



Mayor and Common Council Borough of Flemington

September 13, 2021

Online during COVID-19 Emergency

Call to Order (6:30 PM)

Executive Session (6:30 PM)

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

Work Session (Canceled)

Regular Meeting (7:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Betsy Driver	Mayor
Caitlin Giles-McCormick	Council President
Jessica Hand	Council Member
Malik Johnston	Council Member
Jeremy Long	Council Vice President
Christopher Runion	Council Member
Kimberly Tilly	Council Member

- I. OEM Report
- II. Mayor's Report
- III. Council Members' Reports
- IV. Public Comments - Session I (up to 3 minutes each, for a maximum of 30 minutes)
- V. Approval of Minutes

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

Consent Agenda

1. RESOLUTION 2021-181: AUTHORIZING THE RELEASE OF A PORTION OF THE EXECUTIVE SESSION MINUTES
 2. RESOLUTION 2021-182: AUTHORIZING THE FLEMINGTON BOROUGH POLICE DEPARTMENT TO OPERATE A COMMUNITY CRIMECAM PROGRAM
 3. RESOLUTION 2021-183: AUTHORIZING THE BOROUGH PLANNER TO PREPARE AMENDMENTS TO THE BOROUGH'S LAND DEVELOPMENT CODE
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4. RESOLUTION 2021-191: WAIVING CERTAIN PERMIT FEES FOR REPAIRING FLOOD-DAMAGED STRUCTURES

Regular Agenda

1. ORDINANCE 2021-20: SECOND READING: ORDINANCE CREATING THE POSITION OF MUNICIPAL COURT VIOLATIONS CLERK AND SETTING A SALARY RANGE
 2. ORDINANCE 2021-21: FIRST READING, ORDINANCE CHANGING THE NAME OF CENTRAL AVENUE TO CENTRAL STATION
 3. ORDINANCE 2021-22: FIRST READING: AMENDING SECTION 3-3 OF THE BOROUGH CODE TO SET FORTH THE PROCESS FOR SELLING OR DISPOSING OF JUNK OR ABANDONED VEHICLES SEIZED BY THE POLICE DEPARTMENT
 4. RESOLUTION 2021-184: AWARDED THE CONTRACT FOR THE HOPEWELL ROAD IMPROVEMENT PROJECT TO REIVAX CONTRACTING COMPANY OF BRIDGEWATER, NJ IN THE AMOUNT OF \$404,153.50 FOR THE BASE BID
 5. RESOLUTION 2021-185: AWARDED THE CONTRACT FOR THE DEWEY AVENUE ROAD IMPROVEMENT PROJECT TO REIVAX CONTRACTING COMPANY OF BRIDGEWATER, NJ FOR THE BASE BID AMOUNT OF \$340,700.50
 6. RESOLUTION 2021-186: RESOLUTION AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING AND/OR EXTENDING IS MUNICIPAL FACILITY TO SERVE AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE
 7. RESOLUTION 2021-187: RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$1,802,000 GENERAL OBLIGATION BONDS OF THE BOROUGH OF FLEMINGTON IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE ("USDA") RURAL DEVELOPMENT
 8. RESOLUTION 2021-188: RESOLUTION OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A: 2-26(E) AND CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF NOT EXCEEDING \$1,802,000 GENERAL OBLIGATION BONDS TO THE UNITED STATES OF AMERICA ACTING THROUGH THE USDA RURAL DEVELOPMENT
 9. RESOLUTION 2021-189: AUTHORIZING ADDITIONAL PAYMENT OF \$2,120.00 TO ENVIRONMENTAL MANAGEMENT ASSOCIATES FOR ENVIRONMENTAL SERVICES IN CONNECTION WITH BOROUGH-OWNED PROPERTY AT 144 MAIN STREET (BLOCK 38, LOT 1.01)
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- 10. RESOLUTION 2021-190: RESOLUTION AWARDDING A CONTRACT TO GREAT AMERICAN GAS AND ELECTRIC, LLC, FOR ELECTRIC GENERATION SUPPLY
- 11. RESOLUTION 2021-192: AUTHORIZING MAINTENANCE TO BE COMPLETED AT 54 E MAIN STREET AND THE COSTS TO BE COLLECTED BY THE TAX COLLECTOR
- 12. RESOLUTION 2021-193: APPOINTING MARTUCCI ENGINEERING, LLC, FOR ASSESSMENT AND ESTIMATING SERVICES FOR A BOROUGH OF FLEMINGTON PRELIMINARY ASSESSMENT

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

VII. Attorney's Report

VIII. Payment of the Bills

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

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

X. Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-180

DOC ID: 3584

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

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

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

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

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public, given the ongoing lawsuits and their unknown duration;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington go into executive session for the above-stated purpose.

Adopted: September 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-181

DOC ID: 3572

**Authorizing the Release of a Portion of the Executive
Session Minutes**

**BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON**

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby approve release to the public of the attached portions of the contents of the executive session minutes from the following meetings:

January 8, 2019; January 24, 2019; January 28, 2019; February 11, 2019; March 11, 2019; March 25, 2019; April 8, 2019; June 10, 2019; July 8, 2019; August 12, 2019; September 23, 2019; October 15, 2019; October 28, 2019; November 14, 2019; December 3, 2019; and December 9, 2019.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

DOC ID: 3573

SCHEDULED

RESOLUTION 2021-182

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

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

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

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

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

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

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

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

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

Adopted: September 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-183

DOC ID: 3576

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

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

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

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

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

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

Adopted: September 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-184

DOC ID: 3581

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington that the Contract for Hopewell Road Improvement Project be awarded to Reivax Contracting Company 68 FINDERNE AVENUE BRIDGEWATER, NEW JERSEY 08807 for the bid in the amount of \$404,153.50 subject to the following conditions:

1. The Contract is awarded as a unit price bid. Contract and final payment will be based upon the actual quantities installed at the unit price bid, as outlined in the Plans and Specifications prepared by Robert Martucci, P.E. Borough Engineer.
2. The Contract is subject to review and approval by the New Jersey Department of Transportation.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-185

DOC ID: 3582

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

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

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

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

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

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

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

1. The Contract is awarded as a unit price bid. Contract and final payment will be based upon the actual quantities installed at the unit price bid, as outlined in the Plans and Specifications prepared by Robert Martucci, P.E., Borough Engineer.
2. The Contract is subject to review and approval by the New Jersey Department of Transportation.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano

Sponsors:

SCHEDULED

RESOLUTION 2021-186

DOC ID: 3580

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

See attached document.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

ATTACHMENTS:

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

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Borough Council

OF THE Flemington Borough, in the County of Hunterdon, State of New Jersey

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Municipal

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

WHEREAS, it is necessary for the Flemington Borough

(Public Body)

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

One Million Eight Hundred Two Thousand & 00 100

pursuant to the provisions of N.J.S.A. 40A-2-1 et seq.; and

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

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

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

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-187

DOC ID: 3579

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 9. This resolution shall take effect immediately.

Adopted: September 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

EXHIBIT A

SAMPLE FORM ONLY - DO NOT COMPLETE

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

**GENERAL OBLIGATION BOND
CALLABLE**

NUMBER GO- _____

DATE OF ORIGINAL ISSUE: _____, 202__

REGISTERED OWNER: United States of America

PRINCIPAL SUM: _____ Dollars
[\$ _____]

THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, a municipal corporation of the State of New Jersey (the "Borough"), hereby acknowledges itself indebted and for value received promises to pay to the order of the United States of America (also referred to herein as "Payee") or successor thereto, acting through the United States Department of Agriculture, Mount Laurel, New Jersey, or registered assigns, the Principal Sum specified above and to pay interest on the unpaid principal balance thereof at the rate of _____ and _____ hundredths percentum (____%) per annum, in Seventy-Nine (79) equal installments of \$ _____, commencing on _____, 20__ and on each _____ and _____ thereafter, and one (1) final installment of \$ _____ on _____, 20__, in an amount to the unpaid principal balance hereof, plus interest accrued thereon to such date, unless all or any portion hereof shall

have been paid earlier in accordance with the terms thereof.

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

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

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

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

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

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

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

ATTEST: (SEAL)
By: _____ [Clerk]

BOROUGH OF FLEMINGTON, IN THE
COUNTY OF HUNTERDON, STATE OF
NEW JERSEY
By: _____
[Mayor]
By: _____
[Chief Financial Officer]

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

SCHEDULED

Initiator: Sallie Graziano

Sponsors:

RESOLUTION 2021-188

DOC ID: 3578

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

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

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

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

WHEREAS, the Borough's ability to issue such Bonds through the USDA Rural Development requires the authorization of certain matters and certain actions to be undertaken by Borough officials, officers and professionals including, but not limited to,

the preparation and submission of an application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board") and the completion and submission of certain closing documentation to the USDA Rural Development; and

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

WHEREAS, the Borough believes:

- (a) it was in the public interest to accomplish the Project;
- (b) the Project is for the health, welfare, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts expended for the Project are not unreasonable or exorbitant; and
- (d) the Project is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and the Project will not cause any undue financial burden to be placed upon the inhabitants of the Borough;

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

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

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

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

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

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

SECTION 6. This resolution shall take effect immediately.

RECORDED VOTE

AYES

NAYS

ABSTENTIONS

ABSENTEES

CERTIFICATION

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

original minutes so far as they relate to the subject matters referred to within and aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

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

(SEAL)

SALLIE GRAZIANO,
Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2021-189

DOC ID: 3577

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

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

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

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

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

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

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Rebecca Newman
Sponsors: Chris Runion

SCHEDULED

RESOLUTION 2021-190

DOC ID: 3583

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

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

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

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

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

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

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

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

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

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

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

Adopted: September 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

SCHEDULED

RESOLUTION 2021-191

DOC ID: 3585

Waiving Certain Permit Fees for Repairing Flood-Damaged Structures

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

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

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

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

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

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

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

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

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

Adopted: September 13, 2021

Attest:

Sallie Graziano, Borough Clerk

Betsy Driver, Mayor

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Rebecca Newman
Sponsors:

SCHEDULED

RESOLUTION 2021-192

DOC ID: 3586

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

Borough of Flemington
County of Hunterdon

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

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

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

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

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

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

Mow Lawn - \$150.00; and

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

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

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

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

Adopted:

Attest:

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

SCHEDULED

RESOLUTION 2021-193

DOC ID: 3587

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

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

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

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

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

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

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

Adopted: September 13, 2021

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CERTIFICATION

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

Sallie Graziano, RMC, Borough Clerk

Date of Certification

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 08/23/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

TABLED

ORDINANCE 2021-20

DOC ID: 3562

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

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

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

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

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

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

- a. There is hereby established a municipal court for the Borough of Flemington pursuant to N.J.S.A. 2A:8-1 et seq., which shall be known as the "Municipal Court of the Borough of Flemington."
- b. The municipal court of the Borough of Flemington shall have an official seal which shall bear the impress of the name of the court.
- c. The court created hereby shall be presided over by a judge, who shall be known as the judge of the municipal court of the Borough of Flemington, and who shall be appointed pursuant to the provisions of N.J.S.A. 2A:8-5. The judge of the municipal court of the Borough shall serve for a term of three years from the date of his appointment to fill a vacancy caused other than by expiration of term shall be made for the unexpired term only.
- d. The judge of the municipal court of the Borough shall possess the qualifications set forth in N.J.S.A. 2A:8-7.
- e. The judge of the municipal court of the Borough shall be compensated by an annual salary to be paid by the Borough, which salary shall be fixed by ordinance adopted by the Mayor and Common Council of the Borough of Flemington. The compensation so paid shall be in lieu of any and all other fees.
- f. ***Municipal Court Staff***
 - i. There shall be a clerk of the municipal court of the Borough who shall be appointed by the Mayor with the advice and consent of the Common Council of the Borough.

Said clerk shall serve a term of one year from date of his or her appointment and until his or her successor is appointed and qualified. The clerk of the municipal court of the Borough shall receive an annual salary as fixed by ordinance.

ii. The Mayor and Common Council of the Borough may, by ordinance or resolution, provide for other necessary clerical and other assistance for the municipal court and provide for their compensation. The Mayor and Common Council of the Borough may, by ordinance or resolution, designate any officer or employee of the Borough to serve as clerk of the municipal court with or without additional compensation.

iii. ***There may be a violations clerk of the municipal court of the Borough appointed by the Mayor with the advice and consent of the Common Council of the Borough. Said violations clerk, if one is appointed, shall serve a term of one year from date of his or her appointment and until his or her successor is appointed and qualified. The violations clerk of the municipal court of the Borough shall receive an annual salary as fixed by ordinance.***

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

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

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

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

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

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

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

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

Municipal Court Clerk and Municipal Court Judge

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

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

Introduced: August 23, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-21

DOC ID: 3575

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

Flemington Borough, Hunterdon County

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

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

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

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

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

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

Section 1. The street name of "Central Avenue," in the Borough of Flemington, County of Hunterdon shall be renamed "Central Station."

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

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

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

Section 5. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

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

Introduced:

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

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

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-22

DOC ID: 3564

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

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

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

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

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

SECTION 1. Section 3-3 of the Borough Code shall be renamed "Abandoned or Unclaimed Motor Vehicles" and amended as follows (Additions noted in bold italics *thus*):

§ 3-3.1. Definition.

ABANDONED MOTOR VEHICLE

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

JUNK VEHICLES.

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

§ 3-3.2

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

§ 3-3.3

Police Department Possession.

A. All abandoned motor vehicles shall be taken in possession by the police department and removed to a storage place. The police department shall then follow the procedures established by R.S. 39:10A to sell the abandoned motor vehicle at public auction.

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

C. Junk Vehicles. *If a junk vehicle is unclaimed by the owner or other person having legal right thereto for a period of 15 business days, the towing contractor shall notify the Chief of Police or his designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale. The Borough shall supply titles for abandoned junk vehicles in accordance with N.J.S.A. 39:10-1 and 3.*

D. Conduct of Sale. *Sales of all junk and abandoned vehicles shall be conducted in accordance with the provisions of N.J.S.A. 39:10A-1 et seq.*

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

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

G. Rights of Owners

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

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

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

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

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

SECTION 2. All ordinances of the Borough of Flemington, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced:

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk