



Mayor and Common Council Borough of Flemington

January 4, 2023

Historic Hunterdon County Courthouse

Call to Order (5:00 PM) This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Oath of Office

- Marcia A. Karrow (Mayor)
- Jeremy Long (Council Member)
- Susan Engelhardt (Council Member)

Roll Call

- Council Member Susan Engelhardt
- Council Member Malik Johnston
- Council Member Jeremy Long
- Council Member Tony Parker
- Council Member Liz Rosetti
- Council Member Kim Tilly
- Mayor Marcia Karrow

OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This reorganization meeting of January 4, 2023 was adopted by Resolution 2022-235 on November 28, 2022, and was noticed *Hunterdon County Democrat* and *Courier-News* on December 28, 2022. The previous date of January 3, 2022 was noticed in the list-of-meetings notice sent to the *Hunterdon County Democrat* and *Courier-News* on January 5, 2022, which was posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough Clerk.

Comments

Mayor's Comments

VIP Acknowledgements

Council Comments

- Susan Engelhardt
- Malik Johnston
- Jeremy Long
- Tony Parker
- Elizabeth Rosetti
- Kim Tilly

Public Comments - Session 1 *(up to 3 minutes each)*

Elections, Assignments, & Appointments

Council Elections

- President
- Vice President
- Class III Planning Board Member

Mayor's Council Assignments

Mayor's Appointments

Opening Resolution

Resolution 2023-1: APPROVING USE OF A CONSENT AGENDA, 2023

Consent Agenda

RESOLUTION 2023-2: OPEN PUBLIC MEETINGS ACT NOTICE 2023

RESOLUTION 2023-3: ADOPTING RULES OF ORDER FOR 2023

RESOLUTION 2023-4: ADOPTING MEETING DATES FOR 2023

RESOLUTION 2023-5: SCHEDULING THE 2024 REORGANIZATION MEETING

RESOLUTION 2023-6: DESIGNATING THE DEPOSITORIES FOR 2023

RESOLUTION 2023-7: SETTING A FEE OF \$25 FOR ANY RETURNED CHECK IN 2023

RESOLUTION 2023-8: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO INVEST SURPLUS FUNDS, 2023

RESOLUTION 2023-9: DESIGNATING THE AUTHORITY TO SIGN CHECKS, 2023

RESOLUTION 2023-10: AUTHORIZING THE PRE-PAYMENT OF CERTAIN BILLS FOR 2023

RESOLUTION 2023-11: SETTING THE DELIQUENT INTEREST RATE FOR PROPERTY TAXES, 2023

RESOLUTION 2023-12: SETTING THE TEMPORARY BUDGET FOR 2023

RESOLUTION 2023-13: AUTHORIZING PAYROLL PROCESSING, 2023-2024

RESOLUTION 2023-14: AUTHORIZING CORRECTION OF TYPOGRAPHICAL AND TECHNICAL ERRORS IN ORDINANCES AND RESOLUTIONS ADOPTED BY THE BOROUGH OF FLEMINGTON MAYOR AND COUNCIL, 2023

RESOLUTION 2023-15: DESIGNATING THE OFFICIAL NEWSPAPERS FOR THE BOROUGH OF FLEMINGTON, 2023

RESOLUTION 2023-16: ADOPTING A PUBLIC COMMENTING POLICY FOR REMOTE/HYBRID ONLINE COUNCIL MEETINGS. 2023

RESOLUTION 2023-17: REAFFIRMING THE COMMITMENT AND OBJECTIVES OF THE FLEMINGTON GREEN TEAM, 2023

RESOLUTION 2023-18: AUTHORIZING THE MUNICIPAL ATTORNEY TO FILE CORRECTIVE APPEALS AND COUNTER CLAIMS INSTEAD OF THE MUNICIPAL TAX ASSESSOR, 2023

RESOLUTION 2023-19: DESIGNATING THE BOROUGH ADMINISTRATOR AS THE PUBLIC AGENCY COMPLIANCE OFFICER, 2023

RESOLUTION 2023-20: APPOINTING BRIAN MCNALLY AS EMERGENCY MANAGEMENT COORDINATOR FOR A 3-YEAR TERM BEGINNING JANUARY 1, 2023

RESOLUTION 2023-21: RESOLUTION APPOINTING DAVE GIULIANI AS EMERGENCY MANAGEMENT FIRST DEPUTY, 2023

RESOLUTION 2023-22: APPOINTING CHRIS BOYCE AS EMERGENCY MANAGEMENT SECOND DEPUTY, 2023

RESOLUTION 2023-23: APPOINTING KENNETH DIEHL AS THE MUNICIPAL LIAISON TO THE RARITAN TOWNSHIP UTILITIES AUTHORITY, 2023

RESOLUTION 2023-24: AUTHORIZING THE HIRING OF MARMIC ASSOCIATES AS A CONSULTANT FOR THE MAINTENANCE AND SECURITY OF FLEMINGTON BOROUGH'S INFORMATION TECHNOLOGY INFRASTRUCTURE, 2023

RESOLUTION 2023-25: AUTHORIZING THE HIRING OF WATSON HOME INSPECTION SERVICES AS A CONSULTANT FOR THE FLEMINGTON BOROUGH'S LEAD PAINT INSPECTION SERVICES, 2023

RESOLUTION 2023-26: APPOINTING STANLEY TROY, ESQ. AS THE MUNICIPAL PUBLIC DEFENDER FOR THE BOROUGH OF FLEMINGTON, 2023

Appointment of Professionals

RESOLUTION 2023-27: APPOINTMENT OF SAVO, SCHALK, CORSINI, WARNER, GILLESPIE, O'GRODNICK & FISHER, P.A., AND FLEMINGTON BOROUGH ATTORNEY, 2023

RESOLUTION 2023-28: APPOINTMENT OF GEHARDT & KIEFER, PC, AS CONSULTING ATTORNEY FOR JANUARY, 2023

RESOLUTION 2023-29: APPOINTMENT OF REMINGTON VERNICK ENGINEERS AS THE FLEMINGTON SEWER ENGINEER, 2023

RESOLUTION 2023-30: APPOINTMENT OF MATT MULHALL OF M2 ASSOCIATES TO PROVIDE FLEMINGTON BOROUGH HYDROGEOLOGICAL SERVICES, 2023

RESOLUTION 2023-31: APPOINTMENT OF JAMES KYLE OF OF KYLE + MCMANUS ASSOCIATES AS FLEMINGTON BOROUGH PLANNER, 2023

RESOLUTION 2023-32: APPOINTMENT OF GLUCKWALRATH LLP AS FLEMINGTON BOROUGH REDEVELOPMENT ATTORNEY, 2023

RESOLUTION 2023-33: APPOINTMENT OF GLUCKWALRATH LLP AS FLEMINGTON BOROUGH BOND ATTORNEY, 2023

RESOLUTION 2023-34: APPOINTMENT OF SCHOLL & WHITTLESEY LLC AS FLEMINGTON BOROUGH LABOR ATTORNEY, 2023

RESOLUTION 2023-35: APPOINTMENT OF SUPLEE, CLOONEY & COMPANY AS FLEMINGTON BOROUGH AUDITOR, 2023

RESOLUTION 2023-36: APPOINTMENT OF MICHAEL O'GRODNICK OF SAVO, SHALK ET. AL. AS PROSECUTOR AND HYUN LEE OF MALESKI, EISENHUT AND ZIELINSKI, LLC AS ALTERNATE PROSECUTOR, 2023

RESOLUTION 2023-37: APPOINTMENT OF CME ASSOCIATES, AS MUNICIPAL ENGINEER FOR JANUARY, 2023

Additional Agenda

Public Comments - Session 2 *(up to 3 minutes each)*

Adjournment

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Opening Resolution**

SUBJECT: Resolution 2023-1: APPROVING USE OF A CONSENT AGENDA, 2023

SUGGESTED ACTION: **BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that approval is given for the use of a "Consent Agenda," which may also be noted as "Resolutions" on the Agenda, where matters of a routine nature may be placed.

Adopted: Jan. 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-2: OPEN PUBLIC MEETINGS ACT NOTICE 2023

SUGGESTED ACTION: **WHEREAS**, the Senate and General Assembly of the State of New Jersey have enacted an Act concerning meetings of certain public bodies known as "The Open Public Meetings Act" approved October 21, 1975, as Chapter 231, P.L. 1975 effective 90 days after enactment, to wit, on or before January 19, 1976; and

WHEREAS, it is deemed appropriate that the Common Council of the Borough of Flemington shall resolve in all respects to implement the provisions thereof, and in particular to adopt resolutions relating to the posting and distribution of a yearly schedule and any revised schedule of any regular meetings of the Common Council, as well as giving of advance notice of at least 48 hours of any regular, special or re-scheduled meeting thereof, designating at least two newspapers to receive such notices, and fixing fees to cover the costs of mailing to any person requesting copies of any regular meeting schedule or revision and any "48 Hours" advance written notice of any regular or re-scheduled meeting of the Common Council.

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

1. The regular meeting of the Mayor and Common Council of the Borough of Flemington shall be held on the second and fourth Mondays of each month during the calendar year, 2023, unless otherwise noted. The meetings shall be held at Borough Hall, 38 Park Avenue, Flemington, New Jersey, unless otherwise noted. Meetings will start at 7:30 PM

- prevailing time.
2. A regular work session/ new business session/ executive session of the Mayor and Common Council of the Borough of Flemington shall be held on the second and fourth Mondays as needed, before the regular scheduled meeting, during the calendar year 2023. The posted agenda for each meeting will indicate if such session will occur, the timing and the nature of such session. The meetings shall be held at the location of the regular meeting.
 3. Flemington Borough Council meetings will be conducted in-person and through an electronic system. Council is using the Zoom platform for these meetings, with the access information listed further below.
 4. Notice of such annual schedule or regular meetings of the Mayor and Common Council, or any revised schedule thereof, as well as advance written notices of any regular, special or re-scheduled meetings of the Common Council shall be prominently posted at Borough Hall, 38 Park Avenue, Flemington, New Jersey, and shall be mailed, telephoned, telegraphed, faxed, hand-delivered or emailed to the *Hunterdon County Democrat* or *Courier News*, both of which are newspapers generally circulating within the Borough of Flemington, and shall be filed with the Borough Clerk.
 5. The *Hunterdon County Democrat* is hereby designated as the official newspaper of the Borough of Flemington, with the *Courier News* as an alternate.
 6. Upon prepayment of the sum of \$10.00 by any person requesting that the Clerk mail him/her copies of any annual regular meetings scheduled or revision thereof or requesting that the Clerk mail him/her advanced written notice of any regular, special or re-scheduled meeting of the Mayor and Common Council, the Clerk shall mail to such person so requesting a copy of any such schedule or written notice.
 7. Notice requested by news media, other than those specifically enumerated in paragraph 5 above, shall be mailed to any such other news media, upon written request, without charge or fee.
 8. Formal action of the Mayor and Common Council is contemplated at the regular meetings, but not at the work sessions.

To access these meetings:

[https://zoom.us/j/99572741338?](https://zoom.us/j/99572741338?pwd=S0htSWFsemE4Z3Vld29ONStCeFRwUT09)

pwd=S0htSWFsemE4Z3Vld29ONStCeFRwUT09

Passcode: 945654

Or iPhone one-tap:

US: +16465588656,,99572741338#,,,,,0#,,945654# or
+13017158592,,99572741338#,,,,,0#,,945654#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 995 7274 1338

Passcode: 945654

Members of the public will be able to give public comment during relevant portions of the meeting, by using Zoom's "raise hand" function. If you wish to make a comment during the public meeting, your Zoom display name must accurately identify the meeting participant and cannot contain profanity, language meant to insult or defame governing body members or another Borough employee or representative, or be an attempt to impersonate another person or conceal the participant's identity. The meeting moderator may decline to recognize a participant for public comment if the person's Zoom display name violates these guidelines.

To email a public comment, please limit the email to 450 words and send it by 3:00 p.m. the day of the meeting to:

PublicComment@historicflemington.com.

Documents in connection with Council meetings will be posted on the Borough website, www.historicflemington.com, with the agenda.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-3: ADOPTING RULES OF ORDER FOR 2023

SUGGESTED ACTION: **BE IT RESOLVED** that the Rules of Order as hereinafter set forth shall be followed during Regular Council Meetings of the Borough of Flemington, which shall be at 7:00 P.M. on the second and fourth Monday of each and every month, unless otherwise noted, at Borough Hall, 38 Park Avenue, Flemington, New Jersey 08822, except as otherwise specified. Special meetings may be called at any time by the Mayor, or by four (4) Council members, on due and timely notice.

SECOND: The Order of Business shall be:

1. Regular Meeting (7:00 PM Start)
2. Pledge and Roll Call
3. Presentations
4. Mayor's Report
5. Council Members' Reports
6. Administrator's Report
7. Public Comment - Session I
8. Approval of Minutes
9. Council Business (Resolutions & Ordinances)
10. Work Session
11. Public Comment - Session II
12. Payment of Bills
13. Executive Session (if necessary)
14. Adjournment

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-4: ADOPTING MEETING DATES FOR 2023

SUGGESTED ACTION:

BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington that the following is hereby established as the schedule of the regular meetings of the Governing Body to be held during calendar year 2023 at 7:00 PM prevailing time, on the 2nd and 4th Monday of each month (or as otherwise noted), at Borough Hall, 38 Park Avenue Flemington, NJ (or as otherwise noted on the municipal website), to include the reorganization/regular meeting of 2023:

Jan. 9, 2023, 2nd Monday

Jan. 23, 2023, 4th Monday

Feb. 13, 2023, 2nd Monday

Feb. 27, 2023, 4th Monday

March 13, 2023, 2nd Monday

March 27, 2023, 4th Monday

April 11, 2023, 2nd **Tuesday**

April 24, 2023, 4th Monday

May 8, 2023, 2nd Monday

May 22, 2023, 4th Monday

June 12, 2023, 2nd Monday

June 26, 2023, 4th Monday

July 10, 2023, 2nd Monday

July 24, 2023, 4th Monday

August 14, 2023, 2nd Monday

August 28, 2023, 4th Monday

September 11, 2023, 2nd Monday

September 26, 2023, 4th **Tuesday**

October 10, 2023, 2nd **Tuesday**

October 23, 2023, 4th Monday

November 13, 2023, 2nd Monday

November 27, 2023, 4th Monday

December 11, 2023, 2nd Monday

January 3, 2024, **Tuesday, 5:00 pm, Reorganization Meeting**

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-5: SCHEDULING THE 2024 REORGANIZATION MEETING

SUGGESTED ACTION:

BE IT RESOLVED that the Reorganization Meeting of the Borough of Flemington for the year 2024 shall be held at Borough Hall, 38 Park Avenue, Flemington, New Jersey 08822, on Wednesday, January 3, 2024 at 5:00 PM, or on another date to be scheduled by the Mayor and Common Council.

BE IT FURTHER RESOLVED that if a public health safety concern continues to exist, this meeting will be held online-only through the Zoom platform, with access information posted on the Borough website, www.historicflemington.com.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

I, Michael Humphrey, Acting Borough Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing

to be a true and correct copy of a Resolution adopted by the governing body on January 4, 2022.

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-6: DESIGNATING THE DEPOSITORIES FOR 2023

SUGGESTED ACTION: **BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the following be designated as depositories for the year 2023:

- Citizen's Bank
- Investors Bank
- Northfield Bank
- Unity Bank

ADOPTED: Jan. 4, 2023

Attest:

Marcia A. Karrow

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-7: SETTING A FEE OF \$25 FOR ANY RETURNED CHECK IN 2023

SUGGESTED ACTION: **BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey to authorize the following action:

To set a fee of **\$25.00** pursuant to N.J.S.A. 40:5-18, payable to the Borough of Flemington, for checks returned for insufficient funds for Taxes and/or other fees due the municipality. (i.e. Clerk's Account, Court, Water/Sewer, Planning Board, Police Department, Construction Official, etc.).

In the event that checks are returned for insufficient funds more than twice annually, payments due to the borough shall be paid only by cash or certified check.

ADOPTED: January 4, 2023

Attest:

Marcia A. Karrow,
Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-8: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO INVEST SURPLUS FUNDS, 2023

SUGGESTED ACTION: **BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington that the Chief Financial Officer is hereby authorized to invest surplus funds of the Borough that he/she may deem advisable at rates that are in his/her opinion to be in the best advantage of the Borough in such depositories and securities that are legal instruments for municipalities, and that such investments shall be reported to the Mayor and Common Council at the following public meeting.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-9: DESIGNATING THE AUTHORITY TO SIGN CHECKS, 2023

SUGGESTED ACTION: **BE IT RESOLVED** that checks issued by the Borough of Flemington shall be signed by three officers as noted below, except payroll checks, which only require the signature of the Chief Financial Officer.

One signature from The Mayor and Council:

Mayor: Marcia Karrow

Council President: Jeremy Long

One signature from The Finance Department:

Chief Financial Officer: William J. Hance

One signature from The Borough Clerk's Office:

Borough Clerk: Michael Humphrey

-OR-

One Signature from The Utility Clerk's Office:

Utility Clerk: Rebecca Newman

ADOPTED: JANUARY 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-10: AUTHORIZING THE PRE-PAYMENT OF CERTAIN BILLS FOR 2023

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington has budgeted funds for payment of obligations including, utilities, payroll, debt service, governmental fees and other statutory payments, insurance, and for the advertising, printing and mailing costs of the Borough; and,

WHEREAS, the payment of these items occasionally arrives out of time for placement

on the next available list of bills and claims, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Borough's Chief Financial Officer and Borough Attorney have

advised that the governing body may provide for the pre-payment of these items, so that they may be paid in a timely manner without penalty.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Chief Financial Officer be and is hereby authorized and directed to make pre-payment of the following items prior to the same appearing on the next meeting's list of bills and claims:

1. Utilities (electric, gas, water, sewer and telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.).
2. Borough payroll and payroll agencies.
3. Debt service as evidenced by pre-authorized bonds and/or notes.
4. Health, dental and other insurance premiums and/or claims.
5. Governmental fees and other statutory payments (school, county, sewage authority, state and county fees).
6. Bills pertaining to the advertising, printing and mailing costs of the Borough.
7. Third party fees collected through pre-authorized credit/debit card processing.
8. Bills where vendor discounts are granted for timely payment. (Example 2% discount for payments made within 10 days.) Maximum dollar amount allowed is \$20,000.
9. Inter-fund Obligations
10. Purchase of Investments

Adopted: January 4, 2023

Attest:

Marcia A. Karrow

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

I, Michael Humphrey, Acting Borough Clerk of the Borough of Flemington, hereby certify the foregoing to be a true copy of a resolution adopted by the Flemington Borough Council at its meeting held January 4, 2023.

WITNESS, my hand and the seal of the Borough of Flemington this 5th day of January, 2023.

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-11: SETTING THE DELIQUENT INTEREST RATE FOR PROPERTY TAXES, 2023

SUGGESTED ACTION: **BE IT RESOLVED**, by the Mayor and Council of the Borough of Flemington as follows:

1. Taxes shall be collected quarterly on February 1, May 1, August 1, and November 1, 2023.
2. Payment of taxes shall be remitted to the Tax Collector of the Borough of Flemington.
3. Interest shall be charged and calculated at the rate of 8% per annum of the first \$1,500 and 18% per annum on any amount in excess of \$1,500 to be calculated from the date the tax was payable until the date the actual payment is received.
4. There shall be a ten day grace period, after which unpaid taxes will be charged interest from the due date.
5. The redemption fee for tax sale certificates to the municipality is as follows:
 1. 2% on certificates \$200.00 to \$4,999.99
 2. 4% on certificates \$5,000.00 to \$9,999.99
 3. 6% on certificates of \$10,000.00 or more
6. Redemption amounts shall be obtained from the Tax Collector. The property owner shall be entitled to receive two redemption calculations free of charge per calendar year. Subsequent calculations and calculations for the lienholder shall be charged \$50 per calculation.
 1. Duplicate tax sale certificate or certificate of redemption - \$100

2. In lieu of publication, notice of tax sale to be mailed - \$25 per mailing
7. Bad check fee of \$20.00 shall be charged on all returned checks.
8. Duplicate bill fee of \$5.00 shall be charged upon request, excluding property owners.
9. The Tax Collector is authorized pursuant to P.L. 1979, Chapter 82, as amended by P.L. 1996, Chapter 113 (C.40A:9-154.1) to refund and / or cancel property taxes less than \$10.00 without further action of the governing body.
10. The Borough Clerk is hereby directed to publish a copy of this resolution.

Adopted: January 4, 2023

Marcia A. Karrow, Mayor

Attest:

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-12: SETTING THE TEMPORARY BUDGET FOR 2023

SUGGESTED ACTION: **BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington that the following appropriations shall constitute the temporary budget for the year 2023 with the provisions of NJS 40A:4-19 of the Local Budget Law which provides that the total of \$1,674,446.88 shall not exceed the temporary appropriations to provide for the period between January 1, 2023 and the adoption of the budget.

	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Borough Council	\$12,000.00	\$500.00
Administrative & Executive		\$10,000.00
Borough Clerk	\$35,000.00	\$6,000.00
Financial Administration	\$10,000.00	\$5,000.00
Assessment of Taxes	\$9,000.00	\$1,000.00
Collection of Taxes	\$9,000.00	\$4,500.00
Legal Services & Costs		\$15,000.00
Engineering Services & Costs		\$10,000.00
Public Buildings	\$5,000.00	\$5,000.00
Rental Property Expense		\$20,000.00
Planning Board	\$2,200.00	\$5,000.00
Recycling	\$1,100.00	\$14,000.00
Insurance:		
Other Insurance		\$55,000.00
Workers Compensation		\$20,000.00
Employee Group		\$80,000.00
Fire		\$10,000.00
Uniform Fire Safety Act	\$15,000.00	\$3,000.00

Police	\$372,034.35	\$24,000.00
Construction Code		
Building Inspector	\$15,000.00	\$1,000.00
Plumbing Inspector	\$3,000.00	
Electrical Inspector	\$3,000.00	
Fire Subcode Official	\$3,000.00	
Property Maintenance Inspector	\$2,500.00	\$500.00
Emergency Management Services	\$1,000.00	\$1,000.00
Board of Health		\$4,000.00
Dog Regulation	\$1,500.00	\$100.00
Streets & Roads	\$70,000.00	\$20,000.00
Gas & Oil		\$18,000.00
Street Lighting		\$18,000.00
Electricity		\$18,000.00
Fuel Oil		\$10,000.00
Telephone		\$5,912.53
Water		\$2,000.00
Historical Commission		\$3,000.00
Garbage & Trash Removal		\$52,000.00
Prosecutor	\$7,500.00	
Recreation Commission		\$4,000.00
Shade Tree		\$1,000.00
Economic Development Commission		\$5,000.00
Maintenance of Free Public Library		\$44,000.00
Public Defender	\$100.00	
Contribution to Social Security System		\$38,000.00
Municipal Court	\$39,000.00	\$7,000.00
Safe and Secure Communities-Local	\$8,000.00	
Sub Total	\$623,934.35	\$541,278.08
Total		\$1,164,446.88
Bond Principal	\$290,000.00	
Bond Interest	\$90,000.00	
BAN Principal	\$60,000.00	
BAN Interest	\$70,000.00	
Sub Total		<u>\$510,000.00</u>
Grand Total		<u>\$1,674,446.88</u>

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of

Flemington that the following appropriations shall constitute the temporary budget of the dedicated Water Department for the year 2023 with the provisions of NJS 40A:4-19 of the Local the Local Budget Law which provides that the total of \$481,125.00 shall not exceed the temporary appropriations to provide for the period between January 1, 2023 and the adoption of the budget.

	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Water Operating	\$76,000.00	\$190,625.00
Social Security		\$6,000.00
BAN Interest		\$70,000.00
Payment of Loan		\$100,000.00
Bond Principal		\$25,000.00
Bond Interest		\$13,500.00
Sub Total	<u>\$76,000.00</u>	<u>\$405,125.00</u>
Grand Total		<u>\$481,125.00</u>

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Flemington that the following appropriations shall constitute the temporary budget of the Dedicated Sewer Department for the year 2023 with the provisions of NJS 40A:4-19 of the Local Budget Law which provides that the total of \$814,618.44 shall not exceed the temporary appropriations to provide for the period between January 1, 2023 and the adoption of the budget.

	<u>Salaries & Wages</u>	<u>Other Expenses</u>
Sewer Operating	\$72,000.00	\$95,000.00
Social Security		\$16,000.00

Contracted Expenses - R.T.M.U.A.		\$452,700.00
Collector Rehabilitation		\$10,000.00
Payment of Bond Principal		\$52,000.00
Payment of Loans		\$100,000.00
Payment of Bond Interest		\$20,000.00
Sub Total	<u>\$72,000.00</u>	<u>\$745,700.00</u>
Grand Total		<u>\$817,700.00</u>

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-13: AUTHORIZING PAYROLL PROCESSING, 2023-2024

SUGGESTED ACTION:

WHEREAS the Local Finance Board of the State of New Jersey adopted formal rules regarding “Electronic Disbursement Controls for Payroll Purposes” in order to provide formal authority for local governments to hire third-party payroll services / disbursing services to disburse funds to payroll agencies: and

WHEREAS, in order to have a payroll servicer provide disbursement services, the governing body of the Borough of Flemington must formally approve the principle of third-party having access to Borough funds, formally assigning responsibility to an official to oversee the process and by approving all contracts or extensions,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington as follows:

1. The Borough of Flemington, County of Hunterdon, is authorized to use a payroll service to prepare payment documentation, take possession of Borough funds, and make such disbursement itself on behalf of the Borough.
2. The following payroll service providers shall be required to comply with these regulations;
 1. Payroll service providers who use their own customized programming process to execute disbursement for the Borough;
 2. Payroll service providers who use a third-party to

execute disbursements for the Borough.

3. The appointment of a payroll service shall be pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and shall require the contractor to do the following, not by way of limitation; data collection, agency report preparation, calculation of withholding, direct deposit of payroll disbursements, and/or transfer of Borough funds to contractor's account for subsequent disbursement of payment.
4. The Chief Financial Officer is hereby appointed the approval officer and is responsible for authorizing and supervising the activities of the payroll service.
5. The payroll service is permitted to hold Borough funds pending transmittal to a payee.
6. A payroll service must meet all of the following requirements:
 1. Report any irregularities that may indicate potential fraud, noncompliance with appropriate laws, dishonesty or gross incompetence on the part of approval officer.
 2. Report circumstances that could jeopardize its ability to continue operations or otherwise interrupt the services provided to the Borough.
 3. Meet the requirements of N.J.A.C. 5:30-17.5, requiring that the approval officer be assured that the servicer has its own internal controls and appropriately guard against theft and other adverse conditions.
 4. All contracts entered into pursuant to these regulations and the laws authorizing the same shall comply with the requirements of N.J.A.C. 5:30-17.6, which sets out a series of mandatory contractual terms and conditions.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Flemington that the contract for the 2023 - 2024 payroll services be awarded to R & L Data Centers in an amount not to exceed \$15,000 per year.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-14: AUTHORIZING CORRECTION OF TYPOGRAPHICAL AND TECHNICAL ERRORS IN ORDINANCES AND RESOLUTIONS ADOPTED BY THE BOROUGH OF FLEMINGTON MAYOR AND COUNCIL, 2023

SUGGESTED ACTION: **WHEREAS**, from time to time typographical or grammatical errors are noticed in ordinances and resolutions adopted by the Mayor and Council of the Borough of Flemington; and

WHEREAS, when required corrections are minor in nature, it is not necessary to return such ordinances or resolutions to the Mayor and Council for correction of such errors.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Acting Clerk / Administrator, Borough Attorney, and representatives of e-Code are hereby authorized to correct any typographical and/or grammatical errors in resolutions and ordinances adopted by the Borough of Flemington Mayor and Council during the year 2023.
2. This Resolution shall not be construed to permit such persons to make any substantive changes to adopted resolutions or ordinances.
3. This Resolution shall take effect immediately.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-15: DESIGNATING THE OFFICIAL NEWSPAPERS FOR THE BOROUGH OF FLEMINGTON, 2023

SUGGESTED ACTION: **WHEREAS**, N.J.S.A. 10:4-8(d) of the Open Public Meetings Act requires that notice of meetings be transmitted to two (2) newspapers, and

WHEREAS, the Mayor and Common Council of the Borough of Flemington have determined that the *Hunterdon County Democrat* and *The Courier-News* have the greatest likelihood of informing the public within the jurisdictional boundaries of the Borough of Flemington of such meetings; and

WHEREAS, the Mayor and Common Council of the Borough of Flemington have determined that the Hunterdon County Democrat will be the primary newspaper and the Courier News the secondary newspaper for transmission; and

BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington that the Hunterdon County Democrat and The Courier-News are hereby designated as official newspapers of this body during 2021 as required by N.J.S.A. 10:4-18 and N.J.S.A. 10:4-8(d)(2) of the Open Public Meetings Act.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-16: ADOPTING A PUBLIC COMMENTING POLICY FOR REMOTE/HYBRID ONLINE COUNCIL MEETINGS. 2023

SUGGESTED ACTION:

WHEREAS, N.J.A.C. 5:39-1.4(h) requires public bodies to “adopt by resolution standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting;” and,

WHEREAS, attached hereto is a compliant commenting policy for the Council of the Borough of Flemington; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington hereby adopts the attached commenting policy, which shall be applicable to all public comments made at or submitted prior to meetings of the Council of the Borough of Flemington which are held remotely or provide attendance by electronic means.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that such commenting policy may be amended in the future by resolution of the Borough Council.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Borough Clerk shall post such commenting policy on the municipal website and otherwise make such policy available for public inspection.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[Remote Meeting Public Comment Policy 2023.DOCX](#)

Public Commenting Policy for Electronic / Remote Public Meetings

The following is an explanation of the procedures and requirements for making public comment during a remote public meeting as required by N.J.A.C. 5:391.4(h).

Please keep yourself muted until the meeting moderator requests that you unmute yourself. The Borough reserves the right to mute or remove disruptive meeting participants after an initial warning. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

If you wish to make a comment during a remote public meeting, there are two ways to do so: in writing and during the meeting.

Comments from members of the public will be accepted in writing. Written comments must be no more than 450 words and must include your name and address. The Borough reserves the right not to accept written public comments if the commenter does not include such identifying information. Such comments will be read into the record at the appropriate time and made part of the minutes. However, please be advised that the Borough reserves the right to summarize duplicative comments consistent with N.J.A.C. 5:391.4(f).

Comments can be emailed by 3:00 p.m. the day of the meeting to: PublicComment@historicflemington.com. Comments emailed to any other address will not be accepted as public comments. Written comments may also be submitted via mail or dropped off at the municipal building by such day and time.

If you are utilizing a computer to participate, click the "Raise Hand" button on the bottom of the screen. If you are dialing in on your phone, to avoid having your phone number displayed on the screen, first dial *67, then the meeting phone number followed by the meeting identification number. Your phone number will not be displayed. To "raise your hand" dial *9 to be placed in the queue. When called on, the system will ask you to confirm being un-muted to proceed. Press *6 to unmute yourself. This will place you in a queue that the moderator can see for when it's time to take public comments. People are sorted in the order they raised their hands. When the moderator calls on you, a message will pop-up asking if you want to unmute yourself. If you choose to move forward and place a public comment or question on the record, choose to unmute, if you have changed your mind then choose deny. Please state your name and address before beginning your comment. Please make sure there is no background noise such as the TV on, music or loud chatter.

In order to prevent “zoom bombing,” please be advised that the meeting moderator may not call on you to comment if your Zoom display name contains profanity, is meant to insult or defame governing body members or another Borough employee or representative, or is an attempt to impersonate another person or conceal the participant’s identity. Your Zoom display name can be easily changed during a meeting. Hover over your name in the “participants list” and click on “rename.”

As always, comments are limited to three minutes per person, for a total of thirty minutes per session, and there will be two comment sessions during the meeting. Participants cannot “yield” their time to another participant. Participants that have not yet spoken will be given priority.

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-17: REAFFIRMING THE COMMITMENT AND OBJECTIVES OF THE FLEMINGTON GREEN TEAM, 2023

SUGGESTED ACTION: **WHEREAS**, Flemington adopted Resolution 2019-84, "Designating the Environmental Commission as Flemington Borough's Green Team," at a regular meeting conducted on March 27, 2019; and

WHEREAS, Flemington resolved in that resolution that they wished to pursue local initiatives and actions that would lead to Sustainable Jersey Municipal Certification; and

WHEREAS, Flemington further resolved in that resolution to re-establish the Flemington Green Team, to serve as Flemington's agents for the Sustainable Jersey municipal certification process; and

WHEREAS, the Green Team is comprised of members of the Environmental Commission, who are interested in advancing the efforts of Flemington in the Sustainable Jersey municipal certification program; and

WHEREAS, that group has been creating and cataloging significant sustainability actions so that Flemington may obtain Sustainable Jersey certification;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington reaffirm that:

1. The Green Team of Flemington is active in the community and advancing sustainable practices and actions included in the Sustainable Jersey municipal certification program;
2. The Green Team has been and shall continue to be comprised of individuals who have demonstrated interest in advancing the efforts of Flemington to pursue certification through the Sustainable Jersey municipal certification program;
3. The role of the Green Team has been and shall continue to be to lead and coordinate the sustainability activities of the community.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-18: AUTHORIZING THE MUNICIPAL ATTORNEY TO FILE CORRECTIVE APPEALS AND COUNTER CLAIMS INSTEAD OF THE MUNICIPAL TAX ASSESSOR, 2023

SUGGESTED ACTION:

WHEREAS, the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, New Jersey have been informed by the Hunterdon County Board of Taxation that from time to time errors are made in computing the tax assessments concerning certain property locations within the Borough of Flemington, and

WHEREAS, the Hunterdon County Board of Taxation has required that the Mayor and Borough Common Council authorize the Municipal Attorney instead of the Municipal Tax Assessor to file corrective appeals of such errors with the Hunterdon County Board of Taxation, memo dated February 11, 1998; and

WHEREAS, the Hunterdon County Board of Taxation has required that the Borough of Flemington Mayor and Common Council authorize the Municipal Attorney instead of the Municipal Tax Assessor to file, in cases of increase, counter claims as the Municipal Attorney deems necessary, with the Hunterdon County Board of Taxation, and

WHEREAS, the Municipal Tax Assessor of the Borough of Flemington is called upon to defend tax appeals filed with the Hunterdon County Board of Taxation and to agree to stipulations of appeals,

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council that the Municipal Attorney of the Borough of Flemington is hereby authorized to file corrective appeals with the Hunterdon County Board of Taxation in defense of appeals filed with said Board and to sign stipulations of appeals filed on behalf of the Borough of Flemington which the Municipal Attorney feels are proper and in the best interest of the municipality; and

BE IT FURTHER RESOLVED by the Mayor and Common Council that the Municipal Attorney of the Borough of Flemington be and is hereby authorized to file counter claims in cases of increase with the Hunterdon County Board of Taxation, as the Municipal Attorney deems necessary.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-19: DESIGNATING THE BOROUGH ADMINISTRATOR AS THE PUBLIC AGENCY COMPLIANCE OFFICER, 2023

SUGGESTED ACTION:

WHEREAS, New Jersey Statutes provide that no public work contracts can be awarded nor any money paid until the prospective contractor has agreed to contract performance that complies with an approved affirmative action program; and

WHEREAS, N.J.A.C 17:27-3.5 states that each public agency shall annually designate an officer or employee to serve as its public agency compliance officer (PACO);

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey appoints Borough Administrator Michael Humphrey as the Borough's public agency compliance officer for the year 2023;

BE IT FURTHER RESOLVED that the Borough Clerk be directed to file notice of this designation immediately to the New Jersey Department of the Treasury, State Affirmative Action Office.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-20: APPOINTING BRIAN MCNALLY AS EMERGENCY MANAGEMENT COORDINATOR FOR A 3-YEAR TERM BEGINNING JANUARY 1, 2023

SUGGESTED ACTION: **WHEREAS** the Borough of Flemington Office of Emergency Management is in need of an Emergency Management Coordinator starting January 1, 2023; and

WHEREAS Brian McNally is qualified to hold this position; and

WHEREAS the State of New Jersey requires a three-year appointment to this position;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Brian McNally be appointed to the position of Emergency Management Coordinator for a 3-year term beginning January 1, 2023 and ending December 31, 2025.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-21: RESOLUTION APPOINTING DAVE GIULIANI AS EMERGENCY MANAGEMENT FIRST DEPUTY, 2023

SUGGESTED ACTION: **WHEREAS** the Borough of Flemington Office of Emergency Management is in need of an Emergency Management Coordinator First Deputy for the year 2023; and

WHEREAS David Giuliani is qualified for this position and served in this position 2022;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that David Giuliani be appointed to the position of Emergency Management Coordinator First Deputy for a one-year term beginning January 1, 2023 and ending December 31, 2023.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-22: APPOINTING CHRIS BOYCE AS EMERGENCY MANAGEMENT SECOND DEPUTY, 2023

SUGGESTED ACTION: **WHEREAS** the Borough of Flemington Office of Emergency Management is in need of an Emergency Management Coordinator Second Deputy for the year 2023; and

WHEREAS Christopher Boyce is qualified for this position;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Christopher Boyce be appointed to the position of Emergency Management Coordinator Second Deputy for a 1-year term beginning January 1, 2023 and ending December 31, 2023.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-23: APPOINTING KENNETH DIEHL AS THE MUNICIPAL LIAISON TO THE RARITAN TOWNSHIP UTILITIES AUTHORITY, 2023

SUGGESTED ACTION: **WHEREAS**, The Borough of Flemington has an agreement with Raritan Township Municipal Utilities Authority (RTMUA) to receive and treat sanitary sewage from the Borough; and

WHEREAS, The Borough of Flemington has ongoing obligations and negotiations with the RTMUA and has stated a need for Municipal participation in the RTMUA Executive Board Meetings; and

WHEREAS, The Borough of Flemington and RTMUA agree that the Borough should have a Municipal Liaison present at all RTMUA Board Meetings and that this liaison will be allowed to participate in said meetings; and

WHEREAS, The Borough's Licensed Sewer Operator and Collections Superintendent, Kenneth Diehl is the person most qualified to be the Municipal Liaison at the RTMUA Board Meetings.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington formally appoints Kenneth Diehl to attend RTMUA Board Meetings as Municipal Liaison for the Borough of Flemington;

BE IT FURTHER RESOLVED that Mr. Diehl will be compensated in accordance with current Union Agreements or a subsequent agreement thereto.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CLERK'S CERTIFICATION

Certified as a true copy of the Resolution adopted by the Council on this 4th day of January 2023. My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL:

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023
SUBMITTED BY: Michael Humphrey, Clerk/Administration
ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-24: AUTHORIZING THE HIRING OF MARMIC ASSOCIATES AS A CONSULTANT FOR THE MAINTENANCE AND SECURITY OF FLEMINGTON BOROUGH'S INFORMATION TECHNOLOGY INFRASTRUCTURE, 2023

SUGGESTED ACTION: **WHEREAS**, the Borough of Flemington has the need to hire a consultant for the maintenance and security of the Borough IT infrastructure in 2023; and

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

WHEREAS, it has been determined that the proposal provided by Marmic Associates was the most advantageous to the Borough.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington enter into a contract with Marmic Associates effective January 1, 2023 - December 31, 2023 for IT consultant services at a rate of \$2,250 per month to include all regular scheduled upgrades, troubleshooting, and maintenance and an hourly rate of \$110.00 for any project work beyond this, with a not-to-exceed amount of \$36,000.00

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in the Municipal, Sewer and Water Department Budgets.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-25: AUTHORIZING THE HIRING OF WATSON HOME INSPECTION SERVICES AS A CONSULTANT FOR THE FLEMINGTON BOROUGH'S LEAD PAINT INSPECTION SERVICES, 2023

SUGGESTED ACTION:

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect single-family, two-family, and multiple rental dwelling units built before 1978 and are located within the municipality for lead-based paint hazards; and

WHEREAS, in pursuant to Borough Ordinance 2022-22 adopted October 24, 2022, the Borough of Flemington established requirements and a process for the required lead-based paint hazard inspections; and

WHEREAS, in accordance with P.L. 2021, c. 182 and Ordinance 2022-22, the Borough of Flemington has the need to hire a consultant to conduct lead paint inspections in 2023; and

WHEREAS, The Borough solicited proposals for such services; and

WHEREAS, only one proposal was received and reviewed for these services; and

WHEREAS, it has been determined that the proposal provided by Watson Home Inspection Services and attached hereto was the most advantageous to the Borough; and

WHEREAS, the 2023 inspection rates by Watson Home Inspection Services for the Borough of Flemington shall be:

- 1 Bedroom: \$300

- 2 Bedroom: \$350
- 3 Bedroom: \$400
- 4 Bedroom: \$450
- Each additional bedroom shall be an additional \$50.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington enter into a contract with Watson Home Inspection Services consistent with the attached proposal effective January 1, 2023 - December 31, 2023 for lead paint inspection consultant services at a rate to be charged directly by the consultant to the property owners of inspected units.

BE IT FURTHER RESOLVED, the Borough Attorney and Borough Acting Clerk are authorized to draft a contract for such services.

BE IT FURTHER RESOLVED, the Mayor and Acting Clerk are authorized to execute such contract.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[Professional Services Agrmt - Lead Paint Inspector_revised 1.2.23.DOC](#)

Number of Bedrooms in Inspected Unit	Inspection Fee
1 Bedroom or Studio	\$300
2 Bedroom	\$350
3 Bedroom	\$400
4 Bedroom	\$450
Each additional bedroom over bedrooms	\$50 per each additional bedroom

The Professional shall bill the property owner directly for the fees for such services prior to the scheduled inspection date. Pursuant to Flemington Borough Ordinance 2022-22, such fees shall be paid by each property owner. If fees are not paid by the property owner at least twenty-four (24) hours prior to the scheduled inspection date, the Public Body shall notify the Professional to cancel or otherwise not perform the applicable inspection. The Public Body shall retain any administrative or other application fees.

3. The affirmative action language and Americans with Disability Act language, required by State law and attached as Exhibit A, is incorporated in this Agreement. The term, "contractor," as referred to in such Exhibit A means the Professional. A copy of the Professional's Certificate of Employee Information Report is also attached.

4. The Professional shall provide, at is own cost and expense, the insurance to the Public Body as follows:

(1) Workers' Compensation Statutory - in compliance with the Compensation Law of the State of New Jersey. Employer's Liability: \$1,000,000.

(2) General Liability:

Bodily Injury and Property Damage Liability each occurrence: \$2,000,000.

General Aggregate: \$3,000,000.

Products and Completed Operations Aggregate: \$2,000,000.

Personal Injury and Advertising Injury: \$2,000,000.

Fire Legal Liability: \$50,000.

Medical Expense Any One Person: \$5,000.

(3) Automobile Liability:

Bodily Injury and Property Damage Combined Single Limit: \$3,000,000.

Uninsured and Underinsured Motorist Coverage: \$1,000,000.

Hired and Non-Owned Automobile: \$1,000,000.

Personal Injury Protection: Basic Limit

(4) Umbrella Coverage in the amount of \$,5000,000. (Excess coverage of General Liability, Automobile Liability and Employer's Liability.)

(5) Errors and Omissions:

\$1,000,000 each claim/\$2,000,000 annual aggregate.

5. The term of said Agreement shall be for the period January 1, 2023, through December 31, 2023, unless terminated by either party upon thirty (30) days written notice.

6. The Professional has received a Business Registration Certificate from the State of New Jersey, which will be provided to the Public Body upon execution of this Agreement.

7. This Agreement shall be interpreted in accordance with the laws of New Jersey

Non-Fair and Open Contract Contribution Addendum

Political Contribution Disclosure. This Contract has been awarded to Dianna Pell Consulting, LLC based on the merits and abilities of Dianna Pell Consulting, LLC to provide the goods or services as described herein. This Contract was not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44A-20.4*, et seq. As such, the undersigned does hereby attest that neither Dianna Pell Consulting, LLC, or its subsidiaries, assigns or principals, controlling in excess of 10% of the company has made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to *N.J.S.A. 19:44A-8* or *19:44A-16*, in the one (1) year period preceding the award of the Contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this Contract, nor will it make a reportable contribution during the term of the Contract to any political party Council in the Borough of Flemington, County of Hunterdon, if a member of that political party is serving in an elective public office of the Borough of Flemington, County of Hunterdon, when the Contract is awarded, or to any candidate council of any person serving in an elective public office of the Borough of Flemington, County of Hunterdon, when the Contract is awarded.

IN WITNESS WHEREOF, the Public Body as caused this Agreement to be duly signed by its proper officers and caused its corporate seal to be hereto affixed, and the Attorneys have caused this Agreement to be duly signed by its authorized partner, as of the day and year first stated in the Agreement

Attest:

BOROUGH OF FLEMINGTON

Michael Humphrey, Acting Clerk

Marcia Karrow, Mayor

Witness:

WATSON HOME INSPECTIONS

EXHIBIT A

Applicable to this contract are the following provisions of the statutes and regulations of the State of New Jersey, to which the Contractor, Watson Home Inspections, hereby agrees as conditions of this contract:

10:2-1. Discrimination in employment on public works; contract provisions.

Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency or authority created by any of the foregoing for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain the provisions by which the Contractor agrees that:

- a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no Contractor, nor any person acting on behalf of such Contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation, or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;
- b. No Contractor, subcontractor, nor any person acting on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status, gender identity or expression, affectional or sexual orientation, or sex;
- c. There may be deducted from the amount payable to the Contractor by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and
- d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the Contractor from the contracting public agency of any prior violation of this section of the contract.

During the performance of this Agreement the Contractor agrees as follows:

- a. The Contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The Contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the public agency compliance officer, setting forth the provisions of this non-discrimination clause.
- b. The Contractor or subcontractor, where applicable, will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex.
- c. The Contractor or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under this act, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. The Contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.
- e. The Contractor or subcontractor, where applicable, agrees to attempt in good faith to employ minority and female workers consistent with the applicable County employment goals prescribed by *N.J.A.C. 17:27-5.2* promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to *N.J.A.C. 17:27-5.2* promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.
- f. The Contractor or subcontractor, where applicable, agrees to inform in writing all recruitment agencies, including employment agencies, placement

bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

- g. The Contractor or subcontractor, where applicable, agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing as established by the statutes and court decisions of the State of New Jersey, and as established by applicable Federal law and applicable Federal court decisions.
- h. The contractor or subcontractor, where applicable, agrees to review all procedures relating to transfer, upgrading, downgrading, and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.
- i. The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the Office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to subchapter 10 of this chapter.

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-26: APPOINTING STANLEY TROY, ESQ. AS THE MUNICIPAL PUBLIC DEFENDER FOR THE BOROUGH OF FLEMINGTON, 2023

SUGGESTED ACTION: **WHEREAS**, Stanley Troy, Esq., has been serving as the Borough of Flemington's Municipal Public Defender since 2014; and

WHEREAS, the Mayor and Common Council of the Borough of Flemington desire to continue having Mr. Troy serve as public defender for the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Stanley Troy, Esq. be appointed municipal public defender for the Borough of Flemington from January 1, 2023 through December 31, 2023 at the current annual salary of \$6,000.00

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-27: APPOINTMENT OF SAVO, SCHALK, CORSINI, WARNER, GILLESPIE, O'GRODNICK & FISHER, P.A., AND FLEMINGTON BOROUGH ATTORNEY, 2023

SUGGESTED ACTION: **WHEREAS, N.J.S.A. 40A:9-139** requires that every municipality shall have an attorney; and

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

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

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

WHEREAS, the firm Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A., has submitted a proposal indicating the firm will provide legal services at the rate of \$175 per hour;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby hire Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A., as Attorney for the Borough of Flemington for the year 2023, to perform the professional services

ordinarily provided by an attorney of the State of New Jersey and receive such compensation as may be reasonable for such services; and

BE IT FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A., for an amount not to exceed \$100,000; and

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

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-28: APPOINTMENT OF GEHARDT & KIEFER, PC, AS CONSULTING ATTORNEY FOR JANUARY, 2023

SUGGESTED ACTION: **WHEREAS, N.J.S.A. 40A:9-139** requires that every municipality shall have an attorney; and

WHEREAS, the Borough of Flemington is transitioning from Gebhardt & Kiefer, PC as the municipal attorney; and

WHEREAS, the Borough of Flemington has determined a need for Gebhardt & Kiefer, PC to finish several legal issues and provide consultation to the newly appointed municipal attorney; and

WHEREAS, the term of this contract is from January 1 to January 31, 2023; and

WHEREAS, the firm Gebhardt & Kiefer, PC, has submitted a proposal indicating the firm will provide legal services at the rate of \$165 per hour;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby retain Gebhardt & Kiefer, PC., as a Consulting Attorney for the Borough of Flemington for the month of January, 2023, to perform the professional services and provide

consultation to the newly appointed municipal attorney and receive such compensation as may be reasonable for such services; and

BE IT FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with Gebhardt & Kiefer, PC, for an amount not to exceed \$4,000; and

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

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-29: APPOINTMENT OF REMINGTON VERNICK ENGINEERS AS THE FLEMINGTON SEWER ENGINEER, 2023

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington has a need to acquire sewer engineering services; and

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

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

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

WHEREAS, Remington & Vernick Engineers, has submitted a rate schedule which is attached to this Resolution;

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 hires Remington & Vernick Engineers as Sewer Engineer for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by a professional engineer of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$100,000.00; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with CME Associates; and

IT IS FURTHER RESOLVED that the Chief Financial Officer has

certified that funds are available in the 2023 sewer budget, various capital accounts, and various escrow accounts.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:
[RVE 2023 Rate Sheet \(2\).pdf](#)

2023 SCHEDULE OF BILLABLE HOURLY RATES

It has always been the firm's policy to encourage clients to contact our staff with questions or problems that need to be discussed. No fees are incurred each time the telephone is answered or a meeting is held on-site. Clients are free to discuss various projects without fear of incurring a consulting expense. Fees are all project-related, established at the initiation of the project or as the scope of the project can be defined. Prior to client authorization, a detailed proposal, including a scope of services, will be prepared for all Capital Projects. All proposals are subject to negotiation and approval.

ENGINEERING

Regional Engineer/Manager	\$210 \$185
Engineering Department Head	\$205 \$185
Certified Floodplain Manager	\$185
Project Manager, LSRP	\$200
Project Manager/Engineer	\$200
Project Engineer	\$190
Engineer	\$165
Senior Engineering Technician	\$160
Engineering Technician	\$125
Technical Aide	\$85

PLANNING

Planning Manager	\$200
Project Planner	\$195
Senior Landscape Architect/Planner	\$185
Landscape Architect/Planner	\$155

Principal	\$215
Administrative Manager	\$130

Mileage Commensurate in accordance with IRS Regulations

CONSTRUCTION MANAGEMENT & OBSERVATION

CM & Observation Department Head	\$180
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Construction Management Personnel

Project Manager	\$175
Construction Manager	\$160

Observer Personnel

Observer Supervisor	\$170
Resident Observer NICET IV	\$165
Observer NICET II/III	\$160
Observer	\$150
Contract Administrator	\$145
NACE Certified Coating Inspector	\$175

SURVEY, CAD & GIS

Field Personnel

Surveyor	\$135
Party Chief	\$130
Transit/Rod Person	\$125
Robotic Crew	\$165

Office Personnel

Survey/CAD Department Head	\$190
Survey Manager	\$185

CAD/GIS Manager	\$180
Senior CAD/GIS Technician	\$155
CAD/GIS Technician	\$135

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-30: APPOINTMENT OF MATT MULHALL OF M2 ASSOCIATES TO PROVIDE FLEMINGTON BOROUGH HYDROGEOLOGICAL SERVICES, 2023

SUGGESTED ACTION: **WHEREAS**, the Borough of Flemington has a need to acquire professional Hydrogeological consulting services; and

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

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

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

WHEREAS, M² Associates Inc., has submitted a proposal indicating they will provide Hydrogeological consulting services at a rate not to exceed \$145 per hour;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby retains Matt Mulhall of M² Associates Inc., as the Hydrogeologist for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by a

Hydrogeologist of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$51,000.00; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with M² Associates, Inc.; and

IT IS FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in the 2023 budget and various capital ordinances.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-31: APPOINTMENT OF JAMES KYLE OF OF KYLE + MCMANUS ASSOCIATES AS FLEMINGTON BOROUGH PLANNER, 2023

SUGGESTED ACTION: **WHEREAS**, two proposals were received through a fair and open process for Planning Services in 2023; and

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

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

WHEREAS, the firm of Kyle + McManus Associates has submitted a rate schedule which is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby retain James Kyle of the firm Kyle + McManus Associates as Planner for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by a professional planner of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$50,000.00; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with James Kyle of Kyle + McManus Associates; and

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

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[KM 2023 Rate Sheet.pdf](#)



2 East Broad Street, 2nd Floor
 Hopewell, NJ 08525
 609-257-6705 (v)
 609-374-9939 (f)
 info@kylemcmanus.com

2023 Public Client Rate Schedule

Principal Planner	\$147/hour
Associate Planner	\$135/hour
Senior Project Manager Planner	\$130/hour
Project Manager Planner	\$125/hour
Assistant Planner	\$95/hour
GIS Technician	\$85/hour
Assistant Professional	\$80/hour
Administrative Assistant	\$65/hour
Outside (pass-thru) Services	Cost +10%
Postage, Federal Express, UPS, DHL	Cost
Paper Black/White Copy/Prints (8.5"x11")	\$0.10/Sheet
Paper Black/White Copy/Prints (11"x17")	\$0.20/Sheet
Paper Color Copy/Prints (8.5"x11")	\$0.50/Sheet
Paper Color Copy/Prints (11"x17")	\$2.50/Sheet
Large format Color Copy/Prints (24"x36")	\$40/Sheet
Travel for Regularly Scheduled Meetings	No Charge
Travel for All Other Meetings and Other Municipal Business	At Rates Noted Above

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-32: APPOINTMENT OF GLUCKWALRATH LLP AS FLEMINGTON BOROUGH REDEVELOPMENT ATTORNEY, 2023

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington has a need to acquire special legal counsel services for redevelopment as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 as appropriate; and

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

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

WHEREAS, four proposals were received through a fair and open process for legal services for redevelopment in 2023; and

WHEREAS, the firm of GluckWalrath LLP has submitted a rate schedule which is attached to this Resolution.

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 hires GluckWalrath LLP as Special Counsel for Redevelopment for the Borough of Flemington for the year 2023,

to perform the professional services ordinarily provided by legal counsel of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$100,000.00; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with GluckWalrath LLP; and

IT IS FURTHER RESOLVED that notice of this Resolution shall be published in the official newspapers of the Borough of Flemington as required by law; and

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

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[GW_2023_Rate_Sheet \(revised 01-02-2023\).pdf](#)

**GluckWalrath LLP
Redevelopment Attorney Fees
2023**

Redevelopment Counsel

Rates:

If blended rates are used,
hourly rates are not to
exceed \$195

Partner:	\$235.00
Associate:	\$190.00
Senior Paralegal:	\$160.00
Paralegal:	\$ 60.00

**If Fees are paid through
the Developer:**

Attorneys:	\$350.00
Paralegals:	\$160.00
Billed monthly	

Miscellaneous:

The Township and/or Developer shall pay all costs and expenses advanced by the Attorney for out-of-pocket costs, including but not limited to, copying or printing costs, postage fees, messenger fees, filing fees, transcript costs, Westlaw or other computerized legal research, charges, and for all other similar costs and expenses.

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-33: APPOINTMENT OF GLUCKWALRATH LLP AS FLEMINGTON BOROUGH BOND ATTORNEY, 2023

SUGGESTED ACTION: **WHEREAS**, proposals were received through a fair and open process for Bond Attorney services; and

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

WHEREAS, the term of this contract is effective Jan. 1, 2023, continuing through December 31, 2023; and

WHEREAS, GluckWalrath LLP, has submitted a rate schedule as follows: \$400 for preparation of a single-purpose ordinance; \$500 for preparing a multi-purpose ordinance; \$3,500 per bond sale plus one dollar per thousand dollars of bonds issued; plus additional fees as listed in the attached rate proposal;

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 hires GluckWalrath LLP, as Bond Attorney for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by an attorney of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$25,000; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with GluckWalrath LLP; and

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

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[GW Bond Counsel 2023 Rate Sheet.pdf](#)

GLUCKWALATH LLP
Bond Counsel Fees
2023

The Firm proposes the following fee structure:

Bond Ordinance:	\$450.00 Single Purpose \$550.00 Multi-purpose
Bond Anticipation Notes:	\$1,000.00 plus \$0.55 per \$1,000 of notes* (Additional \$1,000.00 for review of Official Statement, if applicable) (Additional \$2,500 for New Jersey I-Bank Construction Loan Notes)
Official Statement:	\$7,500.00
Bonds:	\$3,500.00 plus \$1.00 per \$1,000 of bonds (minimum \$5,000.00)*
Refunding Bonds:**	\$7,500.00 in addition to Bond fees.
Hourly Rate:	Partner: \$235.00 Associate: \$190.00 Senior Paralegal: \$160.00 Paralegal: \$ 60.00
Miscellaneous:	Customary disbursements for postage, telephone, photocopying, travel and out- of-pocket expenses shall be added to the fees referred to in this Agreement

*Services rendered beyond the scope of those described herein will be billed at the hourly rates for attorneys and paralegals below. Such services may include attendance at meetings, applications to and appearances before the Local Finance Board, attention to any litigation that may occur, complicated arbitrage analysis, or applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations. In the event that bond insurance, a letter of credit or similar credit enhancement facility is used in connection with the bond issue, an additional fee based on the responsibility assumed and time involved will be charged. In the event that a bond sale is held but all bids

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-34: APPOINTMENT OF SCHOLL & WHITTLESEY LLC AS FLEMINGTON BOROUGH LABOR ATTORNEY, 2023

SUGGESTED ACTION: **WHEREAS**, proposals were received through a fair and open process for Labor Attorney services in 2023; and

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

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

WHEREAS, Franklin G. Whittlesey, Esq., of Scholl & Whittlesey LLC has submitted a proposal indicating they will provide labor counsel services at a rate not to exceed \$150.00 per hour;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby retains Franklin G. Whittlesey, Esq., of Scholl & Whittlesey LLC as Labor Attorney for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by an attorney of the State of New Jersey and receive such compensation as may be reasonable for such services, not to exceed \$50,000.00.

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with Scholl & Whittlesey LLC.

IT IS FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available in the 2023 budget, water budget, and sewer budget.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-35: APPOINTMENT OF SUPLEE, CLOONEY & COMPANY AS FLEMINGTON BOROUGH AUDITOR, 2023

SUGGESTED ACTION: **WHEREAS, N.J.S.A. 40A:5-4** requires that every municipality shall have an annual audit of its books and financial transactions by a Registered Municipal Accountant of New Jersey; and

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

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

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

WHEREAS, Suplee, Clooney & Company has submitted a rate schedule for 2023 which is attached to this Resolution;

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 retain Suplee, Clooney & Company as Municipal Auditor for the Borough of Flemington for the year 2023, to perform the professional services ordinarily provided by a Registered Municipal Accountant of the State of New Jersey and

receive such compensation as may be reasonable for such services, not to exceed \$39,650.00; and

IT IS FURTHER RESOLVED that the Mayor of the Borough of Flemington is hereby authorized to enter into said agreement with Suplee and Clooney, Inc, and

IT IS FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in the 2023 budget, sewer budget and water budget.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[SCC 2023 Rate Sheet.pdf](#)

SUPLEE, CLOONEY & COMPANY

The Honorable Mayor and Members
of the Borough Council

We propose the following schedule of services and fees:

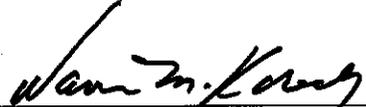
- A. **2023 Statutory Audit** - Audit of Current Fund, Trust Fund, Capital Fund, General Fixed Assets Account Group, and various other offices as prescribed by the Division of Local Government Services including Federal and State programs in accordance with the Single Audit Act of 1996, Federal Uniform Guidance, and State of New Jersey OMB Circular 15-08 \$28,600.00
 - B. Assistance with the preparation of the 2023 Annual Financial Statement, 2023 Annual Debt Statement, and assistance with the 2024 Annual Municipal Budget including preparation of the budget document and budget amendments, and if required, the attendance at any budget meetings or public hearings 4,650.00
 - C. Audit of the financial activities of the Borough's Water Utility Operating and Capital Funds 3,200.00
 - D. Audit of the financial activities of the Borough's Sewer Utility Utility Operating and Capital Funds 3,200.00
 - E. Preparation of Supplemental Debt Statements in accordance with the requirements of the Local Bond Law 40A:2-42 425.00 Per
 - F. Telephone consultation as needed with any administrative or elected officials No Charge
- \$39,650.00

Any additional services requested by the Borough would be mutually agreed upon before the commencement of any work and billed at the following rates:

Partner	-	\$155.00 - \$175.00
Manager	-	\$115.00
Senior Staff	-	\$ 90.00 - \$105.00
Staff Accountant	-	\$ 75.00 - \$ 85.00

Yours very truly,

SUPLEE, CLOONEY & COMPANY



 Warren M. Korecky, Partner

December 6, 2022

WMK:tc

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-36: APPOINTMENT OF MICHAEL O'GRODNICK OF SAVO, SHALK ET. AL. AS PROSECUTOR AND HYUN LEE OF MALESKI, EISENHUT AND ZIELINSKI, LLC AS ALTERNATE PROSECUTOR, 2023

SUGGESTED ACTION:

WHEREAS, 2B:25-4a, provides that every municipal court must have a Municipal Prosecutor, approved and appointed by the governing body; and

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

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

WHEREAS, Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A. has indicated it will provide the services of a prosecutor at the rate of \$175 per hour; and

WHEREAS, Maleski, Eisenhut and Zielinski, LLC, has indicated it will provide the services of a conflict prosecutor at the rate of \$135 per hour; and

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

1. Michael P. O'Grodnick, Esq. of the firm Savo, Schalk, Corsini, Warner, Gillespie, O'Grodnick & Fisher, P.A., 56 East Main Street Suite 301, Somerville, NJ, be appointed as Municipal Prosecutor for the Borough of Flemington Municipal Court as of January 1, 2023 for a period of one year.
2. Hyun J. Lee, Esq., of the firm Maleski, Eisenhut and Zielinski, LLC, 169 Main St., Flemington, NJ, be appointed as Assistant Municipal Prosecutor/Alternate for the Borough of Flemington Municipal Court as of January 1, 2023 for a period of one year.

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: January 4, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Appointment of Professionals**

SUBJECT: RESOLUTION 2023-37: APPOINTMENT OF CME ASSOCIATES, AS MUNICIPAL ENGINEER FOR JANUARY, 2023

SUGGESTED ACTION: **WHEREAS, N.J.S.A. 40A:9-139** requires that every municipality shall have an municipal engineer; and

WHEREAS, the Borough of Flemington is transitioning from CME Associates as the municipal engineer; and

WHEREAS, the Borough of Flemington has been using CME Associates as the project manager for the construction of the new Borough Police Station in 2022; and

WHEREAS, the Borough of Flemington has determined a need for CME Associates to finish several engineering issues, provide specific project engineering services, and provide consultation to the newly appointed municipal and sewer engineers; and

WHEREAS, the term of this agreement is from January 1 to January 31, 2023;

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 retain CME Associates as the municipal engineer and the project manager for the construction of the new Flemington Police Department for the Borough of Flemington for

the month of January, 2023, to perform the professional services and provide consultation to the newly appointed municipal engineer and receive such compensation as is consistent with their 2022 professional agreement with the Borough; and

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

Adopted: January 4, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

CERTIFICATION

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

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS: