establish a timeline for receipt of a second round of requests.

** This timeline may be adjusted to take into account the licensing schedule of the Commission.

The Borough Council reserves the right to issue more than two letters of support for each class of permitted license and communicate to the Commission which applicants seeking to operate within the municipality it prefers be issued a license pursuant to N.J.A.C. 17:30-6.3.

Zoning Approval Letters

Applicants for an annual license or those seeking to convert a conditional license to an annual license must provide "zoning approval" to the Cannabis Regulatory Commission pursuant to N.J.A.C. 17:30-7.8 and 7.10. A zoning approval is not a zoning permit, (N.J.A.C. 17:30-5.1(f)). It is a "letter or affidavit from appropriate zoning officials of the municipality stating that the location will conform to municipal zoning requirements...and any variances concerning the operation of a cannabis business."

Zoning approval letter requests will be accepted on a rolling basis and the Zoning Officer will issue a zoning approval letter or denial within 20 business days of receipt of a request. The Zoning Officer will review such requests in consultation with the Borough Planner and Attorney.

A zoning approval issued pursuant to N.J.A.C. 17:30-5(f) shall not be construed as a zoning permit. The applicant must meet all conditions set forth in Borough ordinances, including obtaining site plan approval. A review of a request for a "zoning approval letter" will only include whether the proposed location meets the requirements of the Borough's cannabis zoning ordinances and the Zoning Officer will not opine as to other bulk standards.

Application Fee

There shall be an application fee in the amount of \$300.00 to cover review of the submission. This fee shall be reduced to \$50.00 for microbusinesses as defined in N.J.A.C. 17:30-6.7.

Submission Requirements

- Location of property and identification of zoning district
 - 200-foot property owner list and a statement of whether the property is located within 200 feet of property zoned for residential use.
 - A map showing the surrounding properties within 200 feet
 - A statement as to whether a consumption area is proposed
-

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-230

DOC ID: 3635

**Authorizing the Release of a Street Opening Bond for 49
Broad Street in the Amount of \$3,500.00**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**


WHEREAS, Robert Shore submitted Bond #43777 in the amount of \$3,500, to be held by the borough to ensure that water, sewer, electrical and driveway work performed at 49 Broad Street was completed in a satisfactory manner; and


WHEREAS, the work has been completed to the satisfaction of Borough officials;

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 release Bond # 43777 in the amount of \$3,500, for the work performed at 49 Broad Street in Flemington Borough.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano, Borough Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on November 8, 2021.


Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-231

DOC ID: 3633

Recognizing November as Family Court Awareness Month

WHEREAS, the mission at One Mom's Battle (OMB) and the Family Court Awareness Month Committee (FCAMC) is to increase awareness of the importance of a family court system that prioritizes child safety and acts in the best interest of children; and

WHEREAS, the mission at the FCAMC is to increase awareness of the importance of education and training on domestic violence, childhood trauma and post separation abuse for all professionals working within the family court system; and

WHEREAS, the FCAMC aims to educate judges and other family court professionals on the empirical data and research that is currently available, including the Adverse Childhood Experiences (ACE) Study (CDC-Kaiser Permanente), Saunder's Study (Us Department of Justice), The Meier Study: Child Custody Outcomes in Cases Involving Abuse Allegations, and the Santa Clara Law Study (Confronting the Challenge of High-Conflict Personality in Family Court); and

WHEREAS, such research is a critical component to making decisions that are truly in the best interest of children; and

WHEREAS, the mission at the FCAMC is fueled by the desire for awareness and change in the family court system while honoring the 100(+) children in the United States who have been murdered by a parent after a custody court rejected the other parent's plea for protection (Source: Center for Judicial Excellence);

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington recognizes November as Family Court Awareness Month, in an effort to increase awareness of the importance of a family court system that prioritizes child safety.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-232

DOC ID: 3628

**Certifying that All Members of the Governing Body of the
Borough of Flemington, Hunterdon County, Have Reviewed
the 2021 Best Practices Checklist Inventory as Promulgated
by the Department of Community Affairs**

**BOROUGH OF FLEMINGTON
HUNTERDON COUNTY**

WHEREAS, Ch 35, PL 2011 states that the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services, and

WHEREAS, the Dept of Community Affairs established that Best Practices Inventory on August 25th, 2010, and

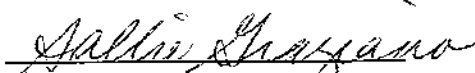
WHEREAS, the report is required to be signed by the Chief Financial Officer, and


WHEREAS, the members of the governing body have personally reviewed the Best Practices Inventory questions and the answers being submitted as evidenced by the group affidavit form of the governing body; and

NOW, THEREFORE, BE IT RESOLVED on this 8th day of November, 2021, that the Borough Council of the Borough of Flemington hereby approves the Best Practices Inventory Checklist as submitted by the Chief Financial Officer and does hereby submit a certified copy of this resolution and the attached affidavit to the Director of Local Government Services.

Adopted: November 8, 2021

Attest:



Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano, Borough Clerk of the Borough of Flemington, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Flemington on November 8, 2021.


Sallie Graziano, RMC
Borough Clerk

Best Practices Inventory Online Platform

2021 Survey

Flemington Borough

Printable Current Answers

001	Core Competencies	Personnel
	The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?	[1.00] Yes
002	Core Competencies	Personnel
	Has your municipality reviewed and updated its employee personnel manual/handbook within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date which the personnel manual was officially updated. If not yes, please type "Did Not Answer Yes" into the comment box.	[0.00] No Comment: Did Not Answer Yes
003	Core Competencies	Budget
	Does your municipality complete an initial draft of its annual budget no later than the first week of January (or first week of July if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?	[1.00] Yes

004

Best Practices

Budget

Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5? Only answer N/A if your municipality 1) does not offer (for any employee hired after a certain date) payouts upon retirement for accumulated sick leave, and 2) no current employee has a grandfathered right to sick leave payouts upon retirement.

[0.50] Yes

005

Core Competencies

Capital Projects

Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings?

[1.00] Yes

006

Core Competencies

Transparency

Are your municipality's codified and uncodified ordinances, including all current salary ordinances, available online?

[1.00] Yes

007

Best Practices

Transparency

Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content? Answer N/A if your municipality does not have a social media account.

[0.50] Yes

008

Core Competencies

Procurement

Do your municipality's professional services contracts include a "not to exceed" amount?

[1.00] Yes

009

Best Practices

Procurement

If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law (LPCL) bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law? Only answer N/A if your municipality does not contract with an insurance broker for health insurance or, if it does, the contract does not exceed your municipality's LPCL bid threshold.

[0.50] N/A

010

Best Practices

Procurement

Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees? Only answer N/A if your municipality does not contract with an insurance broker for health insurance.

[0.50] N/A

011

Core Competencies

Cybersecurity

A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. These plans address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?

[0.00] No

012

Core Competencies

Cybersecurity

Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?

[1.00] Yes

013

Core Competencies

Financial Administration

Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?

[1.00] Yes

014

Core Competencies

Budget

Is your municipality ensuring that insurance reimbursements are credited back to the budget appropriation line item in the budget in accordance with N.J.S.A 40A:5-12, instead of applied as miscellaneous revenue not anticipated? Compliance with this statutory obligation relieves pressure on current year appropriations. Only answer N/A if your municipality had no insurance reimbursements in 2020 or 2021.

[1.00] Yes

015

Core Competencies

Capital Projects

Has your municipality reviewed all completed capital project bond ordinances for remaining balances that can be cancelled by resolution, and revert to their respective balance sheet accounts?

[1.00] Yes

016

Best Practices

Personnel

Has your municipality established by ordinance an anti-nepotism policy that, at minimum, only authorizes the hiring the family members/relatives of municipal officials and employees if the individuals involved would do not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The term "family member/relatives" should be defined to include but not necessarily be limited to spouses, children, siblings, parents, in-laws, and step-relatives.

[0.00] No

017

Core Competencies

Procurement

Has your municipality reviewed with legal counsel and other appropriate officials (e.g. engineer) the boilerplate language in its bid or RFP documents to ensure such language meets legal requirements under the Local Public Contracts Law and pay-to-play, along with other relevant statutes and caselaw?

[1.00] Yes

018

Core Competencies

Transparency

Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?

[1.00] Yes

019

Core Competencies

Transparency

N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions.

[1.00] Yes

Core Competencies

Cybersecurity

020

Does your municipality perform off-network daily incremental backups with weekly full backups of all data?

[1.00] Yes

021

Core Competencies

Shared Services

N.J.A.C. 5:30-3.8(d)(20) requires each municipal user-friendly budget to include a listing of each shared service provided or received, what entity or entities are providing or receiving the service, the beginning and end date of the agreement as applicable, and the amount either received or paid for the service. Does your municipality list on its user-friendly budget each shared services agreement it is a party to, along with the other information required by the above-referenced regulation?

[1.00] Yes

022

Core Competencies

Fire Districts

If a Board of Fire Commissioners establishes annual compensation for its fire district commissioners, N.J.S.A. 40A:14-88 requires the municipal governing body to review and approve such compensation before the fire district can submit its annual budget to the voters, or, in the case of fire districts whose Board of Fire Commissioners elections coincides with the November General election, before the district can adopt its annual budget. The fire district shall submit to the municipal governing body for approval the amount of compensation fixed by the Board regardless of whether the amount of compensation is being modified. *Oughton v. Board of Fire Comrs., etc.*, 178 N.J. Super. 565, 570-571 (App. Div. 1981). If any members of the Board of Fire Commissioners in one or more of your municipality's fire districts are authorized by the Board to receive compensation, does your municipality 1) require its fire district(s) to submit such compensation for review on an annual basis; 2) ensure that each Board has adopted a resolution or resolutions fixing the amount of compensation requested for governing body approval; and 3) adopt a resolution approving, disapproving, or modifying the compensation amount fixed by the Board of Fire Commissioners?

[1.00] N/A

023

Core Competencies

Shared Services

N.J.S.A. 40A:65-4(b) requires a copy of each shared services agreement to be filed with the Division of Local Government Services. Has your municipality filed with the Division the most current copy of each shared services agreement under which the municipality provides one or more services to another local unit as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act? Only answer N/A if your municipality does not provide a shared service to another local unit.

[1.00] Yes

024

Core Competencies

Financial Administration

Audit findings address areas needing improvement and ignoring these findings devalues the process. Municipalities should correct noted deficiencies. Have the audit findings in your municipality's 2018 audit been identified in a corrective action plan and not been repeated in the 2019 audit? If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings in the 2019 audit. If you did not answer no, please type "Did Not Answer No" into the Comment Box.

[1.00] Yes

Comment: did not answer no

025

Best Practices

Transparency

Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at <https://www.state.nj.us/treasury/taxation/relief.shtml>?

[0.50] Yes

026

Best Practices

Fire Districts

Local Finance Notice 2017-23 describes the avenues through which a municipality can consolidate multiple fire districts into a single fire district. Does your municipality have a single fire district or, if your municipality has multiple fire districts, is it reviewing the feasibility of consolidating its multiple districts into a single district? Only answer N/A if your municipality does not have a fire district.

[0.50] N/A

027

Best Practices

Environment

Have public electric vehicle charging stations been installed, or are they currently being installed, on municipal property?

[0.00] No

028a

Unscored Survey

Shared Services

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (a) Chief Financial Officer

[0.00] No

Comment: n/a

028b

Unscored Survey

Shared Services

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (b) Tax Collector

[0.00] No

Comment: n/a

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (c) Tax Assessor

[0.00] No
Comment: n/a

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (d) Municipal Clerk

[0.00] No
Comment: n/a

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (e) Municipal Treasurer

[0.00] No
Comment: n/a

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (f) Qualified Purchasing Agent

[0.00] No
Comment: n/a

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (g) Certified Public Works Manager

[0.00] No
Comment: n/a

Does your municipality currently provide the following position to another municipality pursuant to a shared services agreement? If Yes, list under Comments each municipality this applies. If no, insert N/A into Comments. (h) Public Works Superintendent

[0.00] No
Comment: n/a

029

Unscored Survey

Shared Services

If the answer to at least one part of Question 28 is yes, did one or more of the identified shared service agreements result in the dismissal of a tenured official? If yes, please insert under Comments 1) the position or positions where an agreement resulted in the dismissal of a tenured official; and 2) an estimate of the cost savings anticipated to be achieved by the participating municipalities at the outset of the agreement. If the answer is No or N/A, please insert "No" or "N/A" under Comments. See LFN 2018-3R for more information on this provision of the Common Sense Shared Service Act.

[0.00] N/A
Comment: n/a

030

Unscored Survey

Environment

How much did your municipality spend on operational costs associated with managing and treating stormwater runoff in the prior fiscal year, and how much did your municipality appropriate toward same for the current fiscal year? Examples of such costs include street cleaning, conveyance system clean-out, routine maintenance of storm drains and outfall pipes, and stormwater runoff-related educational programs. Also list under Comments the FCOA codes your municipality is using to classify these stormwater-related prior year expenditures and current year appropriations.

Comment: 26-290-2
We appropriate
\$4,000 each year for
stormwater
management.

031

Unscored Survey

Financial Administration

Does your municipality currently retain a chief financial officer through a professional services contract?

[0.00] No

032a

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (a) Public Health (EC 1)

[0.00] No

032b

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (b) Negative Econ. Impacts (EC 2)

[0.00] Yes

032c

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (c) Services to Disproportionately Impacted Communities (EC 3)

[0.00] Yes

032d

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (d) Premium Pay (EC 4)

[0.00] No

032e

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (e) Water/Sewer/Broadband Infrastructure (EC5)

[0.00] Yes

032f

Unscored Survey

American Rescue Plan Act

Has your municipality allocated and/or currently plan to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the following eligible use? (f) Revenue Replacement (EC 6)

[0.00] Yes

032g

Unscored Survey

American Rescue Plan Act

Is your municipality currently undecided on how to allocate ARP Local Fiscal Recovery Fund (LFRF) dollars for the previously referenced expenditure categories? Please answer Yes if none of the previous subparts were Yes, otherwise answer No

[0.00] No

032h

Unscored Survey

American Rescue Plan Act

Did your municipality decline ARP Local Fiscal Recovery Fund (LFRF) dollars instead? Please answer Yes if none of the previous subparts were Yes, otherwise answer No

[0.00] No

033

Unscored Survey

American Rescue Plan Act

What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2021?

[0.00] Less than 50%

034

Unscored Survey

American Rescue Plan Act

What portion of the first tranche of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2022?

[0.00] 100%

035

Unscored Survey

Financial Administration

Does your municipality pay one or more of its vendors or contractors via an automated clearing house (ACH) transfer and/or a procurement card? Please select one or more of the options provided , as applicable. This question excludes debt service, pension bills, and employee health benefits.

[0.00] ACH

036a

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (a) Minority Business Enterprises

[0.00] No

Comment: n/a

036b

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (b) Women's Business Enterprises

[0.00] No

Comment: n/a

036c

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (c) Small Business Enterprises

[0.00] No

Comment: n/a

036d

Unscored Survey

Procurement

N.J.S.A. 40A:11-41 et seq. authorizes municipalities to establish one or more specified set-aside programs for public procurement. A set-aside program establishes a goal for its contracting agencies of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to one or more qualified enterprises authorized pursuant to N.J.S.A. 40A:11-42. If your municipality has set aside the following program, please select Yes and include under Comments the percentage of the dollar value of total procurements currently establishes as a set-aside goal under the program. Those selecting No shall type "N/A" under Comments. (d) Veteran Business Enterprises

[0.00] No

Comment: n/a

037

Unscored Survey

Procurement

If your municipality has established a set-aside program for qualified business enterprises pursuant to N.J.S.A. 40A:11-41 et seq, did your municipality's contract awards meet or exceeded the set-aside goals established by the governing body in the prior fiscal year for each of your municipality's set-aside programs? Only answer N/A if your municipality does not have a set-aside program.

[0.00] N/A

Comment: n/a

038

Unscored Survey

Procurement

For a municipality having established a set-aside program for qualified business enterprises, N.J.S.A. 40A:11-48 requires each municipal authority, board, committee or commission authorized to independently award contracts to issue a report to the municipal governing body by January 31 of each year 1) describing their efforts in attaining the municipality's set-aside goals for the prior calendar year; and 2) the percentage of the dollar value of total procurements awarded in the prior calendar year under each set-aside program established by the municipality. Did each of the above-referenced entities submit this report to the municipal governing body in 2021? Answer N/A if your municipality does not have a set-aside program or does not have any authorities, boards, committees or commissions authorized to independently award contracts.

[0.00] N/A

Comment: n/a

039

Unscored Survey

Tax Collection

Has your municipality established a ten-day grace period for the payment of property taxes and other municipal charges as authorized by N.J.S.A. 54:5-19?

[0.00] Yes

J40

Unscored Survey

Tax Collection

Complete the Excel-based Tax Sale Report. Upload the completed report using the "Attach File" button toward the bottom of your screen. Type "File Uploaded" in the Comment Box

Comment: file
uploaded

041

Unscored Survey

Opportunity Zones

Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment?

[0.00] Yes

042

Unscored Survey

Opportunity Zones

If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.

Comment: file uploaded

043

Unscored Survey

Planning & Economic Development

Does your municipality currently plan to sell any municipally-owned vacant conforming lots by December 31, 2022?

[0.00] No

044a

Unscored Survey

Planning & Economic Development

Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (a) Dedication of Space or Open-Space

[0.00] No

044b

Unscored Survey

Planning & Economic Development

Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (b) Fee In-Lieu of Dedicating Space or Open Space

[0.00] No

044c

Unscored Survey

Planning & Economic
Development

Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (c) Fee In-Lieu of Parking

[0.00] No

044d

Unscored Survey

Planning & Economic
Development

Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (d) Impact Fee(s) (pro rata share of infrastructure improvement costs)

[0.00] Yes

044e

Unscored Survey

Planning & Economic
Development

Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (e) Provision of Affordable Housing Units

[0.00] Yes

044f

Unscored Survey

Planning & Economic
Development

Does your municipality impose the following requirement upon developers as a condition of granting zoning approval for residential construction and/or residential/commercial mixed use construction? (f) Affordable Housing Trust Fund Payments

[0.00] No

045

Unscored Survey

Planning & Economic
Development

Does your municipal land use ordinance provide for an historic preservation commission that is governed under N.J.S.A. 40:55D-107?

[0.00] Yes

046

Unscored Survey

Planning & Economic
Development

Does your municipality have an environmental commission, or is your municipality part of a joint environmental commission, that is governed under N.J.S.A. 40:56A-1 et seq.?

[0.00] Yes

047

Unscored Survey

Planning & Economic
Development

Does your municipality have an industrial commission that is governed under
N.J.S.A. 40:55B-1 et seq.?

[0.00] No

048

Unscored Survey

Recreation

Does your municipality have a recreation commission that is governed under N.J.S.A.
40:61-17 et seq.?

[0.00] No

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3636

ADOPTED

RESOLUTION 2021-233

A Resolution Authorizing the Borough of Flemington to Enter into a Cooperative Pricing Agreement

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on November 8, 2021 the governing body of the Borough of Flemington, County of Hunterdon, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Flemington.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT


The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

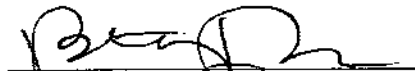
EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

Adopted: November 8, 2021

Attest:

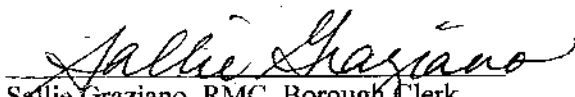

Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano, hereby certify that I am the Municipal Clerk of the Borough of Flemington, and that the preceding resolution is a true copy of the resolution introduced and passed at the Flemington Borough Council meeting held on November 8, 2021.


Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

ADOPTED

RESOLUTION 2021-234

DOC ID: 3632

**Authorizing the Hiring of a DPW Laborer at a Rate of \$20.29
Per Hour Effective Immediately**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, a vacancy exists for a Public Works laborer in the Road Department following the resignation of Zachary Perez effective November 12, 2021; and

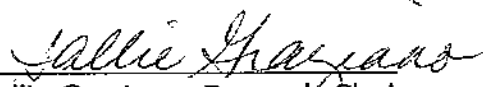
WHEREAS, the position of DPW laborer needs to be filled; and

WHEREAS, there will be no added cost to the Borough's 2021 budget for filling the position of Laborer at an hourly rate of \$20.29;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Department of Public Works is authorized to conduct interviews leading to the hiring of a DPW Laborer effective immediately, at a rate of \$20.29 per hour.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-235

DOC ID: 3629

**Authorizing an Agreement with the Raritan Township
Municipal Utilities Authority Regarding Repayment
Schedules for the 2010 Revenue Bonds and 2012 NJEIT Loan**

WHEREAS, the Raritan Township Municipal Utilities Authority (RTMUA) owns and operates the Flemington Wet Weather Facility (FWWF), located at 30 Flemington Junction Road, Flemington, New Jersey, into which all wastewater from the Borough of Flemington, and a portion of Raritan Township, is connected; and

WHEREAS, Flemington and the RTMUA executed a Wastewater Service Agreement (WSA) dated August 27, 2013, which, among other things, established Flemington's payment obligations, Paragraph 6 entitled, "Flemington Obligations," and established limitations upon Flemington's payment obligations at Paragraph 3; and

WHEREAS, pursuant to Paragraph 6, Subparagraph (A)(2), of the WSA, Flemington's financial obligation with respect to the WTP Operational and Maintenance Capital Costs is equal to the ratio of Flemington's Reserved Treatment Capacity (1.08 MGD) to the total design capacity of the WTP (3.8 MGD), or 28%, except that, pursuant to Paragraph 3, costs, expenses, fees, fines or payments of any kind attributable to any facility of the RTMUA Wastewater System that does not serve Flemington shall not be the responsibility of Flemington;" and

WHEREAS, pursuant to Paragraph 6, Subparagraph (B)(2) of the WSA, Flemington shall pay Eighty (80%) percent of the WWTF Operational Maintenance Capital Costs; and

WHEREAS, prior to the execution of the WSA, the parties utilized the following formula to develop repayment schedules establishing Flemington's financial obligations relevant RTMUA debt offerings, whereby the costs of projects that did not benefit Flemington were not the responsibility of Flemington, Flemington was responsible for eighty (80%) percent of the costs of capital projects associated with the FWWF, and the costs of all other capital projects varied on a case by case basis as negotiated by the Parties; and

WHEREAS, in 2010 the RTMUA issued Revenue Bonds for certain capital projects. Flemington's percentage was determined to be 22.59%. This percentage was subsequently revised to 23.30% and then to 24.82% in 2014 to reflect final project costs. This final percentage was applied retroactively to previous payments and Flemington has made payments in accordance with the Repayment Schedule at a Flemington share of 24.82% since May 1, 2011; and

WHEREAS, in 2012, the RTMUA secured a loan from the New Jersey Environmental Infrastructure Trust (now the New Jersey I-Bank) for certain capital projects. Flemington's percentage was determined to be 12.39%. Flemington has made payments in accordance with the loan Repayment Schedule at a Flemington share of 12.39% since August 1, 2012; and

WHEREAS, final Repayment Schedules for repayment of debt service for the 2010 Reserve Bond and 2012 NJEIT Bond issues had been developed after numerous, protracted discussions between the Parties wherein complex technical issues were discussed for years and were finally resolved and are reflected in the Repayment Schedules; and


WHEREAS, contrary to these Repayment Schedules, in late 2016, the RTMUA began charging Flemington 25.61% for the 2010 Revenue Bonds and 28% for the 2012 NJEIT Loan, ostensibly relying upon Paragraph 6, Subparagraph (A)(2) of the WSA. Flemington formally objected to these changed repayment percentages; and


WHEREAS, the Parties desire to continue the existing partnership to the benefit of both Parties and have conducted a series of meetings and discussions to resolve these issues.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington authorizes the attached agreement regarding the Borough's bond repayment obligations to the RTMUA.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

ATTACHMENTS:

- DRAFT MOU for Bond Repayment Obligations between RTMUA and Flemington (318492x9DC53) (DOCX)
- SCHEDULE A (PDF)
- SCHEDULE B (PDF)

MEMORANDUM OF UNDERSTANDING

BETWEEN: Raritan Township Municipal Utilities Authority
("RTMUA"), having offices at:
365 Old York Road,
Flemington, New Jersey, 08822

and: Borough of Flemington ("Flemington"),
having offices at:
38 Park Avenue,
Flemington, New Jersey, 08822
(collectively, the "Parties").

DATED: August __, 2021 (this "MOU").

WHEREAS, RTMUA is a public body corporate and politic organized under the laws of the State of New Jersey pursuant to N.J.S.A. 40:14B-1 et seq., and owns and operates a wastewater treatment plant (WTP) located at 365 Old York Road, Flemington, New Jersey, and a wastewater system located in the Township of Raritan, Hunterdon County, New Jersey; and

WHEREAS, Flemington is a body corporate and politic organized under the laws of the State of New Jersey and owns and operates a wastewater collection system serving the Borough of Flemington, and a portion of Raritan Township, located predominantly in the Borough of Flemington, Hunterdon County, New Jersey; and

WHEREAS, RTMUA also owns and operates the Flemington Wet Weather Facility (FWWF), located at 30 Flemington Junction Road, Flemington, New Jersey, into which all wastewater from the Borough of Flemington, and a portion of Raritan Township, is connected; and

WHEREAS, Flemington and the RTMUA executed a Wastewater Service Agreement (WSA) dated August 27, 2013, which, among other things, established Flemington's payment obligations, Paragraph 6 entitled, "Flemington Obligations," and established limitations upon Flemington's payment obligations at Paragraph 3; and

WHEREAS, pursuant to Paragraph 6, Subparagraph (A)(2), of the WSA, Flemington's financial obligation with respect to the WTP Operational and Maintenance Capital Costs is equal to the ratio of Flemington's Reserved Treatment Capacity (1.08 MGD) to the total design capacity of the WTP (3.8 MGD), or 28%, except that, pursuant to Paragraph 3, costs, expenses, fees, fines or payments of any kind attributable to any facility of the RTMUA Wastewater System that does not serve Flemington shall not be the responsibility of Flemington; and

WHEREAS, pursuant to Paragraph 6, Subparagraph (B)(2) of the WSA, Flemington shall pay Eighty (80%) percent of the WWTF Operational Maintenance Capital Costs; and

WHEREAS, prior to the execution of the WSA, the parties utilized the following formula to develop repayment schedules establishing Flemington's financial obligations relevant RTMUA debt offerings, whereby the costs of projects that did not benefit Flemington were not the responsibility of Flemington, Flemington was responsible for eighty (80%) percent of the costs of capital projects associated with the FWWF, and the costs of all other capital projects varied on a case by case basis as negotiated by the Parties; and

WHEREAS, in 2010 the RTMUA issued Revenue Bonds for certain capital projects. Flemington's percentage was determined to be 22.59%. This percentage was subsequently revised to 23.30% and then to 24.82% in 2014 to reflect final project costs. This final percentage was applied retroactively to previous payments and Flemington has

made payments in accordance with the Repayment Schedule at a Flemington share of 24.82% since May 1, 2011; and

WHEREAS, in 2012, the RTMUA secured a loan from the New Jersey Environmental Infrastructure Trust (now the New Jersey I-Bank) for certain capital projects. Flemington's percentage was determined to be 12.39%. Flemington has made payments in accordance with the loan Repayment Schedule at a Flemington share of 12.39% since August 1, 2012; and

WHEREAS, final Repayment Schedules for repayment of debt service for the 2010 Reserve Bond and 2012 NJEIT Bond issues had been developed after numerous, protracted discussions between the Parties wherein complex technical issues were discussed for years and were finally resolved and are reflected in the Repayment Schedules; and

WHEREAS, contrary to these Repayment Schedules, in late 2016, the RTMUA began charging Flemington 25.61% for the 2010 Revenue Bonds and 28% for the 2012 NJEIT Loan, ostensibly relying upon Paragraph 6, Subparagraph (A)(2) of the WSA. Flemington formally objected to these changed repayment percentages; and

WHEREAS, the Parties desire to continue the existing partnership to the benefit of both Parties and have conducted a series of meetings and discussions to resolve these issues.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein set forth and of the undertakings of each party to the other, the parties hereto, each binding itself, its successors and assigns, do mutually covenant, promise and agree as follows:

General Terms

1. The Parties hereby enter into this MOU to evidence the following agreement with regard to the 2010 Revenue Bonds and 2012 NJEIT Loan Repayment Schedules.
2. The Parties hereby agree that the Repayment Schedules attached hereto shall constitute Flemington's payment obligations to RTMUA with regard to the RTMUA's 2010 Revenue Bond and 2012 Revenue Bond, and that this MOU shall establish the intent of the Parties, and clarify any alleged conflicting interpretations of the terms or conditions of the Wastewater Service Agreement dated August 27, 2013, relative to the aforementioned Repayment Schedules.
3. Further, the Parties agree that the RTMUA 2010 Revenue Bond and 2012 Revenue Bond Repayment Schedules shall be calculated as follows:
 - (a) The RTMUA 2010 Revenue Bond calculation of 25.61% for Flemington's percentage erroneously included participation in \$200,000.00 worth of closed-circuit television equipment, when in fact this equipment was entirely to the benefit of the RTMUA. A recalculation of the Flemington percentage resulted in a revised Flemington share of 24.14%. A Revised 2010 Revenue Bond Repayment Schedule is attached at Exhibit A.
 - (b) Reconsideration of the components of the 2012 NJEIT Loan establish that a fair and equitable Flemington percentage is

23.33%. A Revised 2012 NJEIT Loan Repayment Schedule is attached at Exhibit B.

- (c) With regard to the RTMUA 2010 Revenue Bond Repayment Schedule, Flemington has paid over to RTMUA more than Flemington is obligated based upon the agreed upon repayment percentage recalculation established herein, therefore, Flemington shall be credited for the amount of such overpayment, and the same shall be applied to future payments until the amount of the overpayment is exhausted, as reflected in Schedule A. With regard to the 2012 NJEIT Loan Repayment, Flemington has underpaid RTMUA utilizing the prior repayment schedule, therefore, Schedule B reflects the payment of the amount of such underpayment divided into two equal instalments, with the first instalment added to the February, 2022 payment, and the second added to the August, 2022.

Miscellaneous Terms of this MOU

1. **Effective Date:** This MOU shall be effective upon full execution by the Parties, subject to the adoption of an authorizing Resolution by the Parties' governing bodies.
2. **Entire Agreement:** The terms hereof constitute the entire agreement between the Parties with respect to the subject matter herein and cannot be changed or modified orally. This MOU may be supplemented, amended or revised only by a writing which is authorized and duly signed on behalf of each of the Parties.
3. **Execution:** This MOU may be executed in one or more counterparts. This MOU shall become binding upon the Parties and such counterparts shall constitute one and the same instrument, upon the Effective Date of this Agreement. Additionally, the execution and delivery of this MOU may be conducted by electronic means in accordance with the Uniform Electronic Transmissions Act, N.J.S.A. 12A:12-1.
4. **Severability:** If any part of this MOU shall be held to be unenforceable, the rest of the MOU shall nevertheless remain in full force and effect.

[Page intentionally blank - MOU - SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have caused these presents to be signed by their proper officers, the day and year first above written.

Borough of Flemington

ATTEST

Borough Clerk

By: _____
Betsy Driver, Mayor

**Raritan Township Municipal Utilities
Authority**

Board Secretary

By: _____
John Tully, Chairperson

DRAFT

EXHIBIT A

Revised 2010 Revenue Bond Rcpayment Schedule

DRAFT

2010 NJEIT Loan Payment Schedule

24.14% No Refund		Payments Based on the Original 2010 Issue				Payments Based on the Original 2010 Issue and Refunded by the 2017 Issue							
Payment	Date	Series 2010		Flemington Percentage*	Total		Series 2010		Total	Series 2017 (Refunding 2010)		Flemington Percentage	Total
		Principal	Interest		Billable	Percentage*	Principal	Interest		Principal	Interest		Billable
	11/1/2021		55,000.00	24.82%	13,848.89	24.14%							
	5/1/2022	200,000.00	55,000.00	24.82%	63,281.23	24.14%				\$210,000.00	\$44,400.00	24.14%	\$10,718.16
	11/1/2022		50,000.00	24.82%	12,408.09	24.14%					\$40,200.00	24.14%	\$9,704.28
	5/1/2023	210,000.00	50,000.00	24.82%	64,522.04	24.14%				\$220,000.00	\$40,200.00	24.14%	\$10,812.28
	11/1/2023		44,750.00	24.82%	11,105.24	24.14%					\$35,800.00	24.14%	\$8,842.12
	5/1/2024	220,000.00	44,750.00	24.82%	65,700.81	24.14%				\$225,000.00	\$35,800.00	24.14%	\$8,957.12
	11/1/2024		39,250.00	24.82%	9,740.35	24.14%					\$31,300.00	24.14%	\$7,555.82
	5/1/2025	230,000.00	39,250.00	24.82%	66,817.54	24.14%				\$235,000.00	\$31,300.00	24.14%	\$8,284.82
	11/1/2025		33,500.00	24.82%	8,313.42	24.14%					\$26,600.00	24.14%	\$6,421.24
	5/1/2026	240,000.00	33,500.00	24.82%	67,872.22	24.14%				\$245,000.00	\$26,600.00	24.14%	\$6,564.24
	11/1/2026		27,500.00	24.82%	6,824.45	24.14%					\$21,700.00	24.14%	\$5,238.38
	5/1/2027	255,000.00	27,500.00	24.82%	70,105.68	24.14%				\$255,000.00	\$21,700.00	24.14%	\$5,795.38
	11/1/2027		21,125.00	24.82%	5,242.42	24.14%					\$16,600.00	24.14%	\$4,007.24
	5/1/2028	270,000.00	21,125.00	24.82%	72,246.07	24.14%				\$270,000.00	\$16,600.00	24.14%	\$5,185.24
	11/1/2028		14,375.00	24.82%	3,567.32	24.14%					\$11,200.00	24.14%	\$2,703.68
	5/1/2029	280,000.00	14,375.00	24.82%	73,052.80	24.14%				\$275,000.00	\$11,200.00	24.14%	\$3,088.68
	11/1/2029		7,375.00	24.82%	1,830.19	24.14%					\$5,700.00	24.14%	\$1,375.68
	05/1/2030	285,000.00	7,375.00	24.82%	75,037.69	24.14%				\$285,000.00	\$5,700.00	24.14%	\$7,174.88

EXHIBIT B

Revised 2012 NJEIT Loan Repayment Schedule

DRAFT

2012 NJET Loan Payment Schedule

Borrower	Date	Payment	Principal	Coupon	Interest	Total debt	Service	DEP Fee	NIET Fee	Annual Debt	Service and Fee	Remington Portion-Debt	Remington Portion - Remington Portion - Principal Only	Remington Portion - Principal Only	Interest and Fees at 2.33%	Remington Percentage	Additional Due	Total Payment	Amount
2/1/2022	2/1/2022	\$4,946.88	\$4,946.88			\$4,946.88	\$4,946.88					\$618.07	\$618.07	\$618.07	\$618.07	0.23	\$43,749.92	\$44,913.36	\$47,299.84
8/1/2022	8/1/2022	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$2,096.88	\$2,096.88	\$2,096.88	\$2,096.88	0.23	\$9,380.66	\$9,380.66	\$108,563.71
2/1/2023	2/1/2023	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2023	8/1/2023	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2024	2/1/2024	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
8/1/2024	8/1/2024	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2025	2/1/2025	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2025	8/1/2025	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2026	2/1/2026	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2026	8/1/2026	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2027	2/1/2027	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2027	8/1/2027	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2028	2/1/2028	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2028	8/1/2028	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2029	2/1/2029	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2029	8/1/2029	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2030	2/1/2030	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2030	8/1/2030	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2031	2/1/2031	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2031	8/1/2031	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2032	2/1/2032	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2032	8/1/2032	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2033	2/1/2033	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2033	8/1/2033	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2034	2/1/2034	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
8/1/2034	8/1/2034	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2035	2/1/2035	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2035	8/1/2035	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2036	2/1/2036	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2036	8/1/2036	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2037	2/1/2037	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2037	8/1/2037	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2038	2/1/2038	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2038	8/1/2038	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2039	2/1/2039	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2039	8/1/2039	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2040	2/1/2040	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2040	8/1/2040	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2041	2/1/2041	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2041	8/1/2041	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2042	2/1/2042	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2042	8/1/2042	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2043	2/1/2043	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2043	8/1/2043	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2044	2/1/2044	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2044	8/1/2044	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2045	2/1/2045	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2045	8/1/2045	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2046	2/1/2046	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2046	8/1/2046	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2047	2/1/2047	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2047	8/1/2047	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2048	2/1/2048	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2048	8/1/2048	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2049	2/1/2049	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2049	8/1/2049	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2050	2/1/2050	\$20,104.28	\$20,104.28			\$20,104.28	\$20,104.28					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$1,046.79	\$1,046.79	\$1,046.79
8/1/2050	8/1/2050	\$40,208.57	\$40,208.57			\$40,208.57	\$40,208.57					\$3,946.88	\$3,946.88	\$3,946.88	\$3,946.88	0.23	\$9,380.66	\$9,380.66	\$9,380.66
2/1/2051	2/1/2051	\$20,104.28	\$																

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-236

DOC ID: 3634

Authorizing Change Orders 1, 2 & 3, Existing Water Tank & Improvements Project, for a Total of \$46,199.19

WHEREAS, the Borough of Flemington advertised, and subsequently received bids, for Existing Water Tank & Improvements for the Borough of Flemington Water Department on December 8, 2020; and

WHEREAS, the Borough of Flemington awarded a Contract in the amount of \$4,124,479.00 base bid to Dulaine Contracting, P.O. Box 526, Gladstone, NJ 07934; and

WHEREAS, during the course of construction several issues were noted as described in the attached three change orders, which total \$46,199.19; and

WHEREAS, Change Order No. 1, for the installation of CO detectors as required by the Raritan Township Fire Official, totals \$3,769.94; and

WHEREAS, Change Order No. 2, for installation of a main electric service disconnect as required by JCP&L, totals \$7,080.08; and

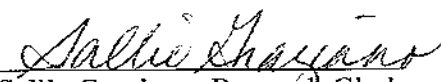
WHEREAS, Change Order No. 3, for installation of a fourth booster pump and related electrical upgrades to provide an additional 500 gpm for fire flow from standpipe to elevated tank, totals \$35,349.17; and


WHEREAS, the CFO has noted that there are sufficient funds to complete this work;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that Change Order No. 1 for \$3,769.94; Change Order No. 2 for \$7,080.08; and Change Order No. 3 for \$35,349.17, are awarded and the Mayor is hereby authorized to sign the Change Orders.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-237

DOC ID: 3638

**Authorizing Cutting and Capping of Water/Sewer Lines and
Requiring a Performance Bond from Flemington Center
Urban Renewal, LLC**

WHEREAS, Flemington Center Urban Renewal, LLC, is the designated redeveloper for the Courthouse Square project; and

WHEREAS, work on the project requires cutting and capping of water and sewer lines to the former Flemington Fur property on Spring Street, and buildings at 21 Bloomfield Avenue and 23 Bloomfield Avenue; and

WHEREAS, Borough Code requires cutting and capping of water and sewer lines to be done at the main; and

WHEREAS, due to the planned replacement of water and sewer lines in the area, Flemington Center Urban Renewal would prefer to cut and cap the water and sewer lines close to the above-identified buildings; and

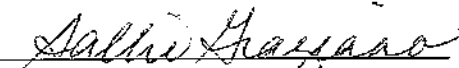
WHEREAS, a performance bond of \$100,000.00 would cover the Borough's cost of cutting and capping the water and sewer lines at the main, if Flemington Center Urban Renewal, LLC does not complete the planned Courthouse Square project;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington authorizes Flemington Center Urban Renewal, LLC to cut and cap the water and sewer lines for its Courthouse Square project close to the buildings at the former Flemington Fur property on Spring Street, at 21 Bloomfield Avenue and at 23 Bloomfield Avenue, rather than at the main; and

BE IT FURTHER RESOLVED that Flemington Center Urban Renewal, LLC be required to provide a performance bond in the amount of \$100,000.00 to guarantee the satisfactory completion of the above-named water and sewer line connection work.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-238

DOC ID: 3639

Turkey Trot Street Closures November 25, 2021

WHEREAS, the Center for Educational Advancement's annual Turkey Trot will be held on Thanksgiving Day, Nov. 25, 2021; and

WHEREAS, the need to close the following streets in stages between the hours of 6:00 a.m. and 11 a.m. is essential to the event:

Main Street from Church Street to North Main Street

North Main Street to Hopewell Avenue

Hopewell Avenue to East Main Street

East Main Street to New Jersey Avenue

New Jersey Avenue to Elwood Avenue

Elwood Avenue to Pennsylvania Avenue

Pennsylvania Avenue to Broad Street

Broad Street to New York Avenue

New York Avenue to Elwood Avenue

Elwood Avenue to Emery Avenue

Emery Avenue to Broad Street

Broad Street to Church Street

Church Street to Central Avenue

Central Avenue to Mine Street

Mine Street to Shields Avenue

Shields Avenue to Bonnell Street

Bonnell Street to Park Avenue

Park Avenue to Mine Street

Mine Street to Main Street

and

WHEREAS, the need to ban parked cars from 8:00 a.m. to 10:30 a.m. in the following locations is necessary to conduct the race safely:

South side of Bonnell Street;

South side of New York Avenue between Broad Street and Elwood Avenue;

East side of Elwood Avenue between New York Avenue and Emery Avenue;


South side of Emery Avenue between Elwood Avenue and Broad Street; and

WHEREAS, the Flemington Borough Police Department has reviewed and approved this request;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the above streets are closed

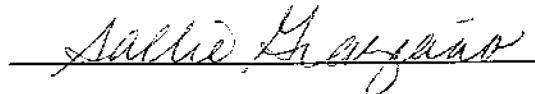
between the hours of 6:00 a.m. and 11 a.m., and that parking is banned on the south side of Bonnell Street from 8:00 a.m. to 10:30 a.m. on Nov. 25, 2021, for the annual Turkey Trot.

Adopted: November 8, 2021



Betsy Driver, Mayor

Attest:



Sallie Graziano, RMC, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2021-239

DOC ID: 3641

Authorizing Street Closures for the Tree Lighting Dec. 3, 2021

Borough of Flemington
County of Hunterdon

WHEREAS, the annual tree lighting will be held on December 3, 2021; and

WHEREAS, the need to close the following streets between the hours of 6:00 PM and 9:00 PM is essential to the event:

Main Street from Capner Street to the Monument
North Main Street from Hopewell Avenue to the Monument
East Main Street from New Jersey Avenue to the Monument
Pennsylvania Avenue from Broad Street to the Monument; and


WHEREAS, the Flemington Borough Police Department has reviewed and approved this request.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the above referenced streets are closed between the hours of 6:00 PM and 9:00 PM on December 3, 2021, for the annual tree lighting

Adopted: November 8, 2021

ATTEST:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3640

ADOPTED

RESOLUTION 2021-240

Authorizing Road Closures for the 2021 Hunterdon Holiday Parade

Borough of Flemington
County of Hunterdon

WHEREAS, the Hunterdon County Chamber of Commerce's annual Holiday Parade will be held on December 5, 2021; and

WHEREAS, the need to close the following streets between the hours of 4:00 PM and 7:00 PM is essential to the event:

Church Street from Liberty Village to Broad Street
Main Street from the Circle to the Monument
North Main Street from the Monument to Hopewell Avenue
East Main Street from the Monument to Hopewell Avenue
Pennsylvania Ave from the Monument to Broad Street; and


WHEREAS, the Flemington Borough Police Department has reviewed and approved this request.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the above streets are closed between the hours of 4:00 PM and 7:00 PM on December 5, 2021, for the annual Hunterdon Holiday Parade.

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 11/08/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3624

ADOPTED

ORDINANCE 2021-27

Second Reading, Ordinance Amending Section 3-3.3 of the Borough Code to Clarify the Process for Selling or Disposing of Junk or Abandoned Vehicles Seized by the Police Department and Section 3-28.13 to Set Towing Rates Commensurate with Those Set by the New Jersey State Police

WHEREAS, the Flemington Police Department lawfully causes the seizure of improperly operated or parked motor vehicles; and

WHEREAS, some of the motor vehicles being seized become abandoned or go unclaimed by the owners; and

WHEREAS, the Borough Council desires to amend the Borough Code to set forth the process for proper disposal of unclaimed or abandoned vehicles in accordance with N.J.S.A. 39:10a-1.1 et seq.

WHEREAS, the Borough Council also desires to amend its towing rate schedule to be consistent with that set by the New Jersey State Police.

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

Section 1. Subsections A, D, and E of Section 3-3.3 of the Borough Code entitled "Police Department Possession, are hereby amended as follows (additions noted in bold italics **thus** and deletions noted with strikethrough thus):

A. All abandoned motor vehicles shall be taken in possession by the police department (***or towing contractor at the direction of the Police Department***) and removed to a storage place. ~~The police department shall then follow the procedures established by R.S. 39:10A to sell the abandoned motor vehicle at public auction.~~

B. Unchanged

C. Unchanged

D. Conduct of Sale. ***The towing contractor shall notify the Chief of Police of the make, model and vehicle identification number of any towed vehicle held in storage which remains unclaimed for 30 days or more.*** Sales of all junk and abandoned vehicles shall be conducted in accordance with the provisions of N.J.S.A. 39:10A-1 et seq.

E. Proceeds from Sale. Proceeds from the sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the subject vehicle. ~~Excess proceeds shall be paid to the Borough.~~ If the proceeds are insufficient to cover the accumulated costs, such excess cost shall be waived by the towing contractor or title agent and no further funds will be due from the Borough or the purchaser of the vehicle. This section will be administered in accordance with N.J.S.A. 39A:10-1 et seq. ***Excess proceeds shall be split between the Borough and towing contractor.***

F. Unchanged

G. Unchanged

H. Unchanged

I. Unchanged

SECTION 2. Section 3-28.13 of the Borough Code, entitled "Fees," is hereby deleted in its entirety and replaced with the following:

The Borough of Flemington prescribes to the rate chart established by the New Jersey State Police for tow operators on state highways. This can be found at www.gsta.org <<http://www.gsta.org>>.

SECTION 3. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.


Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: October 25, 2021

Adopted: November 8, 2021

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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