



Mayor and Common Council Borough of Flemington

January 10, 2022

Online during COVID-19 Emergency

Call to Order

Mayor Driver called the meeting to order at 7:00 p.m. All Council members were present.

Work Session (7:00 PM)

Mayor Driver discussed a potential traffic study of areas of concern, including Broad Street south of Church Street, the intersection of Brown and Grant streets, and the intersection of Main and Church streets. Ms. Tilly suggested making Brown Street a one-way street from Route 12 to Church St. Mr. Long discussed the green-arrow light on Main Street at Church Street.

Ms. Tilly reported that the HPC is working on the certified local government process. One person has expressed interest in joining the commission, leaving 1 alternate position to be filled.

Ms. Hand said the Environmental Commission needs members.

There was discussion about creating a master list of positions available for interested volunteers, and talk of ways to send out notice of the opportunities.

Mr. Long talked about the process for creating the Civic Engagement Committee he is working to establish.

Ms. Rosetti talked about property maintenance issues, and the FCP's plan to host information sessions with a potential Liberty Village developer.

The session ended at 7:19 p.m. and the meeting adjourned until the start of the regular session 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 Member	Present	
Jessica Hand	Council Vice President	Present	
Malik Johnston	Council Member	Present	
Jeremy Long	Council President	Present	
Elizabeth Rosetti	Council Member	Present	
Kimberly Tilly	Council Member	Present	
Betsy Driver	Mayor	Present	

I. Mayor's Report

Mayor Driver discussed the planned COVID-19 testing clinic that is the subject of Resolution 2022-42. It would be set up in the Borough Hall parking lot, and would be free to Borough employees and residents.

She appointed Dennis Schoeb to the HPC as Alternate 1. She said it's an important commission, and that the Borough's historic district is the second largest in the state.

She congratulated resident Jean Stryker Hunt on her 100th birthday and read a proclamation honoring her.

1. PROCLAMATION HONORING JEAN HUNT ON HER 100TH BIRTHDAY

WHEREAS, our Flemington community is made up of outstanding and committed families and individuals; and

WHEREAS, it is in our community's interest that we remember, recognize, and honor our dedicated community members; and

WHEREAS, Mrs. Jean Stryker Hunt recently celebrated her 100th birthday; and

WHEREAS, Mrs. Hunt was born in the house she continues to live in on Spring Street; and

WHEREAS, her continued commitment to her family and the larger community has contributed to the betterment of Flemington; and

WHEREAS, Mrs. Hunt spent many years - through the early 1950s - working at her family's store on Main Street, Stryker's Variety Store, while later working for Green's Pharmacy and Kreis Jewelers, in addition to volunteering as a candy striper when the Hunterdon Medical Center opened its doors in 1953; and

WHEREAS, Mrs. Hunt's support of her family, community, and commitment to the Flemington Borough Fire Department is notable on its own, yet her 100-years-young spirit also continues to be an amazing force on Spring Street;

NOW, THEREFORE, BE IT PROCLAIMED that I, Betsy Driver, Mayor of the Borough of Flemington, recognize and congratulate Mrs. Jean Stryker Hunt on her 100th birthday.

II. Council Members' Reports

Council President Long

Mr. Long said the Police suggest that people keep valuables in their homes and not in their vehicles; while smash-and-grabs are not prevalent in the Borough, it's a wise precaution.

FCP - Gabriela Trupi and Allie Norton have joined the FCP's board of directors. New businesses are opening and some are shifting positions. The holiday season was very successful. There will be no restaurant week this year due to COVID. A Neighborhood Preservation Grant will finance installation of murals and signage in the Borough. Events will be starting in April-May, and Council can expect a calendar showing the dates of events, so that everyone is aware of plans.

Civic Engagement - Anyone interested in this committee can reach out to Mr. Long.

Council Member Johnston

Mr. Johnston wished everyone a happy new year and said he is looking forward to his assignments.

Council Member Rosetti

Ms. Rosetti met with the FCP this morning. She said a potential developer for Liberty Village will be presenting plans for the site in person on Jan. 12 at 7 p.m. at the Stangl Factory, and on Zoom on Jan. 19 at 7 p.m. People can learn more on the Love Flemington Facebook page.

Property Maintenance - She met with Dave Giuliani to open a dialogue about issues in the Borough, and is looking forward to working with him this year.

Council Member Giles-McCormick

She's looking forward to her orientation as a Planning Board member. She noted the Planning Board meets tomorrow night, and there's a presentation on Liberty Village on Wednesday.

DPW - She'll be attending the DPW's meeting tomorrow at 4:30 p.m.

Council Member Tilly

HPC - She thanked Mayor Driver for appointing Dennis Schoeb to the commission, and said one alternate position remains available.

The DPW will meet tomorrow, as will the Fire officers.

Council Vice President Hand

The Environmental Commission will hold its first meeting on Monday at 7 p.m. Flemington DIY has some interesting information brewing- people should check social media or visit the group's website, Flemington DIY.org.

III. OEM Report

Cpl. McNally reported that the COVID-19 testing site opening has been delayed but it will be at the Borough Hall parking lot. Once everything is arranged, people will be notified. COVID-19 cases in the Borough are rising at a fast pace.

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

Jim Coleman of Namdar Realty, owner of Liberty Village, spoke on behalf of the FCP and Executive Director Robin Lapidus, urging support of the FCP's proposed 2022 budget.

V. Approval of Minutes

Motion To: **Approve Minutes: January 4, 2022 Council Reorganization Meeting**

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

Consent Agenda

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

1. RESOLUTION 2022-37: AUTH ORIZING THE ADOPTION OF THE 2021 HUNTERDON COUNTY, NJ HAZARD MITIGATION PLAN UPDATE
2. RESOLUTION 2022-38: ESTABLISHING A COMMUNITY GARDEN PLANNING COMMITTEE FOR 2022
3. RESOLUTION 2022-39: AUTHORIZING THE RENEWAL OF TAXI LICENSES FOR 2022

Regular Agenda

1. Presentation of 2022 Flemington Special Improvement District Budget- FCP Ex. Dir. Robin Lapidus

Ms. Lapidus presented the proposed 2022 budget for the special improvement district. The budget is attached to these minutes.
Ms. Lapidus described economic development tasks, discussed event planning, streetscape improvements and marketing efforts. She then fielded questions from Council members. Ms. Tilly asked for more detail about actual expenses from 2021; Ms. Lapidus said the 2021 books are still being reconciled and that information will be available in a few weeks' time. Ms. Giles-McCormick discussed outreach efforts and the amount of surplus carried from year to year. Mr. Long asked for some specifics about the planting expenses and the need for a truck.

2. RESOLUTION 2022-40: 2022 FLEMINGTON SPECIAL IMPROVEMENT DISTRICT BUDGET, 1ST READING

RESULT:	INTRODUCED [UNANIMOUS]	Next: 2/14/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Giles-McCormick, Hand, Johnston, Long, Rosetti, Tilly	

A public hearing on the budget will be held at the regular Council meeting set for Feb. 14, 2022 at 7:30 p.m.

3. RESOLUTION 2022-41: AMENDING RESOLUTION 2021-156 IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS DISPENSARY BY MCGRAW HOLDINGS NEW JERSEY, INC., ON BLOCK 43 LOT 9.01, WITHIN THE BOROUGH OF FLEMINGTON

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

4. RESOLUTION 2022-42: AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH RIDGEWOOD DIAGNOSTICS LABORATORY TO PROVIDE COVID-19 TESTING FOR BOROUGH RESIDENTS AND EMPLOYEES AT NO COST TO THE BOROUGH

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

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

No comments were made.

VII. Attorney's Report

Attorney St. Angelo said the CDC and NJ officials have updated guidance for quarantining due to COVID-19, and she's working with Cpl. McNally to update the employee policy.

VIII. Payment of the Bills

There was no bill list for this meeting.

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

None was needed.

X. Adjournment

Motion To: **Adjourn**

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

The meeting was adjourned at 8:44 p.m.

Attest: _____
Sallie Graziano, Borough Clerk

ADOPTED

RESOLUTION 2022-37

**Authorizing the Adoption of the 2021 Hunterdon County, NJ
Hazard Mitigation Plan Update**

WHEREAS, all jurisdictions within Hunterdon County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Hunterdon County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Hunterdon County; and


WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;


NOW, THEREFORE, BE IT RESOLVED that the Borough Of Flemington:

- 1) Adopts in its entirety, the 2021 Hunterdon County Hazard Mitigation Plan Update (the "Plan") as the jurisdiction's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Adopted: January 10, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/10/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3698

ADOPTED

RESOLUTION 2022-38

**Establishing a Community Garden Planning Committee for
2022**

Whereas, the Borough is looking into starting a Community Garden; and

Whereas, an ad-hoc community garden planning committee can investigate ways this might best be accomplished;

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Flemington that an Ad-Hoc community garden planning committee be established through December 31, 2022.


Be It Further Resolved that this committee will include one member of Borough Council and Borough residents appointed by the Mayor.

Be it Further Resolved that the working group will report back to the Mayor and Council on the progress of the Community Garden.

Adopted: January 10, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/10/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

DOC ID: 3703

ADOPTED

RESOLUTION 2022-39

Authorizing the Renewal of Taxi Licenses for 2022

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

WHEREAS, Ordinance 2017-3 sets eligibility criteria for obtaining a Taxi Owner's License in Flemington Borough, including vehicle insurance and registration, vehicle inspection, criminal background checks, and driver's license history and provides for 10 licenses to be issued; and

WHEREAS, Ordinance 2018-21 describes the renewal process for Taxi Owner's Licenses; and

WHEREAS, the following companies have met the renewal criteria and submitted all necessary fees for renewal of Taxi Owner's Licenses in 2022:

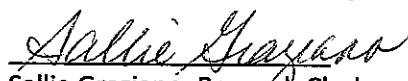
Arturo's Taxi, License 22-28
Damas Taxi, License 22-01
Taxi Los Amigos, License 22-32
and;

WHEREAS, the Flemington Borough Police Department has inspected the vehicles used by these services and determined that they are in satisfactory condition to safely carry passengers;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby approve the renewal of the above-listed Taxi Owner's Licenses, which will be effective from January 1, 2022 through December 31, 2022.

Adopted: January 10, 2022

Attest:



Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

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

CERTIFICATION

I, Sallie Graziano, Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on January 10, 2022.


Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/10/22 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

SCHEDULED

RESOLUTION 2022-40

DOC ID: 3699

2022 Flemington Special Improvement District Budget, 1st Reading

WHEREAS, at its meeting of January 10, 2022, the governing body of the Borough of Flemington introduced and approved the Flemington Borough Special Improvement District budget for the period January 1, 2022 - December 31, 2022, which budget is annexed hereto; and

WHEREAS, after notice of advertisement in a newspaper of general circulation, the governing body of Flemington Borough conducted a public hearing on February 14, 2022, at 7:30 P.M.; and

WHEREAS, the governing body of Flemington Borough has determined that at least one (1) week prior to the hearing a complete copy of the proposed budget was (a) advertised; (b) posted in the Borough Clerk's office; and (c) made available to each person requesting the same before and during the public hearing; and

WHEREAS, all persons having interest in the budget were given the opportunity to present objections; and

WHEREAS, the governing body of Borough of Flemington, having considered the comments at the public hearing, is of the opinion that it is appropriate and desirable to ratify and adopt the budget without amendment as advertised; and

WHEREAS, pursuant to N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84, the governing body of Borough of Flemington is required to adopt the budget by resolution after closing the hearing;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Flemington that:

(1) The Flemington Borough Special Improvement District 2022 budget is approved by the governing body of the Borough of Flemington and it is approved for the period of January 1, 2022 - December 31, 2022 in the amount of \$362,000.00, to be collected via the Special Improvement Tax.

(2) The municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessed properties in the District, as listed in the Ordinance establishing the District, which assessment roll shall include a description of the property and the name of the record owner of each such property;

(3) This special assessment shall be collected with either the regular tax payment (or payment in lieu of taxes), or otherwise, on properties located within the Borough of Flemington as set forth within the Ordinance and the assessment as follows: Schedule A (Downtown) shall be assessed at 66%; and, Schedule B (Highway) shall be assessed at 34%;

(4) Payments the District received by the Borough of Flemington shall be transferred to the Flemington Borough Business Improvement District Management Corporation to be expended in accordance with the approved budget; and

(5) The Borough Clerk is hereby authorized to forward a certified copy of this resolution to Flemington Borough Business Improvement District Management Corporation, the Hunterdon County Board of Taxation, and the Director of the Division


of Local Government Services in the State of New Jersey Department of Community Affairs.

(6) BUDGET


2022 BUDGET (See Attachment for Detail)

Introduced: January 10, 2022

Adopted:


Betsy Driver, Mayor

Attest:


Sallie Graziano, RMC, Borough Clerk

ATTACHMENTS:

- FCP 2022 Budget detailed (PDF)

RESULT:	INTRODUCED [UNANIMOUS]	Next: 2/14/2022 7:30 PM
MOVER:	Jeremy Long, Council President	
SECONDER:	Jessica Hand, Council Vice President	
AYES:	Giles-McCormick, Hand, Johnston, Long, Rosetti, Tilly	

FCP Budget	2021 Budget		2022 Budget		Notes
EOY Bank Account Carryover	120,000		100,000		Note: We carryover funds every year, as we make a 4th quarter deposit in November /December to pay bills the following year.
REVENUE:					
BID Assessment	362,000		362,000		Per Ordinance, this is the same amount in budget every year.
Additional Sponsorships & Grants	37,000		30,000		Sponsorship has not returned to past level for events but we anticipate being able to reach this goal.
Earned Revenue: Tickets, Event Revenue, Refreshments, Vendor Fees, T-shirts.	9,000		27,000		Earned Revenue are sales: Tickets, Drinks, T-shirts. When we created budget in 21, we expected few events per COVID and thus less revenue. We expect to have more events and sales in 2022.
TOTAL	528,000		519,000		
EXPENSES					
Economic Development	126,050		124,150		
Event Grants to Biz		30,000		30,000	Grants to local businesses for events and promotional programs.

FCP Budget	2021 Budget	2022 Budget	Notes
<i>Temporary Performance/ Event Spaces</i>	15,000	14,000	<i>Tent, Talent, Permits & Staff for outdoor performance/event space -- was filling station now lawn on Stangl.</i>
<i>Biz-focused Annual & Seasonal Events, Biz Promotions, Econ Dev Planning Events</i>	72,800	72,500	<i>Winter/Spring/Summer/Fall Events/ Promo - incl, Flea, CTB, Jazz, Holiday, New Fall Event. Econ Dev Planning and Events. We anticipate being able to produce more events in 22.</i>
<i>Stakeholder Relations</i>	8,250	7,650	<i>Board & Stakeholder Meeting & Print Materials, Prof. Service Expenses (zoom etc). We expect to return to in-person stakeholder meetings.</i>
	126,050	124,150	<i>Meetings, Maps, Prof Service Expenses. Many of these expenses are covered by grants reimbursements.</i>
Streetscape Improvements	73,000	70,000	
<i>Visual Arts</i>	8,000	6,000	<i>Holiday Décor and Artwork</i>
<i>Storefront Improvement is now Sign Grant Reimbursement</i>	25,000	20,000	<i>Grants to businesses for new and improved signage</i>
<i>Banners & Signs</i>	20,000	17,000	<i>Printed Banners and Sign Improvements. Parking signs printed in January.</i>
<i>Beautification Projects/Season Décor</i>	20,000	27,000	<i>Watering, Seasonal Plants, Holiday Décor</i>
	73,000	70,000	

FCP Budget	2021 Budget		2022 Budget		Notes
Mar-Comm &	97,500		95,000		
<i>General Advertising, Marketing & PR</i>		49,500		48,000	<i>All print ads and event ads, monthly, quarterly, seasonally. Mar-com & PR Fees for Prof services e.g. newsletters, pr, * We are taking some work back in-house.</i>
<i>Facebook & Online Ads</i>		3,000		4,000	<i>Boosted FB, Insta, Social and other online ads.</i>
<i>FCP Promotional Materials</i>		7,000		5,000	<i>Promo items bags, t-shirts, passports</i>
<i>Film</i>		4,000		2,000	<i>Photography & Video Creative</i>
<i>Brochures</i>		3,000		6,000	<i>Print and on-line brochures. We need to reorder everything in 22</i>
<i>Graphic Design</i>		12,000		12,000	<i>All Graphic Design Work</i>
<i>Market Research</i>		2,000		2,000	<i>Surveying and testing</i>
<i>Web /Hosting/Domain/CC</i>		4,000		4,000	<i>All Web Fees</i>
<i>Social Media / Content Creation</i>		10,000		6,000	<i>Social Media Support and Business Content Creation</i>
<i>Print Materials/Business Promotion</i>		3,000		6,000	<i>Seasonal Print and Biz Promo Materials</i>
		97,500		95,000	
Administration	151,000		152,500		

FCP Budget	2021 Budget		2022 Budget		Notes
<i>Executive Director</i>		92,000		100,000	<i>ED Salary plus ins pkg.</i>
<i>Operations, Programming, Communications Staff Coordination</i>		40,000		31,000	<i>FT Job Posted (Add'l 25k from NPP Grant to go towards Support Staff Salary.</i>
<i>FCP Payroll Taxes</i>		18,000		20,000	
<i>Payroll Company Fees</i>		1,000		1,500	
		151,000		152,500	
Overall FCP Operations		48,460		51,360	
<i>All Insurance</i>		6,200		8,000	<i>Umbrella Policy, Event Policy, D&O, Workers Comp</i>
<i>Rent, Storage, Utilities, Office Cleaning</i>		23,300		24,800	<i>Office Rent, Utilities, Storage (holiday & outdoor furn),</i>
<i>Business Fees, Qshera, Staffing Ads</i>		1,060		560	
<i>Supplies, Computer, Phones</i>		7,500		7,500	
<i>Internet & Google Drive & IT Services</i>		4,400		4,400	
<i>Postage</i>		400		400	
<i>Intern/Volunteer Appreciation</i>		500		500	
<i>Professional Dues & Development</i>		700		700	
<i>Meals, Travel Entertainment, Conferences</i>		2,000		1,000	<i>Less travel as many indoor conferences are on-line for first part of year</i>

FCP Budget	2021 Budget		2022 Budget		Notes
Moving Expense for office and decor and events & Auto Expenses		2,400		3,500	We need a truck regularly to move decor/stages and set-up events.
		48,460		51,360	
Professional Services	16,000		14,000		
Bookkeeping, Payroll, Payables		6,000		5,000	
Audit/Accounting		6,000		5,000	
Legal		3,000		3,000	
HR/Clerical		1,000		1,000	
		16,000		14,000	
TOTAL Expenses	512,010		507,010		
TOTAL REVENUES	528,000		519,000		
TOTAL EXPENSES	512,010		507,010		
NET INCOME	15,990		11,990		

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/10/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3701

ADOPTED

RESOLUTION 2022-41

Amending Resolution 2021-156 in Support of the Location and Operation of a Cannabis Dispensary by McGraw Holdings New Jersey, Inc., on Block 43 Lot 9.01, Within the Borough of Flemington

WHEREAS, the medical use of cannabis is authorized in the State of New Jersey pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, *et seq.* ("CUMA"); and

WHEREAS, the Borough expressly authorized the operation of cannabis cultivators and retailers in certain zoning districts and subject to certain restrictions pursuant to Ordinance 2021-14; and

WHEREAS, on December 7, 2021, the Cannabis Regulatory Commission (the "Commission") awarded McGraw Holdings New Jersey, Inc. ("McGraw") a license to operate an Alternative Treatment Center pursuant to CUMA; and

WHEREAS, a copy of the Final Agency Decision is attached hereto; and

WHEREAS, on December 13, 2021 the Borough Council adopted resolution 2021-156 providing proof of "local support" pursuant to the Final Agency Decision for McGraw to operate a medical cannabis dispensary on Stangl Road, Block 35 Lot 10, in the Borough; and

WHEREAS, subsequently, by letter dated December 21, 2021, McGraw requested the Borough amend Resolution 2021-156 to provide support for locating a medical dispensary on property located at Block 43, Lot 9.01; and

WHEREAS, the proposed location is within the Highway Retail (HR) Zoning District; and

WHEREAS, pursuant to Ordinance 2021-14, medical cannabis dispensaries are permitted as conditional uses in the HR District; and

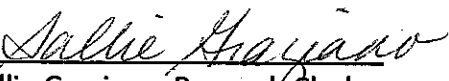
WHEREAS, due to time constraints, the Mayor and Council President issued the attached letter indicating their support for the new proposed location of the medical cannabis dispensary pending the adoption of a resolution indicating the Council's support of the new proposed location.

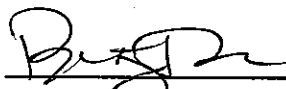
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

1. The Mayor and Council believe that the Borough of Flemington would benefit from the location of a medical cannabis dispensary within the Borough, subject to compliance with Ordinance 2021-14 and required approvals from the Land Use Board.
2. McGraw Holdings New Jersey, Inc., proposed to locate a medical cannabis dispensary on property located in the Highway Retail (HR) Zoning District at Block 43, Lot 9.01.
3. Ordinance 2021-14 permits the operation of a medical cannabis dispensary as a conditional use in the HR District, subject to certain conditions, including site plan approval by the Borough Land Use Board.
4. This resolution may be used by McGraw Holdings New Jersey, Inc., as proof of local support required by the Cannabis Regulatory Commission pursuant to the Final Agency Decision dated December 7, 2021 awarding McGraw Holdings New Jersey, Inc., a license to operate an Alternative Treatment Center.
5. This Resolution shall take effect immediately.

Adopted: January 10, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

ATTACHMENTS:

- CRC McGraw letter (PDF)
- 2019 RFA Award Letter McGraw Holdings New Jersey Inc. 19-0003 (PDF)

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



Borough of Flemington

38 Park Avenue
Flemington, New Jersey 08822
Phone (908) 782-8840
Fax (908) 782-0142

Office of the Mayor

Municipal Support for McGraw Holdings New Jersey, Inc.
3 Route 31
Flemington Borough, Hunterdon County, New Jersey
Block 43 Lot 9.01

December 22, 2021

Dear Cannabis Regulatory Commission,

I am the Mayor of Flemington Borough and I am reaching out regarding the recently approved application of McGraw Holdings. On December 13, 2021, Borough Council adopted a resolution in support of McGraw Holdings, LLC to locate a dispensary on Stangl Road. That resolution is attached. At that meeting, a representative of McGraw Holdings, Andrew Peloso, appeared before Council.

On December 21, 2021, principal Andrew Peloso requested in writing that we amend the resolution of support to a new location. Unfortunately, the final meeting of the year was on December 13, 2021, and council will not consider business again until January 10, 2022. With consent of Borough Council President Caitlin Giles-McCormick, I am requesting you consider this letter as supporting the location of a medical cannabis dispensary operated by McGraw Holdings, LLC at property located at 3 Route 31 in Flemington Borough. The Borough Council will take formal action to amend the resolution at its first meeting on January 10, 2022.

The new location they asked for consideration on is located at 3 Route 31, Flemington Borough, Hunterdon County, New Jersey, Block 43 Lot 9.01 (the "Property").

Earlier this year on July 12, 2021, Council adopted by ordinance 2021-14, "Amending the Code of the Borough of Flemington to Set Forth Conditions for Cannabis Retailers and Cannabis Cultivators Located Within Certain Districts and to Establish a Transfer and Use Tax for Cannabis Products". This ordinance outlined the areas of Flemington Borough that would permit a cannabis facility. The property is within a zoning district that conditionally permits a cannabis dispensary. We support McGraw Holdings to locate a dispensary at this location.

Additionally, I have met with the representatives of McGraw Holdings and discussed their background, experience, and plans for their operations in Flemington and I am fully impressed by the proposal to utilize this site as a place to conduct their business. In conjunction with that, I am providing this letter to identify our community's support of McGraw Health to open a dispensary in Flemington Borough.

Sincerely,

Betsy Driver

Mayor, Flemington Borough
38 Park Avenue
Flemington Borough, NJ 08822
908-524-9956

Caitlin Giles-McCormick
Council President, Flemington Borough



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

PHILLIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

December 7, 2021

VIA ELECTRONIC MAIL to: steph@mcgrawhealth.com
Stephanie Peloso
McGraw Holdings New Jersey, Inc.
30 Murray Place
Princeton, New Jersey 08540

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

Dear Ms. Peloso:

The New Jersey Cannabis Regulatory Commission ("CRC") has received and reviewed your application for a dispensary permit endorsement, submitted prior to the August 22, 2019, deadline, to operate an Alternative Treatment Center ("ATC") pursuant to N.J.S.A. 24:6I-1 *et seq.* Following thorough review by the selection committee, and subject to the post-award accountability measures listed below, the CRC has awarded you a dispensary permit endorsement.

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

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

No applicant could be awarded more than one permit under the 2019 RFA, and no applicant could hold

more than one cultivation endorsement, one manufacturing endorsement, or one dispensary endorsement as a result of the awards made pursuant to the RFA.

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

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

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

Selection committee members possessed the following expertise:

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

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

The Department organized three trainings for selection committee members:

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

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

The selection committee was divided into three teams of three, with each team responsible for scoring a portion of each permit endorsement application in accordance with specific measures. Each team was responsible for a maximum of 100 points for every permit endorsement sought (100 points for cultivation and dispensary applications, and 300 points for vertically integrated applications, which includes three endorsements).

In December of 2019, following a challenge by several disqualified applicants, the Superior Court of New Jersey, Appellate Division, issued a stay that barred the Department from undertaking any additional work on the 2019 RFA. Despite the Department's efforts to continue reviewing applications while the Court reviewed the appellants' claims, the Department was prohibited from reviewing, scoring, and awarding any permits under the 2019 RFA process. The stay imposed by the Appellate Division was vacated on February 18, 2021.¹

Upon the selection committee's impartial and thorough review of the applications against the criteria set forth in the RFA, the following thirty applicants were chosen for dispensary permit endorsements based on scoring and regional priority:

Control #	Applicant Name	Region	Total Score
19-0016	Middle Valley Partners LLC	Central	273.33
19-0009	Community Wellness Center of NJ	North	267.33
19-0013	The Law Offices of Juliana Diaz LLC	South	266.33
19-0076	Monmouth Wellness and Healing LLC	Central	265.33
19-0064	GR Vending NJ LLC	North	265.00
19-0003	McGraw Holdings New Jersey, Inc.	Central	257.67
19-0073	Eastern Green Inc. d/b/a Starbuds	South	257.33
19-0111	Design 710	South	257.33
19-0061	NJ Kindness	South	257.00
19-0011	Restore NJ LLC	South	252.33
19-0037	Yuma Way NJ LLC	North	251.67
19-0083	Monteverde NJ, Inc.	Central	251.33
19-0067	Terrapin	North	250.00
19-0092	Organic Remedies NJ, Inc.	South	248.67
19-0112	Oceanfront Holdings LLC	North	248.33
19-0086	11 th Colony, LLC	North	247.67
19-0048	Honeygrove Corp.	South	245.67
19-0035	New Jersey PharmaCanna LLC	North	242.67
19-0069	1 st Choice Health and Wellness	North	241.67
19-0005	Silver Leaf Wellness LLC	Central	240.33
19-0042	Garden State Botanicals	Central	240.00
19-0012	GLCPC LLC	Central	239.67
19-0101	Sanctuary Medicinals	Central	239.00
19-0032	Theory Wellness of NJ LLC	Central	236.33
19-0017	Nature's Touch Med NJ LLC	North	235.00

¹ Pursuant to N.J.S.A. 24:6I-24(a), the CRC assumed all responsibility for the Medicinal Marijuana Program from the Department of Health on April 12, 2021. With this transfer of authority came the responsibility to review and approve or deny applications submitted pursuant to the 2019 RFA.

19-0084	Woah Flow	Central	233.33
19-0055	NJ Patients Care LLC	North	229.33
19-0051	Circe Therapeutics LLC	South	226.67
19-0104	Life Compassion Center Dispensary LLC	South	222.00
19-0102	Holistic Solutions LLC	South	205.00

The highest possible score for dispensary endorsement applications was 300 points (100 points total from each of the three teams on the selection committee). Total scores for all applications ranged from 273.33 points to 103.67 points.

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

Additionally, to keep pace with expanding patient enrollment, which has continued even after the broad decriminalization of marijuana, the CRC decided to double the dispensary awards issued under the 2019 RFA from fifteen to thirty. Doubling the number of dispensary awards issued is consistent with the statutory charge and authority of the CRC to meet patient need and is reflective of expansion of the patient population over the last two years, the projected expansion in the future, and the anticipated loss of operational capacity that may be associated with the launch of personal-use cannabis sales in the future. Increasing the number of ATCs that can operate in the market also encourages product innovation and price reductions for patients (driving ATCs to compete for the support of the medicinal cannabis patient community) while allowing for a more resilient marketplace (having operators available to supply medicinal cannabis items even if one operator fails).

Furthermore, the CRC has a cohort of qualified applicants who have been waiting for two years to help serve New Jersey's medicinal market and increasing the number of awards issued will put these awards more in line with actual market needs for 2021 and beyond, while enabling market players to better deliver value, access, and product availability to New Jersey's patients.

Unlike cultivation facilities, the location of dispensaries is important. Just as it is important for patients to have easy access to pharmacies to access their medications, having an even regional distribution of access points for medicinal cannabis dispensaries is important. Consistent with these goals, the CRC decided to double the number of dispensary permit endorsements in each region from five to ten (for a total of thirty) and selected the highest scorers in each region such that selected applicants receive only one permit award. The current medicinal cannabis market has failed to produce adequate supply on a consistent basis to keep pace with demand, and by doubling the number of dispensary awards the CRC is issuing awards that align with its principles.

In accordance with the above criteria and analysis, the CRC utilized an even regional distribution, with the possibility to award multiple applicants seeking to operate in the same town if they had scored high enough. Of New Jersey's 565 municipalities, only a fraction allow medicinal cannabis businesses, and

for that reason, even if another dispensary or awardee is present in that municipality, the award will still increase competition and therefore help reduce pricing and increase access to patients. The State does not discourage pharmacies from opening in an area just because another pharmacy is nearby; similarly, the CRC supports competition and access for patients and seeks to pick the highest scoring applicants while focusing on regional distribution.

To determine the order in which the regions are chosen, the CRC used a formula similar to that used to determine the region receiving the fourth vertically integrated permit from the 2019 RFA: the sum of the ratio of patients in a region to patients statewide and the ratio of population in the region to the population statewide, divided by the ratio of dispensaries in the region to dispensaries statewide.

The resulting order of selections is

1. Central Region
2. Northern Region
3. Southern Region

Therefore, the recommended selection methodology is:

1. Select the highest scoring application from the Central Region that has not already received a permit award;
2. Select the highest scoring application from the Northern Region that has not already received a permit award;
3. Select the highest scoring application from the Southern Region that has not already received a permit award; and
4. Repeat the selection order until ten applications are selected for award in each region.

Pursuant to the methodology described above, the awards are as follows:

1. The first round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0016	Middle Valley Partners LLC	Central	273.33
19-0009	Community Wellness Center of NJ	North	267.33
19-0013	The Law Offices of Juliana Diaz LLC	South	266.33

2. The second round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0076	Monmouth Wellness and Healing LLC	Central	265.33

19-0064	GR Vending NJ LLC	North	265.00
19-0073	Eastern Green Inc. d/b/a Starbuds	South	257.33

3. The third round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0003	McGraw Holdings New Jersey, Inc.	Central	257.67
19-0037	Yuma Way NJ LLC	North	251.67
19-0111	Design 710	South	257.33

4. The fourth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0083	Monteverde NJ, Inc.	Central	251.33
19-0067	Terrapin	North	250.00
19-0061	NJ Kindness	South	257.00

5. The fifth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0005	Silver Leaf Wellness LLC	Central	240.33
19-0112	Oceanfront Holdings LLC	North	248.33
19-0011	Restore NJ LLC	South	252.33

6. The sixth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0042	Garden State Botanicals	Central	240.00
19-0086	11th Colony, LLC	North	247.67
19-0092	Organic Remedies NJ, Inc.	South	248.67

7. The seventh round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0012	GLCPC LLC	Central	239.67
19-0035	New Jersey PharmaCanna LLC	North	242.67
19-0048	Honeygrove Corp.	South	245.67

8. The eighth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0101	Sanctuary Medicinals	Central	239.00

19-0069	1 st Choice Health and Wellness	North	241.67
19-0051	Circe Therapeutics LLC	South	226.67

9. The ninth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0032	Theory Wellness of NJ LLC	Central	236.33
19-0017	Nature's Touch Med NJ LLC	North	235.00
19-0104	Life Compassion Center Dispensary LLC	South	222.00

10. The tenth round of awardees are:

Control #	Applicant Name	Region	Total Score
19-0084	Woah Flow	Central	233.33
19-0055	NJ Patients Care LLC	North	229.33
19-0102	Holistic Solutions LLC	South	205.00

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

Applicant: McGraw Holdings New Jersey, Inc.

Region: Central

Score: 257.67

This award is contingent on the applicant adhering to the following terms and conditions. These conditions are required and designed to maintain accountability to the statements and declarations included in the applicant's proposals. As used in this letter, "date of award" means the date of this Final Agency Decision (Tuesday, December 7, 2021).

1. Within five (5) business days of this notification of award, each awardee shall confirm in writing to crc.licensing@crc.nj.gov, that it accepts the award. Acceptance of this award may result in the applicant being disqualified from receiving an award of any pending permit endorsement applications;
2. If accepted, within twenty (20) business days from the date of award, the awardee shall confirm in writing, that it still has site control and local approval for the endorsement. An awardee

without both site control and local approval after twenty (20) business days will have its award rescinded;

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

All applicants have the right to appeal the Commission's decision to the Superior Court of New Jersey, Appellate Division, by Friday, January 21, 2022 (45 calendar days from the date of this letter). All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625-0006.

Any applicant with questions regarding the 2019 RFA process and methodology, and any unsuccessful applicant that wishes to file a grievance with the Commission, may do so by submitting their question or grievance in writing to crc.licensing@crc.nj.gov by 5:00 p.m. Eastern Time on Wednesday, December 15, 2021. Multiple questions/grievances can be submitted together but must be numbered. Responses to submissions deemed relevant to the 2019 RFA process and methodology will be provided by 5:00 p.m. Eastern Time on Friday, January 14, 2022. The question and grievance period should only be used for the purpose of addressing questions and complaints related to the 2019 RFA process and methodology. All other questions should be submitted through the Commission website and will be answered in the regular course of business.

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

Sincerely,

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

Dianna Houenou
Chairperson
New Jersey Cannabis Regulatory Commission

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/10/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2022-42

DOC ID: 3700

Authorizing the Execution of an Agreement with Ridgewood Diagnostics Laboratory to Provide COVID-19 Testing for Borough Residents and Employees at No Cost to the Borough

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, the Borough of Flemington (the "Borough") is seeking to make additional COVID-19 testing available to its residents and employees in light of the rising number of cases throughout the State of New Jersey; and

WHEREAS, Ridgewood Diagnostics Laboratory ("RDL") has the ability to provide COVID-19 testing at a location owned by the Borough; and

WHEREAS, the Parties agree that RDL will provide COVID-19 testing at Borough Hall, located at 38 Park Ave., Flemington, New Jersey; and

WHEREAS, the Parties agree that the testing will be conducted at no cost to the Borough; and

WHEREAS, in order to establish the COVID-19 testing site as soon as possible, the Borough Mayor signed the attached Agreement pending approval by the full Borough Council; and

WHEREAS, it is in the best interests of Borough residents that the Borough Council authorize the execution of the attached Agreement; and

WHEREAS, the Borough Council authorizes the award of this contract without publicly advertising for bids pursuant to the Local Public Contracts Law, utilizing the extraordinary unspecifiable services exemption to public bidding set forth in N.J.S.A. 40A:11-5(1)(a)(ii); and

WHEREAS, RDL will complete and submit a Business Entity Disclosure Certification and Contribution Disclosure.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington authorizes the Mayor's execution of the attached Agreement with RDL, subject to final approval of the Borough Attorney, to conduct COVID-19 testing within the Borough.

BE IT FURTHER RESOLVED, that RDL is hereby authorized to utilize the parking lot of Borough Hall to provide COVID-19 testing services upon consultation with Borough representatives and professionals as to the placement of any tents and the establishment of a traffic pattern.

BE IT FURTHER RESOLVED, that the Borough shall waive the need for any applications for the construction of tents or other temporary structures needed for the testing site.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately.

Adopted: January 10, 2022

Attest:


Sallie Graziano, Borough Clerk


Betsy Driver, Mayor

ATTACHMENTS:

- ridgewood agrmt (PDF)

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

RIDGEWOOD DIAGNOSTIC LAB SERVICES AGREEMENT

This Laboratory Services Agreement ("Agreement") is dated as of the ___ day of ___ (the "Effective Date") by and between ~~XXXXXXXXXX~~ with its address at 38 Park Ave., Flm. NJ 08824 ("the Company") and Ridgewood Diagnostic Lab ("RDL") located at 126 State Street, 2nd Floor, Hackensack, NJ 07601. RDL, and Company may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, RDL is a licensed provider of laboratory testing services; and

WHEREAS, the Company seeks to engage RDL to provide certain clinical laboratory services ("Lab Services" as defined herein) to designated employees and/or attendees of the Company and its events and RDL seeks to provide such Lab Services, all on the terms and conditions set forth below.

NOW THEREFORE, in consideration of the foregoing and the mutual covenants, promises and agreements contained herein, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

RESPONSIBILITIES OF RDL

A. Services. RDL agrees to provide the agreed upon COVID-19 testing, which shall be limited to COVID-19 PCR or Rapid swab tests ("Lab Services") on an as-needed basis. Such Lab Services shall be performed in accordance with all applicable federal, state, and local laws, rules and regulations and applicable RDL policies, all pursuant to the terms and conditions of this Agreement.

B. Service Standards. All tests shall be conducted in a manner consistent with applicable industry standards within the timeframes agreed by the Parties. RDL and its employees and contractors shall maintain all applicable state licenses needed to perform Lab Services for the Company. RDL shall also hold, and where necessary ensure that its agents and/or contractors hold, a current Clinical Laboratory Improvement Amendments ("CLIA") certificate of registration or accreditation and ensure compliance with all applicable COVID-19 testing minimum standards.

C. Service Components. RDL shall procure all labor, materials, equipment, insurance coverage, permits, and licenses, necessary to provide the Lab Services to Test Recipients. RDL shall supply pre-addressed labels and forms and mailing and transportation containers to the minimum extent necessary to transport the samples to RDL Test Recipients. RDL shall pay for all associated freight, postage, labels, containers, and all incidentals for postal and courier transport as necessary to have the specimens delivered to an RDL location.

TERM AND TERMINATION

A. Term. The term of this Agreement shall commence on the day and year first above written ("Effective Date") and shall continue, unless earlier terminated as hereinafter provided, for a

term ending upon the earlier of one (1) year from the Effective Date

B. Termination. Notwithstanding anything herein to the contrary, this Agreement may be terminated at any time as follows:

(i) Termination for Breach. Either Party may terminate this Agreement immediately upon notice for causes relating to any non-compliant activities by the other party related to the Agreement under any applicable law, including without limitation, and/or any HIPAA Violations. The Company may terminate at any time upon written notice to RDL for RDL's failure to maintain any/all appropriate licensure or RDL's material failure to meet anticipated timelines for routine tests; or

(ii). Termination for Convenience. Either party may terminate for any reason at any time, by providing 30 days written notice to the other party.

COMPENSATION AND BILLING

A. All payments to RDL for Laboratory Services under this Agreement shall come from applicable federal government programs or Test Recipients' private insurance. Accordingly, Lab Services shall be performed free of any charge to the Test Recipients.

B. Procedures for Billing and Paying for Tests: Medicare, Medicaid, & Private Insurance providers will be billed according to the respective terms of the applicable Provider Agreements, subject to the restrictions set forth in section 4A above. Non-Insured patients will be billed through HRSA, at no charge to Company and/or Test Recipient.

RECORDS

A. Record Retention Requirements Compliance. RDL agrees to keep and maintain all records, including but not limited to medical and financial records, for services provided hereunder as may be required by law or reimbursement requirements applicable to the respective Parties.

INDEPENDENT CONTRACTOR

In performing the Lab Services herein, RDL is acting as an independent contractor, and none of RDL staff shall be considered employees or agents of the Company. It is agreed and acknowledged by the Parties that, RDL, and Company are independent contractors with respect to each other.

CONFIDENTIALITY AND HIPAA

A. Confidential Information. Neither party intends to provide or receive proprietary or confidential information to or from other party under this Agreement.

B. HIPAA Compliance. The Parties intend that the Company will not receive any Protected Health Information (as defined in Section 7C) in connection with the Lab Services performed

hereunder. Parties agree to comply with the such provisions of the following laws as may be applicable to them based on the activities or information received hereunder: Health Information Technology for Economic and Clinical Health Act of 2009 (the "HITECH Act"), the

Administrative Simplification section of the Health Insurance Portability and Accountability Act of 1996, as codified at 42 U.S.C. §1320d through d-8, as amended from time to time ("HIPAA"), and the requirements of any regulations promulgated under either the HITECH Act or HIPAA, including, without limitation, the federal privacy regulations as contained in 45 CFR Parts 160 and 164 (the "Federal Privacy Regulations"), the federal security standards as contained in 45 CFR Parts 160, 162 and 164 (the "Federal Security Regulations"), and the federal standards for electronic transactions contained in 45 C.F.R. Parts 160 and 162 (the "Federal Electronic Transactions Regulations"), all as may be amended from time to time, and all collectively referred to herein as "HIPAA Requirements." Both Parties acknowledge that RDL constitutes a "covered entity," as that term is defined at 45 CFR §164.103, and is engaged in "covered functions," as that term is defined at 45 CFR §164.501.

C. Contractual HIPAA Requirements. RDL agrees not to use or further disclose any "protected health information," as defined at 45 CFR §164.504, or "individually identifiable health information," as defined at 42 U.S.C. §1320d (collectively, the "Protected Health Information") concerning a patient other than as permitted by the provisions of this Agreement and the requirements of HIPAA and the regulations promulgated pursuant to HIPAA, including without limitation the Federal Privacy Regulations and the Federal Security Regulations. RDL shall implement appropriate safeguards to prevent the use or disclosure of protected health information other than as provided for by this Agreement. RDL shall promptly report to the Company any use or disclosure of protected health information not in accordance with this Agreement or in violation of HIPAA Requirements of which that Party becomes aware. In the event RDL, with the prior approval of the Company in writing, contracts with any other parties or agents to whom SL furnishes protected health information received hereunder, RDL shall include provisions in such agreements whereby RDL and the other party or agent agree to the same restrictions and conditions that apply to RDL with respect to such protected health information. RDL shall properly dispose of any protected health information in accordance with federal and state law and regulations after the expiration or termination of this Agreement. RDL shall make its internal practices, books, and records relating to the use and disclosure of protected health information available to the Secretary of Health and Human Services to the extent required for determining compliance with HIPAA Requirements. Notwithstanding the foregoing, no attorney-client, accountant-client, or other legal privilege shall be deemed waived by either Party by virtue of this paragraph. Any breach of this paragraph shall constitute a material breach upon which termination of this Agreement may be based. RDL shall not disclose or provide to the Town any Protected Health Information and the Town shall not receive the same under this Agreement unless the Town, prior to receipt of such information, agrees in a binding writing for DOH and any other covered health care components and functions of the Town to assume obligations and restrictions substantially equivalent to those agreed to by MSL under this Section 7C.

INDEMNIFICATION

A. Indemnification. RDL and Company shall indemnify and hold the other party harmless from any and all liabilities, claims, expenses, damages, losses, judgments, and costs, including

reasonable attorneys' fees and disbursements caused by the acts or omissions of each party's own employees or agents arising out of the performance of this Agreement.

A. This Agreement shall be construed according to the laws of the State of New Jersey.

B. The entire agreement between the School, Town and RDL is contained herein and no modifications hereof shall be effective unless in writing, signed by the party to be charged herewith.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Agreement as of the day and year first above written

 Ridgewood Diagnostic Lab

Signature: *Betsy Driver*

Printed Name: *Betsy Driver*

Title: *Mayor, Flemington Borough*

Signature:

Printed Name:

Title: