



Mayor and Common Council Borough of Flemington

March 13, 2023

Council Meeting Room
Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822

I. Call to Order

II. Flag Salute

III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of March 13, 2023 was included in a list-of-meetings notice sent to the *Hunterdon County Democrat* and *Courier-News* on January 5, 2023, 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

IV. Roll Call

Marcia A. Karrow	Mayor
Susan Engelhardt	Council Member
Malik Johnston	Council Member
Jeremy Long	Council President
Tony Parker	Council Member
Elizabeth Rosetti	Council Member
Kimberly Tilly	Council Vice President

V. Presentations

VI. Mayor's Report

1. PROCLAMATION FOR GIRL SCOUT WEEK, 2023

VII. Council Member Reports

VIII. Administrator's Report

IX. Public Comments - Session I

X. Approval of Minutes

XI. Consent Agenda

1. RESOLUTION 2023-78: SUPPORTING THE BOROUGH OF FLEMINGTON TO BECOME A REVOLUTIONNJ COMMUNITY
2. RESOLUTION 2023-79: AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION FOR THE 2023 SUSTAINABLE JERSEY GRANTS PROGRAM FUNDED BY THE PSEG FOUNDATION IN THE AMOUNT OF \$2,000
3. RESOLUTION 2023-83: SUPPORTING THE APPLICATION OF THE YMCA OF BUCKS AND HUNTERDON COUNTY FOR FEDERAL GRANT MONEY FOR THE FLEMINGTON-RARITAN COMMUNITY POOL.

XII. Regular Agenda

1. **Public Hearing:**
ORDINANCE 2023-02: REQUIRING LOCAL CANNABIS ESTABLISHMENT AND CLARIFYING SECTION 2609.1 OF THE BOROUGH CODE REGARDING THE LIMITATION ON THE NUMBER OF CANNABIS CULTIVATORS AND RETAILERS PERMITTED IN THE BOROUGH
 2. **Public Hearing**
ORDINANCE 2023-04: AMENDING THE CODE OF THE BOROUGH OF FLEMINGTON TO REPEAL OR AMEND LOCATIONS WITHIN CERTAIN DISTRICTS FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS
 3. **Public Hearing:**
ORDINANCE 2023-08: AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS, BY REMOVING A SPOT ON CAPNER STREET
 4. **Public Hearing:**
ORDINANCE 2023-09: AMENDING CHAPTER 11 "UTILITIES," SECTION 11-1.1 "REGULATIONS" TO MODIFY THE WATER SERVICE UNIT
 5. **Public Hearing:**
ORDINANCE 2023-10: AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, TITLED STREETS AND SIDEWALKS, TO UPDATE ROAD OPENING REQUIREMENTS
 6. **Public Hearing:**
ORDINANCE 2023-11: GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY II, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY
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7. **Introduction:**

ORDINANCE 2023-12: AMENDING CHAPTER 4 (LICENSING – GENERAL), SECTION 4-3 (RETAIL FOOD ESTABLISHMENTS), SUBSECTION 4-3.2 (FEES) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO AMEND THE FEES ASSESSED FOR TEMPORARY RETAIL FOOD ESTABLISHMENTS

8. RESOLUTION 2023-80: AUTHORIZING VACATION PAY FOR FORMER FLEMINGTON POLICE OFFICER DANIEL LOOKNER

9. RESOLUTION 2023-81: AGREEMENT WITH THE BOROUGH OF FLEMINGTON AND THE TOWNSHIP OF RARITAN FOR A SHARED MUNICIPAL COURT

XIII. Work Session

1. Discussion regarding Cannabis Business License Applications

XIV. Public Comments - Session II

XV. Payment of the Bills

Payment of the Bills in the Amount of \$419,711.68

XVI. Executive Session

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

1. RESOLUTION 2023-82: EXECUTIVE SESSION TO DISCUSS POTENTIAL EMPLOYMENT MATTERS AND POTENTIAL LITIGATION REGARDING A LIQUOR LICENSE

XVII. Adjournment

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Proclamation

AGENDA SECTION: Mayor's Report

SUBJECT: PROCLAMATION FOR GIRL SCOUT WEEK, 2023

SUGGESTED ACTION:

WHEREAS, March 12, 2023, marks the 111th anniversary of Girl Scouts of the USA, the largest and most impactful leadership program for girls in the world; and

WHEREAS, today, more than 50 million women—trailblazers, visionaries, and leaders—are Girl Scout alums who have made the world a better place.

WHEREAS, in July 2023, Girl Scouts will host its triennial convention where more than 10,000 girls, alums, and supporters from across the Movement will gather to explore, create, and grow alongside thousands of fellow change-makers, dreamers, and doers; and

WHEREAS, during a time when girls are dealing with the impacts of pandemic-related learning loss, Girl Scouts offers important out-of-school and afterschool learning enrichment and skill building opportunities that expand their world, allow them to cultivate their talents, and ensure they can confidently pursue their passions and make the world a better place; and

WHEREAS, since its beginnings, Girl Scouts has emphasized public service and civic engagement, and has fostered a sense of community in girls; and

WHEREAS, during a time when girls are experiencing increased levels of anxiety, stress, loneliness, and depression, Girl Scouts continues to provide community, consistency, and connection for girls, and is a safe haven in all the uncertainty; and

WHEREAS, Girl Scouts' longstanding commitment to getting girls outdoors, including exciting summer camp experiences, instills a lifelong appreciation for nature and the environment is more critical than ever as we emerge from the pandemic; and

WHEREAS, at a time when civics education is missing from many schools, Girl Scouts engages girls of all grade levels in civics programming that deepens their understanding of democracy and government, prepares them for a lifetime of civic engagement, and motivates them to take action on issues that are important to them; and

WHEREAS, Girl Scouts offers girls 21st century programming in science, technology, engineering, and math (STEM); the outdoors; entrepreneurship; and beyond, helping girls develop invaluable life skills; and

WHEREAS, Gold Award Girl Scouts take on projects that have a measurable and sustainable impact on a community by assessing a need, designing a solution, completing a project, and inspiring others to sustain it; and

WHEREAS, as a member organization of the World Association of Girl Guides and Girl Scouts, Girl Scouts is part of an international sisterhood of 10 million girls and young women in 152 countries and is committed to offering girls more opportunities to engage with communities worldwide, make meaningful global connections, and explore global citizenship; and

WHEREAS, Girl Scouts Heart of New Jersey serves 11,000+ girls across New Jersey,

NOW, THEREFORE, I, Marcia A. Karrow, by virtue of the authority vested in me as Mayor, do hereby applaud the Girl Scout Movement and Girl Scouts Heart of New Jersey for providing girls with a safe, inclusive, all-girl space where they can hone their skills and develop leadership abilities, and I declare the 13th day of March, 2023 to be Girl Scout Week.

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Consent Agenda

SUBJECT: RESOLUTION 2023-78: SUPPORTING THE BOROUGH OF FLEMINGTON TO BECOME A REVOLUTIONNJ COMMUNITY

SUGGESTED ACTION:

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey’s pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation’s past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and the Borough of Flemington; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution; New Jersey Historical Commission P.O. Box 305 Trenton, NJ 08625 Crossroads of the American Revolution Assoc. Inc. 101 Barrack Street Trenton, NJ 08625

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Flemington hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

BE IT IS FURTHER RESOLVED that:

1. The Borough of Flemington Mayor and Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
2. The Borough of Flemington Mayor and Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
3. The Borough of Flemington Mayor and Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Consent Agenda

SUBJECT: RESOLUTION 2023-79: AUTHORIZING THE SUSTAINABLE JERSEY GRANT APPLICATION FOR THE 2023 SUSTAINABLE JERSEY GRANTS PROGRAM FUNDED BY THE PSEG FOUNDATION IN THE AMOUNT OF \$2,000

SUGGESTED ACTION: **WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Flemington strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Flemington is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Mayor and Council of the Borough of Flemington has determined that the Borough of Flemington should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Flemington, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Consent Agenda

SUBJECT: RESOLUTION 2023-83: SUPPORTING THE APPLICATION OF THE YMCA OF BUCKS AND HUNTERDON COUNTY FOR FEDERAL GRANT MONEY FOR THE FLEMINGTON-RARITAN COMMUNITY POOL.

SUGGESTED ACTION:

WHEREAS, the community founded the Flemington-Raritan Community Pool in 1963 to provide the residents of Flemington Borough and Raritan Township with a place for safe recreation; and

WHEREAS, thousands of residents used the Flemington-Raritan Community pool, owned by YMCA of Bucks and Hunterdon Counties, to learn to swim, for family fun, and for competitive aquatics until its closure in 2017; and

WHEREAS, community volunteers and the YMCA of Bucks and Hunterdon Counties have completed a needs assessment and environmental study to develop plans to renovate and reopen the Flemington-Raritan Community Pool; and

WHEREAS, the proposed renovation will provide the community with a modern, safe, ADA compliant community pool; and

WHEREAS, the community has been unable to raise the necessary funds to restore this community asset that had been used by thousands; and

WHEREAS, Congressman Tom Malinowski has identified Federal funds for community projects.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington in the County of Hunterdon authorizes the

Mayor to sign a letter of support for the YMCA of Bucks and Hunterdon Counties' application for Federal grant money for the Flemington-Raritan Community Pool.

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
 ORDINANCE 2023-02: REQUIRING LOCAL CANNABIS ESTABLISHMENT AND CLARIFYING SECTION 2609.1 OF THE BOROUGH CODE REGARDING THE LIMITATION ON THE NUMBER OF CANNABIS CULTIVATORS AND RETAILERS PERMITTED IN THE BOROUGH

SUGGESTED ACTION: **WHEREAS**, on February 22, 2021, Governor Murphy signed into law the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (the “CREAMMA”), which legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, NJCREAMMA allows, at the discretion of the municipality, a tax to be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a)(4), a municipality may enact an ordinance imposing a local licensing requirement; and

WHEREAS, pursuant to Ordinance No. 2021-14, adopted on July 12, 2021, the Borough permitted cannabis businesses to operate within the Township in certain zoning districts; and

WHEREAS, it was the intent of Ordinance No. 2021-14 to limit the number of cannabis retailers and cultivators within the Borough to two of each kind, regardless of whether the sold or cultivated product is for medical or recreational use; and

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

SECTION 1. Section 4-15 of the Code of the Borough of Flemington, entitled "Cannabis Establishments", is hereby added as follows:

§95-1 **Purpose.** This chapter is enacted to regulate the cultivation, production, sale, and transportation of cannabis in the Borough in accordance with the provisions of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (N.J.S.A. 24:6I-31 *et seq.*), and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

§95-2 **Definitions.** The definitions set forth in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act " (N.J.S.A. 24:6I-31 *et seq.*) are incorporated herein and shall have the same meaning.

§95-3. **License Required.** No person shall operate a Cannabis Establishment or otherwise cultivate, sell, or distribute cannabis within the Borough without having obtained a license in accordance with this Chapter.

§95-4. **License Fees and Maximum Number.** The annual license fee and maximum number of licenses for Cannabis Establishments in the Borough shall be as follows

Class of License	Annual License Fee	# of Licenses
<u>Cultivator</u>		<u>2 total cultivators</u>
- Class 1, Cultivator	\$10,000	
- Medical Cannabis Cultivator	n/a	

Retail/Treatment Center	2 total retailers/TCs
- Class 5, Retail	\$10,000
- Medical Cannabis Retail/ Alternative Treatment Center	n/a

§95-5 **Issuing Authority.** All licenses required by this Chapter shall be issued by the Township Clerk.

§95-6. **Application Fees.** The annual Application Fee for a cannabis establishment shall be \$2,500. Such fee shall be non-refundable.

§95-7 **Application Requirements and License Conditions.** The following items must be submitted in order to be granted a license or for the renewal of same for the operation of any Cannabis Establishment:

- A. Complete Application
- B. Annual Application Fee
- C. Annual Licensing Fee
- D. Proof of payment of all real estate taxes due on the premises on which the Cannabis Establishment is located.
- E. Proof of payment of all transfer and user taxes required by Chapter 35, Article I of the Borough Code.
- F. Proof of license in good standing issued by Cannabis Regulatory Commission
- G. Full copy of the Application for State Licensure
- H. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency.
- I. Security Plan, which shall, at a minimum consist of the following:
 - a. Proof of submission of such security plan to the New Jersey State Police
 - b. Overview of and type of security systems to be installed
 - c. 24-hour monitoring by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas (if applicable), cannabis growing areas (if applicable), storage areas, all doors and windows with access into the Cannabis Establishment, parking areas (if applicable), and any other areas not mentioned if deemed necessary by

the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

- d. The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the local Police Department with access to this real-time camera footage in case of an emergency.
- e. The recordings shall be maintained at the Cannabis Establishment for a period of not less than thirty (30) days and shall be provided to the local Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.
- f. Information as to whether on-site security or armed guards will be provided. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
- J. Summary of how all products and materials will be tracked and inventoried.
- K. Lighting plan that provides adequate security lighting and motion-sensor lights at all entrances and exits.

§95-8 **Revocation of License**

1. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or Chapter 26 of the Borough Code or any provision of any applicable statute or any of the rules and regulations of the Cannabis Regulatory Commission.
2. Notice of a hearing for the suspension or revocation of a license shall be given in writing by the Borough Clerk to the license holder. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. Such notice shall be

served by mailing a copy to the licensee at his or her last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

3. At the hearing, the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his or her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his or her own expense.
4. The Borough Council shall revoke or suspend the license if they are satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.
5. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

§95-9.01 **Violations and Penalties**

Any person violating any provision of this Chapter shall, upon conviction be subject to fines of \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third offense.

SECTION 2. Section 2609.1 (A) of the Borough Code, entitled "Limitation on the Number of Cannabis Establishments within the Borough," shall be amended as follows (additions noted in bold italic *thus* and deletions noted in strikethrough ~~thus~~):

1. The number of Cannabis Establishments located within the Borough shall be limited as follows:
2. Cannabis Retailer: Two (2). This limitation is inclusive of ***Recreational Dispensaries***, Medical Dispensaries and Alternative Treatment Centers.
3. Cannabis Cultivator: Two (2). This limitation is inclusive of ***Recreational Cannabis Cultivators and*** Medical Cannabis Cultivators.

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 is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof.

SECTION 6. This Ordinance shall take effect upon final passage and publication.

Introduced: February 13, 2023

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing**
 ORDINANCE 2023-04: AMENDING THE CODE OF THE
 BOROUGH OF FLEMINGTON TO REPEAL OR AMEND
 LOCATIONS WITHIN CERTAIN DISTRICTS FOR CANNABIS
 RETAILERS AND CANNABIS CULTIVATORS

SUGGESTED ACTION:

WHEREAS, pursuant to Ordinance 2021-14 adopted on July 12, 2021, the Borough of Flemington (the “Borough”) permitted cannabis retailers and cannabis cultivators as conditional uses in certain zoning districts; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Borough of Flemington (the “Council”) is authorized and empowered to adopt and amend the zoning ordinances of the Borough of Flemington; and

WHEREAS, the Borough Council has determined that it is in the best interests of the Borough to limit the use of properties for cannabis retailers and cultivators to those that have primary access to a county or state roadway; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Borough Council referred the Ordinance to the Planning Board to identify any provisions in the proposed Ordinance which are inconsistent with the Master Plan and make recommendations concerning the inconsistencies and any other matters as the Board deems appropriate.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon, State of

New Jersey, as follows:

SECTION 1. Section 2618(F)(1) setting forth the conditions for Cannabis Retailers in the Transition Commercial (TC) District shall be amended to add subsection (h) as follows:

h. Primary access shall be from a State or County roadway.

SECTION 2. Section 2619(D)(3) of the Code setting forth the conditions for Cannabis Cultivators in the Community Business District shall be amended to add subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

SECTION 3. Section 2620(D)(5) and Section 2620(D)(6) of the Code governing Cannabis Retailers and Cannabis Cultivators in the Downtown Business (DB) District shall be repealed.

SECTION 4. Section 2621(D)(5) of the Code governing conditions for Cannabis Retailers and Cannabis Cultivators in the Downtown Business II (DBII) District shall be repealed.

SECTION 5. Section 2622(C)(2) of the Code governing conditions for Cannabis Cultivators in the Professional Office District shall be amended by adding subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

SECTION 6. Section 2623(D)(4) and Section 2623(D)(5) of the Code governing Cannabis Retailers and Cannabis Cultivators in the Village Artisan Shopping (VAS) District shall be repealed.

SECTION 10. Section 2624(D)(6) of the Code governing conditions for Cannabis Retailers in the Highway Retail (HR) District shall be amended by adding subsection (h) as follows:

h. Primary access shall be from a State or County roadway.

SECTION 11. Section 2624(D)(7) of the Code governing conditions for Cannabis Cultivators in the Highway Retail (HR) District shall be amended by adding subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

SECTION 12. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 13. 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 14. The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

SECTION 15. This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: February 13, 2023

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
 ORDINANCE 2023-08: AMENDING CHAPTER VII TRAFFIC,
 SCHEDULE XII PARKING RESTRICTED FOR USE BY
 HANDICAPPED PERSONS, BY REMOVING A SPOT ON
 CAPNER STREET

SUGGESTED ACTION:

WHEREAS, N.J.S.A. 39:4 - 197 confers upon the Borough a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 39:4 -197.6, any municipality may, by ordinance establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair license plates have been issued for a vehicle owned by that person, or by another occupant of the residence who is an immediate member of the family of the handicapped person, by the New Jersey Department of Motor Vehicles pursuant to the provisions of P.L. 1949, c.280 (C.39:4-204 et seq.), provided the permitting does not interfere with the normal flow of traffic; and

WHEREAS, the Borough of Flemington Council has determined that is no longer a necessity to provide for resident on-street handicapped parking on Capner Street between Main Street and Park Avenue.

NOW, THEREFORE BE IT ORDAINED by the Borough of Flemington Council to remove the following handicap restricted parking space:

STREET: Capner Street

SIDE: South

LOCATION: From a point 25 feet east of the southernly curb-line of Park Avenue to 62 feet east thereof.

Introduced: February 27, 2023

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
 ORDINANCE 2023-09: AMENDING CHAPTER 11 "UTILITIES,"
 SECTION 11-1.1 "REGULATIONS" TO MODIFY THE WATER
 SERVICE UNIT

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington desires to amend Chapter 11, Section 11-1.1 to redefine the water service unit as 300 gallons per day (gpd) to be consistent with the definition of a sewer service unit; and

WHEREAS, the amended definition eliminates the need to calculate and periodically update the average daily flow of water to the average single-family residence in the district; and

WHEREAS, the proposed amendment also includes defining when the connection fee shall be paid by the applicant to be consistent with the connection fee payment requirements for a sewer service unit.

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

Section 1. Chapter 11-1.1a(11)(c) shall be amended as follows (additions are noted **thusly**; deletions are noted ~~thusly~~):

The remainder shall be divided by the total number of service units served by the Borough of Flemington at the end of the immediately preceding fiscal year of the Borough, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector. In attributing

service units to each connector, the estimated average daily flow of water **(in gallons per day)** for the connector shall be divided **300 gallons per day** by the average daily flow of water to the average single residence in the authority's district and rounded to the next highest service unit, to produce the number of service units to be attributed. The number of service units is thereafter multiplied by the connection fee for water connection, per § 11-1.2, Water Connection Fee, to establish the connection fee. The flow from a multiunit building may be aggregated for the purpose of determining a connection fee. **The calculated connection fee shall be due and payable in advance to the Borough of Flemington Water Utility System before the time any physical connection or tie-in is made.**

Section 2. All sections of the Borough Code not amended hereunder shall remain in full force and effect.

Section 3. All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Introduced: February 27, 2023

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
ORDINANCE 2023-10: AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, TITLED STREETS AND SIDEWALKS, TO UPDATE ROAD OPENING REQUIREMENTS

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington desires to update its road opening ordinance; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Flemington desire to amend Chapter 10, titled Streets and Sidewalks; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 10 of the Municipal Code of the Borough of Flemington, County of Hunterdon, State of New Jersey is amended pursuant to the provisions hereof (additions are noted **thusly** and deletions are noted ~~thusly~~):

Section I

Chapter 10-1.1 is hereby amended as follows:

- a. No person shall excavate, test drill or disturb any public street or road surface or curbing or sidewalks within the right of way of any street or road in the borough, including all sidewalks, streets and roads in private developments not a part of the borough street system at the time of excavation, but where it is contemplated that application will subsequently be made to have the streets or roads become

a part of the borough road system, for the purpose of laying, changing, repairing or connecting any water, gas, sewer pipe, storm drain or any electric, telephone or telegraph pipes or conduits, or for any other purpose whatever without first having obtained a permit from the Borough Clerk **after approval by the Director of the Department of Public Works ("Director")**. In the event of emergency where repairs must be made immediately, and the person charged with the responsibility for making the repairs would be unduly delayed in seeking a permit, the excavation may be made for the purpose of stopping a leak or interruption in service of the utility. As soon as the leak or interruption in service has been repaired, and an emergency no longer exists, the person having made the excavation shall forthwith apply for a permit and comply with all the other provisions of this section. In emergency matters and in the absence of the clerk, a permit may be issued by the mayor or councilman in charge of borough streets. The power to regulate excavation and construction in the public streets is contained in R.S. 40:67-1. The power to provide specifications for street and sidewalk construction is part of the general police power, R.S. 40:48-2.

- b. **In cases where a street has been paved in the direction of the Borough within the last eight years, the extent of repairs may be significantly greater, and may include extensive milling and repaving to return the street to the condition it was in prior to the opening. The bonding required in these cases shall reflect the need for additional work.**
- c. **Recently paved streets. The Borough, in an attempt to preserve the integrity of recently paved streets, will not issue a street opening permit for a street that has been paved in the last eight years, except in an emergency or under extraordinary conditions. In cases where a street permit is issued on a street paved within the last eight years, the bond or cash posted shall not be less than \$2,500, and the fee shall be 100% more than indicated in Chapter 10-2.**
- d. **The Borough shall have the authority to require curb-to-curb repaving where the Director deems it necessary.**
- e. **The Borough shall have the authority to require infra-red paving where the Director deems it necessary.**

Section II.

Chapter 10-1.2 is hereby amended as follows:

Any person desiring a permit shall file with the Borough Clerk, or other designated official in the event of emergency, a signed application containing the following information.

I. The NJ Dig Number shall be provided prior to the start of work.

m. An agreement to be invoiced for any work done by the Borough to bring the street repair and paving to the Borough Inspector of Borough Designee's approval.

n. Online applications shall be permitted. In the case of online applications, only one set of plans shall be required.

Section III.

Chapter 10-2 is hereby amended as follows:

The fee for such permit shall be ~~\$50.00~~ **\$75.00** per opening for four or more multi-family residences, garden apartments, commercial properties and utilities and \$100.00 for single family through three multi-family residences, **plus an escrow of \$600.** **For public utilities, the fee shall be \$300 plus an escrow amount to be determined by the Director.** Such fee shall be due and payable at the time the application is made to the borough clerk.

Section IV.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section V.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section VI.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey Law.

Introduced: February 27, 2023

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
 ORDINANCE 2023-11: GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY II, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY

SUGGESTED ACTION: **WHEREAS**, in or about September 2019, Comcast of Central New Jersey II, LLC (“Comcast”) filed an application for the renewal of municipal consent to construct and operate a cable television system within the Borough of Flemington; and

WHEREAS, pursuant to N.J.S.A. 48:5A-23, the Borough conducted a properly noticed public hearing to consider Comcast’s application on October 15, 2019; and

WHEREAS, at the time, Comcast had not yet submitted a draft contract to the Borough for consideration, therefore the Borough did not issue a report and decision concerning Comcast’s application within the required thirty (30) days set forth in N.J.S.A. 48:5A-23(d); and

WHEREAS, the Borough requested that Comcast resubmit its application so that a new public hearing could be held and a decision and report timely issued; and

WHEREAS, Comcast refused to do so; and

WHEREAS, however, a representative from the BPU advised that this ordinance could serve as the required decision and report,

notwithstanding its adoption outside the timelines set forth in N.J.S.A. 48:5A-23(d); and

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" is the Borough of Flemington, County of Hunterdon, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey II LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of

Municipal Consent.

- i. "Primary Service Area" or "PSA" consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.
- j. "Government access" shall mean noncommercial use by the governing bodies of Buena Vista Township, Winslow Township, Chesilhurst Borough, Folsom Borough, Monroe Township and Waterford Township for the purpose of showing the public local government at work.
- k. "Educational access" shall mean noncommercial use by educational institutions such as public or private schools, but not "home schools," community colleges and/or universities.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 5 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, and, except as where higher payment is otherwise required by the applicable law and regulations (including N.J.S.A. 48:5A-30), the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount permitted by the Act or otherwise allowable by law.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company.

Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

- d. Temporary removal of cables: The Company shall, upon request of the Borough, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.
- e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

SECTION 9. CUSTOMER SERVICE.

- a. In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough upon written request of the Borough Administrator or Clerk.
- b. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- c. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- d. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association ("NCTA").
- e. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the

right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY; FREE SERVICE.

- a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- b. The Company shall provide the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit.
- c. The Company shall provide Expanded Basic or a similar tier

- of cable television service to one (1) outlet to every Borough building and each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough. Monthly service charges shall be waived on all additional outlets except for equipment.
- d. The Company shall provide the following: (1) one standard installation per Borough building; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation to every Borough building and each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit.
 - e. Within one (1) year of the issuance of the Renewal Certificate of Approval by the BPU, the Company shall install and provide sufficient public wifi access points on Main Street to provide free public internet on Main Street (between William Street and Pennsylvania Avenue) and along Stangl Road. Monthly service charges shall be waived.
 - f. The Company shall make available to the Borough on a first-come, first-served basis, a mobile production vehicle, with cameras, recording and editing equipment, for the purpose of producing noncommercial community, governmental, or educational access programming, consistent with the company's written rules and regulations on the use of said vehicle, and provided the vehicle is in service by the Company. Upon reasonable advance notice, the Petitioner shall provide training for potential access users and groups.
 - g. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time PEG Access Capital Grant in the amount of \$10,000 to meet the PEG Access capital needs of the community.
 - h. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or

charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law, including the services set forth in subsections (a) and (b) above which may be recovered at the fair market value as a pass-through in addition to the 2.0% franchise fee provided herein.

SECTION 15. GOVERNMENTAL AND EDUCATIONAL ACCESS

- A. The Company shall provide one channel for educational and governmental ("EG") access for use by the Borough on the most basic tier of service offered by the company in accordance with the Cable Act, Section 611 (47 U.S.C. § 531), and as further set forth below. Educational and governmental access video programming shall be provided by the governing body of the Borough and/or a designated educational institution. Unused capacity may be utilized by the Company subject to the provisions for "fallow time" below.
- B. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user - whether an educational or government user - acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- C. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- D. The governing body of the Borough shall be responsible for developing, implementing and enforcing rules for EG access channel use which shall ensure that the EG access channel and the EG access equipment, which shall be provided by the Borough, will be available on a first-come-first-served, nondiscriminatory basis.
- E. Company use of fallow time. Because blank or underutilized EG channels are not in the public interest, in the event the Borough or other EG access users elect not to fully program their EG access channel, the Company may program unused time on those channels subject to reclamation by the

- Borough upon no less than 60 days' written notice. In times of a declared state of emergency (at the local, county, or state level) the Borough shall reclaim unused time immediately for the purpose of relaying information related to said emergency upon written notice to the Company.
- F. The Company shall make the EG channel available to live stream through a website link that can be posted on the Borough's municipal website.
 - G. Indemnification. The Borough shall indemnify company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Borough's rules for or administration of access.

SECTION 16. EMERGENCY USES.

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of

N.J.A.C. § 14:17-6.7.

SECTION 20. MEETINGS

Upon thirty (30) days written request by the Municipality, the Company shall make representatives available to meet with officials of the Municipality for the purpose of reviewing the Company's performance. The Company's representative shall respond to the reasonable requests for information made by the Municipality prior to such meeting.

SECTION 21. SEPARABILITY.

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

SECTION 22. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 23. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Introduced: February 27, 2023

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: **Introduction:**
ORDINANCE 2023-12: AMENDING CHAPTER 4 (LICENSING – GENERAL), SECTION 4-3 (RETAIL FOOD ESTABLISHMENTS), SUBSECTION 4-3.2 (FEES) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO AMEND THE FEES ASSESSED FOR TEMPORARY RETAIL FOOD ESTABLISHMENTS

SUGGESTED ACTION: **WHEREAS**, the Borough Council wishes to amend Section 4-3.2 of the municipal code of the Borough of Flemington to change the current fee schedule for temporary retail food establishments;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Borough Flemington, in the County of Hunterdon, State of New Jersey, that Chapter 4, Section 4-3, Subsection 4-3.2, is hereby amended as follows:

SECTION I.

Section 4-3.2(d) is hereby amended as follows (current language to be struck and replaced as follows):

d. Temporary retail food establishments shall be assessed fees as follows:

1. Vendors operating for three (3) consecutive days or fewer:
 - i. For-profit vendors - \$100
 - ii. Non-profit vendors (Flemington residents or business-owners) - \$25
 - iii. Non-profit vendors (not Flemington residents or business-owners) -\$75

2. Vendors operating for four (4) consecutive days up to fourteen (14) consecutive days shall pay \$135;

SECTION II. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION III. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION IV. This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: March 13, 2023

Adopted:

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-80: AUTHORIZING VACATION PAY FOR FORMER FLEMINGTON POLICE OFFICER DANIEL LOOKNER

SUGGESTED ACTION:

WHEREAS Daniel Lookner resigned from the Borough of Flemington Police Department effective February 9, 2023; and

WHEREAS is has been determined that she is due the following accumulated leave pay:

60 Vacation Hours from 2022 @ \$49.83 per hour = \$2,989.80

25.5 Vacation Hours from 2023 @ \$51.66 per hour = \$1,317.33

\$4,307.13 Total Due

NOW, THEREFORE BE IT RESOLVED By the Mayor and Council of the Borough of Flemington that the Chief Financial Officer be authorized to pay \$4,307.13 to Daniel Lookner for the vacation time that is due on the next payroll.

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-81: AGREEMENT WITH THE BOROUGH OF FLEMINGTON AND THE TOWNSHIP OF RARITAN FOR A SHARED MUNICIPAL COURT

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington and the Township of Raritan wish to enter into a Shared Services Agreement for a Shared Municipal Court effective June 1, 2023 or as soon thereafter as approved by the Vicinage 13 Assignment Judge to create a tax savings through the implementation of a Shared Municipal Court; and

WHEREAS, an agreement to enter into a shared service for municipalities is permitted under N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act"; and

WHEREAS, N.J.S.A. 2B:12-1(c) allows for the establishment of Shared Municipal Courts and provides that:

Two (2) or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts, and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

WHEREAS, the Borough of Flemington and the Township of Raritan will secure approval for the Shared Municipal Court pursuant to New Jersey Court Rule 1:33-4(a) which provides that "the Assignment Judge shall be the chief judicial officer within the vicinage and shall have plenary responsibility for the administration of all courts therein;" and

WHEREAS, the Borough of Flemington and the Township of Raritan will take those required steps to implement a Shared Municipal Court including complying with the requirements of the Assignment Judge and Municipal Court Services, including any checklist for the establishment of a Shared Municipal Court; and

WHEREAS, the Borough of Flemington has elected not to appoint its own Municipal Court Judge, Court Administrator, Prosecutor or Public Defender pursuant to N.J.S.A. 2B:12-1(c); and

WHEREAS, the Shared Services Agreement shall be for two (2) years and seven (7) months and may be terminated by either party by providing written notice of termination no later than October 1 of the calendar year in which the Shared Services Agreement will terminate; and

WHEREAS, the Borough of Flemington shall pay the Township of Raritan a fee of \$225,000.00 for the first year of these services, prorated in accordance with the effective date, and with equal payments due on April 1, July 1, October 1 and December 1 of each year; and

WHEREAS, on each anniversary date of the start of the Shared Municipal Court there shall be an increase in the annual service fee of two and one half percent (2.5%) each year of the term of the agreement; and

WHEREAS, the service fee with the two and half percent (2.5%) increase each year for the term of the agreement is calculated as follows:

<u>Year</u>	<u>Yearly Service Charge</u>
2023	\$225,000.00
2024	\$230,625.00
2025	\$236,390.62

; and

WHEREAS, all Borough of Flemington court-related revenues shall be retained by the Borough of Flemington; and

WHEREAS, the Borough Council desires to enter into the attached Shared Services Agreement for a Shared Municipal Court between the Borough of Flemington and the Township of Raritan substantially in the form attached subject to finalization by the Mayor, Township Administrator and Attorney in order that the Shared Municipal Court becomes operational on June 1, 2023 or as

soon as thereafter as approved by the Vicinage 13 Assignment Judge.

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

1. The Mayor and Clerk are hereby authorized to execute the attached Shared Services Agreement for a Shared Municipal Court between the Township of Raritan and the Borough of Flemington substantially in the form attached subject to finalization by the Mayor, Township Administrator and Attorney in order that the Shared Municipal Court becomes operational on June 1, 2023 or as soon as thereafter as approved by the Vicinage 13 Assignment Judge.
2. This Resolution shall take effect immediately

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[Shared Court Agreement Raritan-Flemington_Final Contract.pdf](#)

**SHARED SERVICES AGREEMENT FOR A SHARED
MUNICIPAL COURT BETWEEN THE TOWNSHIP OF
RARITAN AND THE BOROUGH OF FLEMINGTON**

THIS AGREEMENT DATED _____, BETWEEN

THE TOWNSHIP OF RARITAN, a municipal corporation of the State of New Jersey, whose address is One Municipal Drive, Flemington, New Jersey 08822;

AND

THE BOROUGH OF FLEMINGTON, a municipal corporation of the State of New Jersey, whose address is 38 Park Avenue, Flemington New Jersey 08822.

WITNESSETH:

WHEREAS, pursuant to N.J.S.A. 40A:65-1, et seq., any municipality of the State of New Jersey may contract with any other municipality or municipalities for the joint provision within their several jurisdictions of any service that any party to the agreement is empowered to provide within its own jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(c), two (2) or more municipalities, by ordinance or resolution, may agree to jointly share services for courtrooms, chambers, equipment, supplies, and employees for their municipal courts and agree to appoint the same employees including, but not limited to, Municipal Court Judge Charles Carro, court administrators, prosecutors, public defenders, and security personnel without establishing a joint municipal court; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(c), the Township of Raritan adopted the appropriate resolution establishing a municipal court, and providing for the sharing of the Township of Raritan court facilities and court staff including the municipal judge, court administrator, prosecutor, public defender and security personnel; and

WHEREAS, in a Shared Municipal Court, each Court retains its own identity; and

WHEREAS, the Shared Municipal Court shall be operated as two (2) separate courts, where the Township of Raritan is the host and provides the services described in this Agreement to the Borough of Flemington; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(c), the Borough of Flemington adopted the appropriate resolution agreeing to sharing of Township of Raritan court facilities and court staff including the municipal judge, court administrator, prosecutor, public defender and security personnel; and

WHEREAS, the Township of Raritan and the Borough of Flemington desire to enter into a Shared Services Agreement to establish all of the obligations in connection with the use of shared court facilities and court staff, provide for shared court sessions and the performance of all the Borough of Flemington Municipal Court functions.

NOW THEREFORE, in consideration of the mutual covenants, agreements and considerations contained herein, the Township of Raritan and the Borough of Flemington, do hereby mutually agree as follows:

ARTICLE I – SCOPE OF SERVICES:

- A. The Township of Raritan agrees to provide those facilities and services necessary for the operation of a Municipal Court including but not limited to a courtroom, chambers, office space, equipment, supplies, necessary ticket/summons books, judiciary forms, file storage and employees, to serve as the Borough of Flemington's Municipal Court. The Borough of Flemington shall provide the Township of Raritan with compensation for this shared service as provided in Article III below.
- B. The Township of Raritan and the Borough of Flemington agree to utilize the existing Township of Raritan Municipal Court facility located at One Municipal Drive, Flemington, New Jersey 08822, for the conduct of all activities related to the operation of the Shared Municipal Court consistent with the requirements of the Administrative Office of the Courts for efficient operations.
- C. The Township of Raritan shall provide and be responsible for the selection and appointment of the Shared Municipal Court Judge Charles Carro, court administrator, court staff, prosecutor, public defender and security personnel,

each of whom shall provide their services for each respective Municipal Court. The necessary hiring of a Court Administrator or Deputy Court Administrator shall be in accordance and compliance with New Jersey Court Rule 1:34-3. All Court Administrator, Deputy Court Administrator, Violations Clerk and support staff recruitments, including volunteer and temporary help, shall comply with Vicinage 13 Municipal Court Staff Recruitment Procedures.

- D. The Township of Raritan shall ensure that the compensation of the Shared Municipal Court Judge, court administrator, prosecutor and public defender, and all other personnel shall be fixed by a salary ordinance, professional services contract or collective bargaining agreement in accordance with all applicable federal, state and local laws, regulations or ordinances governing such matters as well as any related approvals necessary from the Administrative Office of the Courts.
- E. Shared Municipal Court sessions and the hours of the Court Office shall be established by the Municipal Court Judge in consultation with the Township of Raritan and forwarded to the Vicinage Municipal Division for approval by the Assignment Judge and the Director of the Administrative Office of the Courts.
- F. The Township of Raritan and the Borough of Flemington shall mutually agree that the Shared Municipal Court, the Municipal Court Judge and other personnel thereof shall have, possess and exercise all functions, powers, duties, and jurisdiction of a municipal court prescribed by N.J.S.A. 2B:12-1, et seq., its amendments and supplements. The Township of Raritan shall have the responsibility to ensure that all standards are met by its appointees and/or employees regarding the level and quality of performances required of each such appointee and/or employee.
- G. The identities of the individual courts shall continue to be expressed in the captions of orders and process. The courtroom and sessions of the Borough of Flemington Municipal Court shall be held in the Township of Raritan's Municipal Court facilities. All Township of Raritan and Borough of Flemington records, revenues, fees and fines shall be administered, reported, deposited and audited separately. The Raritan and Flemington Municipal Courts shall maintain separate monthly financial accounts and

disburse monies consistent with judiciary financial procedures. The Court Administrator, or his/her authorized designee, shall be the only staff charged with the responsibility of maintaining monthly ledgers for both the Raritan and Flemington accounts. The Court Administrator and appropriate staff designated by the Court Administrator shall be bonded and bonding shall be provided and paid for by the Township of Raritan. The Township of Raritan shall determine the appropriate signs for the Shared Municipal Court. The Township of Raritan shall provide appropriate stationery for the Borough of Flemington Municipal Court.

ARTICLE II - TERM OF CONTRACT

This Agreement shall commence on June 1, 2023, or as soon thereafter as approved by the Vicinage 13 Assignment Judge and remain in effect until **December 31, 2025**. This Agreement may be terminated at the end of a calendar year by either party by providing written notice of termination no later than October 1 of the calendar year in which the Shared Services Agreement will terminate.

ARTICLE III - PAYMENT BY THE BOROUGH OF FLEMINGTON

- A. For the first year of this Agreement, the Borough of Flemington shall pay to the Township of Raritan Two-hundred Twenty-Five Thousand Dollars (\$225,000.00) (the "Annual Service Charge") for all services and facilities, pro-rated as per the start date of the agreement.
- B. On each anniversary date of this Agreement, there shall be an increase in the Annual Service Charge of two and one-half percent (2.5%).
- C. The Borough of Flemington shall pay the Annual Service Charge in four (4) equal payments to the Township of Raritan, namely, on April 1, July 1, October 1 and December 1 of each year.
- D. Pursuant to Article III A and B above, the Annual Service Charge (including the two and one-half percent (2.5%) increases for each year of the term of this Agreement after the first year) shall be as follows:

<u>Year</u>	<u>Yearly Service Charge</u>
First (2023)	\$225,000.00

Second (2024)	\$230,625.00
Third (2025)	\$236,390.62

- E. **All Borough of Flemington court-related revenues shall be retained by the Borough of Flemington.**
- F. Any losses incurred from the shared operation of both courts will be the responsibility of the Township of Raritan.

ARTICLE IV - MUNICIPAL COURT PERSONNEL

Subject to Article I(D), the Township of Raritan agrees to adopt, by way of appropriate salary ordinance, professional services agreement or collective bargaining agreement, compensation for the following Shared Municipal Court positions: (1) Municipal Court Judge, (1) Municipal Court Administrator, (1) Prosecutor, (1) Public Defender, (2) Deputy Court Administrators and (3) Violations Clerks.

ARTICLE V - REVENUE

Beginning June 1, 2023, or as soon thereafter as approved by the Vicinage 13 Assignment Judge, the Township of Raritan agrees to collect, where applicable, court-related revenues for the Borough of Flemington Municipal Court. For purposes of depositing Borough of Flemington Municipal Court revenues, the Township of Raritan agrees to establish an account in a bank to be identified by the Township of Raritan, which shall be the same bank in which the Township of Raritan's Municipal Court revenues are deposited. At the time of establishing said account, the Borough of Flemington Municipal Court shall be responsible for completing all paperwork necessary to facilitate deposits by court personnel. All deposits shall be made daily and revenues recorded by Township of Raritan personnel and reported in accordance with all applicable federal, state, local, AOC and audit laws, standards, or guidelines. The Township of Raritan shall provide to the Borough of Flemington Municipal Court monthly reports identifying all revenue received by that Court. The Township of Raritan shall make quarterly dispersal of revenues to the Borough of Flemington Municipal Court by the fifteenth (15th) of the month following each quarter as specified in Article III, C.

ARTICLE VI - RECORDS

- A. All Borough of Flemington Municipal Court records shall be maintained separately from Township of Raritan records. The Township of Raritan shall provide suitable, adequate, and secure storage space for the storage of all future records generated in the Borough of Flemington Municipal Court, in accordance with New Jersey Rule 1:32-2 and Directive #03-01 Judiciary - State of New Jersey Records Retention Schedule. All records are confidential unless otherwise determined by State law, and access will only be given to authorized Court staff or AOC personnel in accordance with applicable State laws or AOC guidelines. The Borough of Flemington shall transfer or deliver to the Township of Raritan all Borough of Flemington summons, tickets, citations, court records, financial records, court cases and case files to be stored and maintained separately. All Financial records, checkbooks and related documents require transport by municipal court personnel, only.
- B. The Raritan Township Municipal Court shall cooperate with the judiciary (Municipal Division) and provide the start date of the new Court, updates to all Court related records, updates to receipts and warrant printers, addition/changes to user IDs, address/phone number changes for police (if applicable), complete ACH authorization for bank accounts (if applicable), a copy of voided checks and anything else necessary. In addition, the Raritan Township Court shall submit, in conjunction with the annual Raritan Municipal Court budget, the proposed Flemington Borough Municipal Court budget for the calendar year for approval by the Assignment Judge pursuant to Rule 1:33-4. In addition, the Raritan Township Municipal Court will provide a security plan for the Court that is in compliance with Administrative Directive #15-06, Appendix K, State Model Municipal Security Plan.

ARTICLE VII - BOOKS AND AUDITS

The Court Administrator shall keep separate records and bank accounts for each municipality. **The Township of Raritan shall arrange and pay for a yearly audit of the books of the Raritan Township Municipal Court, and shall arrange and pay for the same for the books of the Borough of Flemington Municipal Court,** which audits shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1, et seq. Full accounting records of the previous year's Shared Municipal Court operations shall be made available no later than June 30th of each year.

ARTICLE VIII – INSURANCE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

Insurance coverage shall be obtained by the Township of Raritan that protects the Shared Municipal Court and its personnel from claims against them arising out of bodily injury, property damage, personal injury, or civil rights violations, and such other coverage as may be necessary, without regard to whether the claim is attributable to Township of Raritan cases or Borough of Flemington Municipal Court cases. The coverage may be provided either through policies issued to the members and/or through additional policies issued to the Township of Raritan Municipal Court. All Shared Municipal Court employees will be considered employees of the Township of Raritan for the purposes of Workers' Compensation.

The Township of Raritan shall continue to provide liability insurance which protects the Township of Raritan's employees and/or facilities.

The parties to this Agreement recognize that the Shared Municipal Court employees are exclusively Township of Raritan employees. The Township of Raritan shall cover the cost of claims made by or against Shared Municipal Court employees and security personnel, including court costs and reasonable attorney's fees in defense of any and all claims against the employee, arising out of any act or omission of the employee, including but not limited to Workers' Compensation claims, claims under the New Jersey Tort Claims Act, and State and Federal Civil Rights actions.

ARTICLE IX – ADDITIONAL PARTIES

The Township of Raritan may, in its sole discretion, enter into agreements with other municipalities for the use of its Municipal Court facilities and personnel on such terms as the Township of Raritan deems appropriate.

ARTICLE X – UNIFORM SHARED SERVICES AND CONSOLIDATION ACT

The governing bodies of the Township of Raritan and the Borough of Flemington are authorized to enter into this Agreement with each other pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. in accordance with the terms of that Act.

ARTICLE XI - MISCELLANEOUS

A. Whenever, pursuant to the terms of this Agreement, written notice is required or permitted to be given by one party to the other party, such notice shall be deemed to have been sufficiently given if personally delivered to the appropriate Municipal Clerk or if mailed by way of certified or registered mail, return receipt requested, and addressed to the party to whom notice is to be given, as set forth below:

Township of Raritan: Clerk of Township of Raritan
One Municipal Drive
Flemington, New Jersey 08822

Borough of Flemington: Clerk of Borough of Flemington
38 Park Avenue
Flemington, New Jersey 08822

B. In the event that any court of competent jurisdiction shall declare any section of this Agreement invalid for any reason, or if the laws of the State of New Jersey relied upon to enter this Agreement or amend it to forbid such Agreements, all other sections of the Agreement shall remain in full force and effect.

C. This Agreement may be modified from time-to-time by mutual agreement and authorizing resolutions of the respective municipalities.

ARTICLE XII - COMPLETE AGREEMENT

This Agreement contains the complete understanding as to the operation of the Shared Municipal Court between the Township of Raritan and the Borough of Flemington and no other promises or agreements shall be binding unless signed by the parties. In signing this Agreement, the parties are not relying on any fact, statement or assumption not set forth in this Agreement. By signing below, the Township of Raritan and the Borough of Flemington indicate that they have carefully read and understand the terms of this Agreement, enter into this Agreement knowingly, voluntarily and of their own free will, understand its terms and significance and intend to abide by its provisions without exception.

IN WITNESS WHEREOF, the Township of Raritan and the Borough of

Flemington have caused this Shared Services Agreement to be executed by their duly authorized representatives as of the day and year first written above.

Attest:

TOWNSHIP OF RARITAN

Lisa Fania, Clerk

By: _____
Robyn Fatooh, Mayor

Attest:

BOROUGH OF FLEMINGTON

Michael Humphrey, Acting Clerk

By: _____
Marcia A. Karrow, Mayor

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Work Session

AGENDA SECTION: Work Session

SUBJECT: Discussion regarding Cannabis Business License Applications

SUGGESTED ACTION:

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: March 13, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Executive Session**
for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

SUBJECT: RESOLUTION 2023-82: EXECUTIVE SESSION TO DISCUSS POTENTIAL EMPLOYMENT MATTERS AND POTENTIAL LITIGATION REGARDING A LIQUOR LICENSE

SUGGESTED ACTION:

WHEREAS, the Common Council of the Borough of Flemington desires to discuss and obtain attorney advice regarding employment matters and potential employment positions, and potential litigation regarding a liquor license; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 b(8), which cites:

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting;

and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 b(9), which cites:

Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the

responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility;

and

WHEREAS, a date cannot yet be given for when the minutes from the executive session may be made public;

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

Adopted: March 13, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS: