



Mayor and Common Council Borough of Flemington

December 14, 2020

Online during COVID-19 Emergency

Call to Order (6:30 PM)

1. Motion To: **Amend Resolution 2020-197 to Include Legal Advice on Sale of 144 Main St.**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSENT:	Michael Harris

Executive Session (6:30 PM)

2. RESOLUTION 2020-197: EXECUTIVE SESSION TO DISCUSS COURT LEASE AND OBTAIN LEGAL ADVICE REGARDING THE SALE OF 144 MAIN STREET

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSENT:	Michael Harris

Minutes kept separately. Session ended at 7:17 p.m.

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:

Attendee Name	Title	Status	Arrived
Caitlin Giles-McCormick	Council President	Present	
Jessica Hand	Council Member	Present	
Michael Harris	Council Member	Present	7:30 PM
Jeremy Long	Council Member	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Vice President	Present	
Betsy Driver	Mayor	Present	

I. OEM Report

OEM Coordinator McNally discussed preparations for the upcoming storm expected on Wednesday. He updated the status of COVID-19 cases in the Borough (15 new in the last 3 days), and said self-testing kits are now available through hunterdoncares.org.

II. Mayor's Report

She summarized the executive session discussion about the court lease with Raritan Township, and noted 2 resolutions on the agenda addressing the issue. She also summarized the executive session discussion about 144 Main St., and a proposal from the prospective buyers that will require adding a resolution to tonight's agenda.

She noted that a set of site plans for the Courthouse Square project were delivered to Borough Hall today for Council. She discussed the status of work at the hotel, including working out solutions for concerns about pedestrian safety.

III. Council Members' Reports

Council Member Harris

This is Mr. Harris' last Council meeting, and he made several recommendations to Council, including the importance of adopting a purchasing manual, the possibility of having the FCP take over responsibility for holiday decor in the Borough, and his recommendation that the Borough continue to employ Advanced Animal Control for animal control services.

Council Member Hand

The Community Garden Committee is working on creating a survey for residents. The Citizens' Working Group has concluded its meetings and a report will be issued in January. The endeavor showed the importance of people listening to each other.

Council Vice President Tilly

The DPW will not be picking up leaves after Wednesday.

She discussed the garbage schedule, with a winter storm coming.

In November, the Fire Department handled 24 calls, spending 61 hours and 11 minutes. They also spent 75 hours in training. If you live near a fire hydrant, please shovel three feet around it for access.

The Library's new circulation desk has been ordered.

Council Member Runion

The Environmental Commission meets next Monday. He's preparing the end-of-year report. There are several items on tonight's agenda regarding an energy aggregation program.

Council Member Long

The Citizens' Working Group held its final meeting and will have its final report available in January. They set up some baseline information, and had great discussions that led to everyone understanding each other better. Mayor Driver noted that with tonight's heavy agenda, she'd asked the group to delay issuing their report until January.

Council President Giles-McCormick

The Samuel Fleming House board is planning events for next year, starting with virtual tours and hoping to have in-person events by the summer.

The DPW has been proactive in cleaning up the leaves in preparation for winter weather.

The FCP has video spotlighting businesses and services. Their board held trustee elections recently and the new terms go to Bob King, Kim Ward Basco and Sandi Scott.

She described events the FCP is sponsoring, noted the group's budget is up for public hearing tonight, and said the Opportunity Zone Committee has set several community discussion sessions for this week, focusing on the future of the Borough.

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

Edward Salzman, of New Hope, and Lori McHugh, inquired about adult recreational marijuana dispensaries in the Borough. The Mayor suggested they contact her for details about location options.

Tim Bebout, 194 Main St., thanked Mr. Harris for his service to the Borough and congratulated Ms. Tilly and Mr. Johnston on their election. He's looking forward to the community conversations about the Borough's future, and he encouraged people to think about how the future in the Borough will look for their children. He is excited about the FCP's plans for the future.

V. Approval of Minutes

Motion To: **Approve Minutes: Nov. 9, 2020 Regular Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Motion To: **Approve Minutes: Nov. 18, 2020 Special Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Michael Harris, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Motion To: **Approve Minutes: Nov. 18, 2020 Executive Session**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Consent Agenda

Moved by Harris; Seconded by Hand; All members voted in favor.

1. RESOLUTION 2020-198: WAIVING PERMIT FEES IN CONNECTION WITH THE UTILIZATION OF OUTDOOR SPACE DURING THE WINTER MONTHS BY RESTAURANTS AND SIMILAR ESTABLISHMENTS
2. RESOLUTION 2020-199: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2020-005 HELD ON BLOCK 47 LOT 1, 1-41 REAVILLE AVE
3. RESOLUTION 2020-200: RESCINDING WATER PAYMENTS THAT WERE SOLD AT TAX SALE ON 10/20/2020
4. RESOLUTION 2020-201: ACCEPTING GRANT FUNDS AND AUTHORIZING PARTICIPATION IN A GRANT PROGRAM ADMINISTERED BY THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY
5. RESOLUTION 2020-202: ACCEPTING A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, IN THE AMOUNT OF \$14,425.00 UNDER THE FY2021 SAFE AND SECURE COMMUNITIES PROGRAM, SUBAWARD GRANT NO. 21-1009
6. RESOLUTION 2020-203: AMENDING AUTHORIZATION FOR SUBMISSION OF A STRATEGIC PLAN FOR THE CENTRAL HUNTERDON MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR 2021
7. RESOLUTION 2020-204: AUTHORIZING RETURN OF \$250 ESCROW FEE FOR A STREET OPENING PERMIT ISSUED FOR 52 MAIN STREET
8. RESOLUTION 2020-205: AUTHORIZING THE REFUNDING OF A DUPLICATE TAX PAYMENT IN THE AMOUNT OF \$2,343.40 TO CLAIRE DECICCO
9. RESOLUTION 2020-206: EXTENDING DEADLINE FOR REPORT TO COUNCIL FROM THE AD-HOC CITIZENS' WORKING GROUP

Regular Agenda

Ms. Giles-McCormick moved and Ms. Hand seconded a motion to table Ord. 2020-19. All voted in favor. It will have to be reintroduced in 2021.

Ms. Giles-McCormick moved and Mr. Long seconded a motion to add a resolution to the end of the agenda regarding the potential sale of 144 Main St. All voted in favor.

1. Presentation of FCP Budget for 2021

FCP Executive Director Robin Lapidus discussed how COVID-19 has affected the FCP's efforts this year. They anticipate the restrictions continuing another 3-6 months at least. They have reserved money for one or more capital improvement projects, awaiting results of the community discussions starting this week.

They did 4 surveys of businesses and found their biggest need was help in finding financial support. The FCP linked local businesses to \$21 million in forgivable loans, and NJEDA grants (of \$1,000 to \$15,000 each), totaling \$667,000.

She discussed business retention, the ways businesses are supporting each other, and how the FCP has changed its website and Facebook page to spotlight businesses better.

She described Streetscape improvements made, the community discussions about the Borough's future that are starting, and an action plan highlighting available commercial properties. Mr. Harris asked about decreasing the amount of taxes members of the improvement district are paying for the FCP's efforts, in order to assist them through this challenging time. Ms. Lapidus said immediate relief might sound like a good idea, but the value of joint marketing outweighs individual efforts.

2. RESOLUTION 2020-194: FLEMINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT 2021 BUDGET

Motion to open public hearing: Giles-McCormick, seconded by Harris. All voted in favor of opening the hearing.

Tim Bebout, 194 Main St., chair of the FCP and owner of Main Street Manor, spoke to the marketing power leveraged by the FCP, saying that for his \$700 cost in taxes, he gets \$20,000 of marketing and advertising.

Motion to close public hearing: Tilly, seconded by Giles McCormick. All voted in favor of closing the hearing.

Mr. Harris said Mr. Bebout's discussion of the marketing value was compelling.

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

3. ORDINANCE 2020-18: PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,672,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,591,952 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Motion to open public hearing: Giles-McCormick, seconded by Tilly. All voted yes to open hearing.

No comments.

Motion to close public hearing: Tilly, seconded by Giles McCormick. Mr. Harris voted no. All others voted in favor of closing the hearing.

Council discussion:

Mr. Harris noted the DPW director provided a \$3.7 million estimate of the cost to do a complete pipe replacement job on South Main St. Mayor Driver said the pipe has a lot of life left in it and there's not a lot of infiltration. Near Gabby's there will be a need for some spot improvements. She said the water main is only 30 years old, and its life expectancy is 120-150 years.

Mr. Runion asked the likelihood that we won't have to dig up the area again for another 30 years. Mayor Driver said there are no guarantees, but it seems likely. Ms. Giles-McCormick noted that cameras have been sent down the pipe to see where relining or repairs are needed.

Mr. Harris asked if the linings and cleanouts are part of the \$1.6 million cost in this ordinance. Mayor Driver said it includes the cleanouts, but not the linings. Mr. Harris asked why this street is an exception to the Borough's complete streets policy. Mayor Driver said that paying \$3.5 million to replace a pipe without serious infiltration issues is not a wise expense. The complete streets policy was developed because many of the Borough's pipes are so old. In this case the water main has a lot of life left.

Ms. Tilly said that both Dewey and Corcoran, which are part of this ordinance, will meet the complete streets policy.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSTAIN:	Michael Harris

4. Motion To: **Adjourn the Meeting for 10 Minutes**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

The meeting was adjourned at 9:30 p.m. for a 10-minutes break.

5. ORDINANCE 2020-19: SECOND READING: CREATING THE POSITION OF BUSINESS ADMINISTRATOR

RESULT:	TABLED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

6. ORDINANCE 2020-20: AN ORDINANCE OF THE BOROUGH OF FLEMINGTON ESTABLISHING AN ELECTRIC AGGREGATION PROGRAM

Motion to open public hearing: Moved by Giles-McCormick, seconded by Runion. All voted yes to open the hearing.

No comments.

Motion to close public hearing: Moved by Giles-McCormick, seconded by Hand. All voted yes to close the hearing.

Mr. Runion said the Borough is already in an aggregation program for energy to power municipal buildings. This ordinance is for residents. The Hunterdon Area Energy Corp. serves 16 towns, and from March 2018 to October 2020 they've saved \$590,000. The rates residents would pay are lower than the current rate, and there's an option to choose more renewable energy sources. People would be automatically enrolled in the standard plan, and can opt out if they want. He asked Concord Energy's Vicki Molloy to discuss budget billing; she said that means flat billing throughout the year, and suppliers review the charges every 4 to 6 months so no large settle-ups or credits are necessary.

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

7. RESOLUTION 2020-207: AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Christopher Runion, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

8. RESOLUTION 2020-208: REAPPOINTING SALLIE GRAZIANO AS MUNICIPAL CLERK AND REGISTRAR

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

9. RESOLUTION 2020-209: AUTHORIZING THE PURCHASE OF A CHEVROLET SILVERADO FOR THE SEWER DEPARTMENT FROM NATIONAL AUTO FLEET GROUP UNDER SOURCEWELL CONTRACT # 120716-NAF

CFO Hance said the sewer superintendent looked into whether leasing a vehicle would be more cost-effective, but it's not. And these trucks generally last 10 to 12 years.

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

10. RESOLUTION 2020-210: AUTHORIZING THE HIRING OF MARMIC ASSOCIATES AS A CONSULTANT FOR THE MAINTENANCE AND SECURITY OF THE BOROUGH'S IT INFRASTRUCTURE

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

11. RESOLUTION 2020-211: IN SUPPORT OF NJ SENATE BILL NO. S-2964 AND NJ ASSEMBLY BILL NO. A-4925 WHICH ESTABLISHES A RESTRICTED ALCOHOLIC BEVERAGE LICENSE THAT ALLOWS THE SALE OF BEER, WINE AND CIDER BY THE GLASS ON THE PREMISES OF A RESTAURANT WITH A FULL-SERVICE KITCHEN

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

12. RESOLUTION 2020-212: AUTHORIZING EXTENSION OF A LEASE WITH RARITAN TOWNSHIP FOR USE OF MUNICIPAL COURT AND OFFICE SPACE

Mayor Driver described the background of the lease increase, and the Borough's concern about reduced fees coming from the court due to the lack of in-person court due to COVID-19. She suggested the Borough indicate its willingness to sign an agreement for a longer-term court lease if the extension is granted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jeremy Long, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

13. Motion To: **Authorize the Borough Attorney to Convey Council's Willingness to Sign an Agreement to Lease Court Space Following Expiration of the Extended Contract**

RESULT:	APPROVED [5 TO 0]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSTAIN:	Michael Harris

14. RESOLUTION 2020-213: AUTHORIZING THE MAYOR AND CLERK TO SIGN A TWO-YEAR LEASE WITH RARITAN TOWNSHIP FOR USE OF THE MUNICIPAL COURT AND OFFICE SPACE

RESULT:	FAILED FOR LACK OF A MOTION TO ADOPT
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15. RESOLUTION 2020-214: FURTHER AMENDING AN ADDENDUM TO AN AGREEMENT OF SALE FOR BOROUGH PROPERTY AT 144 MAIN ST.

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

- VI. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)
No comments.

VII. Attorney's Report

Attorney St. Angelo noted that OEM Coordinator McNally has been giving such good advice to local businesses, that businesses in other communities have been asking Flemington businesses for guidance on how to open safely.

VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$1,128,783.37**

Mr. Harris discussed the advisability of having a purchasing manual.

RESULT:	APPROVED [5 TO 1]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Jeremy Long, Council Member
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
NAYS:	Michael Harris

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

None needed.

X. Adjournment

Motion To: **Adjourn**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

The meeting adjourned at 10:40 p.m.

Attest: _____
Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-197

DOC ID: 3354

**Retiring into Executive Session for the Purpose of
Discussing Lease Negotiations for Municipal Court Facilities
in Raritan Township**

WHEREAS, the Common Council of the Borough of Flemington desires to discuss lease negotiations for Municipal Court facilities in Raritan Township and to obtain legal advice regarding the potential sale of 144 Main Street; and

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

5. Any matter involving the purchase, lease or acquisition of real property with public funds; and

8. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise her 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;

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

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSENT:	Michael Harris

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3347

ADOPTED

RESOLUTION 2020-198

**Waiving Permit Fees in Connection with the Utilization of
Outdoor Space During the Winter Months by Restaurants and
Similar Establishments**

WHEREAS, the NJ Department of Community Affairs (DCA) has issued guidance for restaurants and similar establishments on the utilization of outdoor space during the winter months; and

WHEREAS, due to the approaching winter weather conditions, establishments that want to maintain the use of tents past November 30, 2020, are required to apply for a UCC permit from their local construction office; and

WHEREAS, the Borough of Flemington wishes to support businesses by waiving permit fees;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize waiving such permit fees, retroactive to November 30, 2020.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

ADOPTED

RESOLUTION 2020-199

DOC ID: 3342

**Authorizing the Redemption of Tax Sale Certificate 2020-005
Held on Block 47 Lot 1, 1-41 Reaville Ave.**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of \$1,618.17 for the redemption of tax sale certificate # 2020-005 held on Block 47 Lot 1, known as 1-41 Reaville Ave., property owner Hunterdon Shopping Center Partners, certificate owner, US Bank Cust/Pro Cap8/ Pro Cap MGT II.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Tax Sale certificate #2020-005 held on Block 47 Lot 1 is redeemed in the amount of \$1,618.17 and the CFO is instructed to cut a check to the lien holder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: December 14, 2020

Betsy Driver, Mayor

Attest:

Sallie Graziano, R.M.C.
Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

ADOPTED

RESOLUTION 2020-200

DOC ID: 3346

**Rescinding Water Payments that Were Sold at Tax Sale on
10/20/2020**

WHEREAS, pursuant to N.J.S.A. 54:5-19, the Borough of Flemington Tax Collector held a tax sale selling all 2019 delinquent balances on October 20, 2020; and

WHEREAS, Governor Murphy declared a statewide public health emergency on March 9, 2020 due to the COVID-19 pandemic, which is still in effect as of the date of this Resolution; and

WHEREAS, Governor Murphy signed Executive Order 190 on October 15, 2020, which states:

No gas or electric public municipal utility or privately or publicly owned water system shall collect any fee or charge imposed for late or otherwise untimely payments or service reconnections that have accrued, and will continue to accrue during the Public Health Emergency

and

WHEREAS, Executive Order 190 applies to "residential accounts, and any accounts primarily serving residential customers;" and

WHEREAS, Executive Order 190 and accompanying guidance was circulated by the Department of Community Affairs to Municipal Clerks and Tax Collectors by email on November 6, 2020; and

WHEREAS, Executive Order 190 prohibits charging a late fee or interest during the Public Health Emergency, including on charges accrued prior to March 9, 2020; and

WHEREAS, the guidance issued by the Department of Community Affairs states: "[M]unicipalities cannot bring delinquent water charges to tax sale for the remainder of the public health emergency;" and

WHEREAS, Executive Order 190 does not pertain to sewer/wastewater accounts and only affects water accounts; and

WHEREAS, according to the guidance issued by the Department of Community Affairs, "For municipalities with combined water/sewer utilities and authorities with water and wastewater operations...delinquent sewer charges may not be sent to tax sale if the billing structure does not permit the sewer charge to be separated from the water charge;" and

WHEREAS, both water and sewer balances for residential accounts from 2019 were sold at the 2020 tax sale as follows:

BLOCK 8, LOT 9 CERTIFICATE # 2020-001 - \$352.03 was the 2019 delinquent utility balance, of which \$77.16 was for water charges

BLOCK 33, LOT18 CERTIFICATE # 2020-004 - \$413.40 was the 2019 delinquent utility balance, of which \$123.62 was for water charges; and

WHEREAS, the lien holder made a subsequent payment on 11/02/2020 for the outstanding 2020 delinquent charges for both of these certificates as follows:

BLOCK 8 LOT 9 CERTIFICATE # 2020-001 - \$1,387.82 for both water and sewer delinquencies

BLOCK 33 LOT18 CERTIFICATE # 2020-004 - \$1,232.60 for both water and sewer delinquencies; and

WHEREAS, the Tax Collector recommends rescinding the sale of the above-referenced tax sale certificates and refunding the full amount paid at tax sale and the subsequent payments made on November 2, 2020;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that the Borough of Flemington will cancel and rescind Tax Sale Certificates #2020-001 and #2020-004;

BE IT FURTHER RESOLVED, the Borough is authorized to reimburse the lien holder, US BANK CUST/PROCAP 8/PRO CAPITAL MGT II, the amount of \$1,464.98 for Certificate t #2020-01 and \$1,356.22 for Certificate # 2020-004; and

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to send notice to the property owners of the cancellation of the Tax Sale Certificates.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3349

ADOPTED

RESOLUTION 2020-201

**Accepting Grant Funds and Authorizing Participation in a
Grant Program Administered by the State of New Jersey,
Department of Law and Public Safety**

WHEREAS, Flemington Borough desires to participate in the Emergency Management Performance Grant (EMPG) program; and

WHEREAS, specifics of the program include:

Emergency Management Agency Assistance Subaward (EMAA)
Subaward Number: FY20-EMPG-EMAA-1009
Subaward Period: July 1, 2020 through June 30, 2021; and

WHEREAS, the total amount of the award is: Municipalities - \$10,000.00 federal award, No Match Required; and

WHEREAS, The Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey are authorized to and do accept the subaward; and

WHEREAS, the purpose for which these funds are being accepted is: Emergency Management purposes;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington hereby accept the above-described grant funds and authorize participation in the above-named grant program.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute and the Borough Clerk to attest to a subgrant award in connection with this grant, and all documents in connection with this grant.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CLERK'S CERTIFICATION

I, Sallie Graziano, hereby certify that I am the Municipal Clerk of the Borough of Flemington, and that the above resolution, Resolution 2020-201, is a true copy of the resolution introduced and passed at the Flemington Borough Council meeting held on December 14, 2020.

Sallie Graziano, RMC

(Date)

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-202

DOC ID: 3355

Accepting a Grant from the State of New Jersey Department of Law and Public Safety, Office of the Attorney General, in the Amount of \$14,425.00 Under the FY2021 Safe and Secure Communities Program, Subaward Grant No. 21-1009

A Resolution Accepting a Grant from the State of New Jersey Department of Law and Public Safety, Office of the Attorney General, in the Amount of \$14,425.00 Under the FY2021 Safe and Secure Communities Program, Subaward Grant No. 21-1009, and Authorizing the Mayor and Police Chief to Execute and The Borough Clerk to Attest to a Subgrant Award, and All Documents in Connection with This Grant

WHEREAS, the Borough of Flemington was awarded funding for a project under the Safe and Secure Communities Program, and

WHEREAS, the Mayor and Council have reviewed the accompanying application and have approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Flemington for the purpose described in the application;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that:

1. As a matter of public policy the Borough of Flemington wishes to participate to the fullest extent possible with the Department of Law and Public Safety and accepts this Safe & Secure Grant.
2. The Borough is authorized to accept a subaward grant from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, in the amount of \$14,425, under the Safe and Secure Communities Program Grant # 21-1009, with a match and fringe benefits, for a total project cost of \$131,834.
3. The Mayor and Police Chief are authorized to execute and the Borough Clerk to attest to a subgrant award in connection with this grant, and all documents in connection with this grant.
4. The Borough of Flemington is accepting this grant of funds for the purpose described in the application.
5. The amount of the award is \$14,425 with a match of \$117,409 by the Borough.
6. The Subaward Number is 21-1009 and the period is from September 15, 2020 - September 14, 2021.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CERTIFICATION OF RECORDING OFFICER

This is to certify that the foregoing Resolution is a true and correct copy of a resolution finally adopted at the meeting of the Mayor and Council of the Borough of Flemington held on December 14, 2020 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.

DATED: December 14, 2020

Sallie Graziano, RMC, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-203

DOC ID: 3348

**Amending Authorization for Submission of a Strategic Plan
for the Central Hunterdon Municipal Alliance Grant for Fiscal
Year 2021**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Hunterdon;

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

1. The Borough Council does hereby authorize submission of a strategic plan for the Central Hunterdon Municipal Alliance grant for fiscal year R 2021 in the amount of:

DEDR	\$ <u>10,007.00</u>
Cash Match	\$ <u>2,501.75</u>
In-Kind	\$ <u>7,505.25</u>

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Borough Council further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for the reimbursement of expenditures.

APPROVED: _____
Betsy Driver, Mayor

CERTIFICATION

I, Sallie Graziano, Municipal Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this 14th day of December, 2020.

Sallie Graziano, Municipal Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

ADOPTED

RESOLUTION 2020-204

DOC ID: 3356

**Authorizing Return of \$250 Escrow Fee for a Street Opening
Permit Issued for 52 Main Street**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Mark Mulligan applied for a street opening permit for work at a property at 52 Main St. and paid all necessary fees, including \$250 escrow; and

WHEREAS, the project has been completed to the satisfaction of borough officials;

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund of the escrow in the amount of \$250.00, made payable to Mark Mulligan, is approved.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:

ADOPTED

RESOLUTION 2020-205

DOC ID: 3358

Authorizing the Refunding of a Duplicate Tax Payment in the Amount of \$2,343.40 to Claire Decicco

WHEREAS, the owner of 199 Main Street, Block 46 Lot 21, Claire Decicco, refinanced her home; and

WHEREAS, the former mortgage company made a fourth quarter payment; and

WHEREAS, the mortgage company made a bulk payment for several properties at one time, so the duplicate payment could not be sent back; and

WHEREAS, Claire Decicco sent a check for the fourth quarter taxes prior to receipt of this bulk payment; and

WHEREAS, the property owner does not want a credit toward the next quarter's payment;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that a refund in the amount of \$2,343.40 be issued to Claire Decicco for a duplicate tax payment made on 199 Main Street, Block 46, Lot 21.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-206

DOC ID: 3384

**Extending Deadline for Report to Council from the Ad-Hoc
Citizens' Working Group**

Whereas, an ad-hoc citizens' working group was created by Resolution 2020-133, adopted July 13, 2020, to look into ways to foster better relations between the Police Department and members of the community; and

Whereas, this group has given regular updates to Council on the discussions that have taken place; and

Whereas, a final report from this group is due by December 31, 2020; and

Whereas, Council desires to extend the deadline for receipt of this final report to the regular Council meeting scheduled for January 11, 2021;

Now, Therefore, Be It Resolved that the deadline for receipt of the report from the ad-hoc citizens' working group be extended to January 11, 2021.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

ADOPTED

RESOLUTION 2020-194

DOC ID: 3340

Flemington Borough Special Improvement District 2021 Budget

WHEREAS, at its meeting of November 9, 2020, the governing body of the Borough of Flemington introduced and approved the Flemington Borough Special Improvement District budget for the period January 1, 2021 - December 31, 2021, which budget is annexed hereto; and

WHEREAS, after notice of advertisement in a newspaper of general circulation, the governing body of Flemington Borough conducted a public hearing on December 14, 2020, at 7:30 P.M.; and

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

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

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

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

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

(1) The Flemington Borough Special Improvement District 2021 budget is approved by the governing body of the Borough of Flemington and it is approved for the period of January 1, 2021 - December 31, 2021 in the amount of \$362,000.00, to be collected via the Special Improvement Tax.

(2) The municipal assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessed properties in the District, as listed in the Ordinance establishing the District, which assessment roll

shall include a description of the property and the name of the record owner of each such property;

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

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

(5) The Borough Clerk is hereby authorized to forward a certified copy of this resolution to Flemington Borough Business Improvement District Management Corporation, the Hunterdon County Board of Taxation, and the Director of the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

(6) BUDGET

2021 BUDGET (See Attachment for Detail)

Introduced: November 9, 2020

Adopted: December 14, 2020

Betsy Driver, Mayor

Attest:

Sallie Graziano, RMC, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

ORDINANCE 2020-18

DOC ID: 3325

Providing for Various Roadway Improvements, by and in the Borough of Flemington, in the County of Hunterdon, State of New Jersey; Appropriating \$1,671,550 Therefor and Authorizing the Issuance of \$1,591,952 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as a general improvements or purposes to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,671,550, which sum includes \$79,598 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,671,550 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,591,952 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,591,952 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are Various Roadway Improvements to Corcoran Street, South Main Street and Dewey Avenue including, but not limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, storm drainage improvements, the repairing and/or installation of or improvements to curbs, sidewalks and driveway aprons, ADA access improvements, resetting utility castings, improvements to and/or construction of retaining walls, traffic signal improvements, traffic striping and pavement markings, and associated lawn restoration, landscaping and aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications,

permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,591,952.

(c) The estimated cost of said improvement or purpose is \$1,671,550, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$79,598, is the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Hunterdon, and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Hunterdon and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,591,952 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$334,310 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough

fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: October 26, 2020

SALLIE GRAZIANO,
Borough Clerk

TABLED ON SECOND READING
DATED: November 9, 2020; carried to
December 14, 2020

SALLIE GRAZIANO,
Borough Clerk

ADOPTED ON SECOND READING
DATED: December 14, 2020

SALLIE GRAZIANO,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2020.

BETSY DRIVER
Mayor

RESULT:	ADOPTED [5 TO 0]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
ABSTAIN:	Michael Harris

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

TABLED

ORDINANCE 2020-19

DOC ID: 3336

Creating the Position of Business Administrator

WHEREAS, throughout New Jersey, the responsibilities and operations of local government have grown in complexity due not only to the increasing density of development in the State but also due to the ever-increasing rules and regulations set forth by various state and federal agencies; and

WHEREAS, in order to provide assistance to elected officials in insuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization it is necessary to create the position of Borough Administrator and to assign to this position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the municipality.; and

WHEREAS, pursuant to N.J.S.A. 40A:60-7, the Mayor and Council of the Borough of Flemington may, by ordinance, create the position of Administrator; and

WHEREAS, the Mayor and Council desire to create such position and have entered into a Shared Service Agreement with the City of Lambertville for a joint administrator; and

WHEREAS, nothing herein obligates the Council to hire an Administrator and only creates the option to do so.

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

SECTION 1. The Code of the Borough of Flemington is hereby amended by adding Section ____, titled Business Administrator, as follows:

A. Creation of Office of Business Administrator. Pursuant to N.J.S.A. 40A:9-136 et seq., there is hereby created the office of the Business Administrator. The Business Administrator shall be a person qualified by education, training and experience to perform the duties of his or her office. If this position is filled on a full-time basis, this individual shall devote his or her entire time to the duties of the office and shall hold no other office nor engage in any other employment, except with the permission of the Mayor and Council. This individual shall be under the direct supervision of the Mayor and Council.

B. Appointment. Pursuant to N.J.S.A. 40A:60-5(g) and 40A:60-6(d), the Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council. If the Borough Council fails to consent to the appointment made by the Mayor within thirty (30) days after receiving the nomination, then after the expiration of thirty (30) days, the Borough Council shall appoint said Borough Administrator. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. These time constraints shall be computed from the day the vacancy occurs. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Borough Administrator.

No elected member of the governing body shall be eligible for appointment as Business Administrator during his or her term of office nor within one year after the expiration of said term.

C. Term. The term of office of the Business Administrator shall be at the pleasure of the Mayor and Council. The first six months of any such appointment to the position of the Business Administrator shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Business Administrator may be removed from office by a vote of a majority of the full membership of the Mayor and Council.

D. Shared Service. Nothing herein shall prevent the Mayor and Council from entering into a share services agreement to provide the services of Business Administrator.

E. Office Hours. The hours of the Business Administrator shall be set by the Mayor and Council. The Business Administrator may be a full-time or part-time employee of the Borough.

F. Removal from office. After the probationary period, pursuant to N.J.S.A. 40A:9-138, the Business Administrator may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Business Administrator forthwith any unpaid balance of salary and the salary for the next three calendar months following the adoption of the resolution. The Business Administrator shall not obtain or be granted any rights of tenure.

G. Temporary Absence or disability of the Business Administrator. During the absence or disability of the Business Administrator, the Mayor may appoint, subject to confirmation of the Borough Council, an appointed official or employee of the Borough to temporarily perform the duties of Business Administrator during such absence or disability. Additionally, the Mayor and Council may, by resolution, contract with another municipality or private staffing firm in order to fill this position in the case of such an absence. In the event the Business Administrator is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may appoint an appointed official or employee of the Borough to serve until the next regularly scheduled Council meeting. The absence or disability of the Business Administrator shall be limited to three continuous months, after which time the absence or disability may be deemed by resolution a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Business Administrator shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

H. Compensation. The compensation of the Business Administrator shall be as fixed in the Salary Ordinance of the Borough

I. Duties and responsibilities. The Business Administrator shall be the chief administrative officer of the Borough of Flemington and shall be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough. The Business Administrator's duties and responsibilities shall relate to the management of all the Borough's business, except those duties and responsibilities conferred upon other Borough officials by state statute, other applicable laws, rules and regulations promulgated by state, county or Borough ordinances or such duties as the Mayor and Council shall reserve or delegate onto itself or to others. The Business Administrator shall see that all ordinances, resolutions and policies of the Mayor and Council and all state and federal laws requiring

municipal action are faithfully carried out by those persons responsible for doing so. For the purpose of carrying out the responsibilities of his or her office, the Business Administrator shall develop and promulgate for adoption by the Mayor and Council sound administrative, personnel and purchasing practices and procedures for all departments, offices, boards, commissions and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of Borough government. The Business Administrator shall perform all of the duties hereinafter enumerated and such other duties as may be assigned by the Mayor and Council. In addition, the Business Administrator shall be responsible for the following enumerated duties as assigned by the Mayor and Council:

(1) Daily operation. Implement all policies of the Borough necessary to carry out daily operations and activities of the Borough by correspondence, review of minutes and personal contact.

(2) Information and complaints. Inform the Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.

(3) Public information. Edit and compile public information for distribution to the Mayor and Council.

(4) Recommendations. Continuously study all activities and operations of municipal government and recommend changes for the purpose of increasing efficiency, economy and effectiveness; recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.

(5) Advice. Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.

(6) Reports. Prepare and present to the Mayor and Council reports required from time to time on municipal affairs and prepare an annual report of the Business Administrator's work for the benefit of the Mayor and Council and the public.

(7) Attendance. Attend all regular meetings of the Mayor and Council with the right to speak, but not to vote, on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Business Administrator. The Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the Borough.

(8) Liaison. Serve as a liaison to all departments, advisory committees, boards, commissions and other agencies of the Borough.

(9) Borough Engineer. Consult with and act as a liaison between the Mayor and Council and the Borough Engineer regarding all operations and policy matters.

(10) Budgets. Be responsible for the preparation of the operating and capital improvement budgets for presentation to the Mayor and Council and for administration of the budget approval process by the governing body. In preparing the proposed budget, the Business Administrator shall direct department heads to submit their portion thereon and shall request all supporting data he or she

deems necessary. The Business Administrator shall assist members of the governing body and department heads in preparing their input to the municipal budget. The Business Administrator shall thoroughly review all budget requests and submit recommendations with respect thereto to the Mayor and Council in a timely fashion.

(11) Purchasing. Be in charge of reviewing all requisitions from all departments for materials, equipment and supplies and certifying the receipt of the same. He or she shall require the various departments to furnish an adequate inventory of all materials, equipment and supplies in stock and to recommend the sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council.

(12) Examine and inquire. Have the power to investigate, examine or inquire into the affairs or operations of any department, commission, office, board or agency of the municipal government, unless prohibited by law.

(13) Public information; Open Public Records Act. In consultation with the Borough Clerk, implement and enforce the policies of the Mayor and Council with respect to the compiling and release of public information pursuant to state and federal law. Nothing herein shall designate the Business Administrator as the Borough's Records Custodian for purposes of the Open Public Records Act.

(14) Coordination of information. Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the local school system and the regional high school system. The Business Administrator shall be responsible for continuously improving communications among the various Borough personnel, departments, commissions, agencies, boards and governing bodies.

(15) Recommendation of experts and consultants. Recommend the employment of experts and consultants to perform work and render advice in connection with Borough projects.

(16) Supervision of personnel. Subject to law, supervise all personnel of the Borough through the respective department heads and direct the business activities of all Borough departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget. The Business Administrator shall have no authority over the operations of the Police Department delegated by law to the Chief of Police.

(17) Enforcement of law and contracts. Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract regulation or ordinance are faithfully kept and performed and, upon learning of any violation thereof, apprise the Mayor and Council.

(18) Public improvements. Recommend the need for, the nature of and the location of all public improvements and coordinate and expedite the execution of those public improvements authorized by the Mayor and Council.

(19) Public works. Take charge of and be responsible for the construction, operation and maintenance of all public buildings, grounds, streets, roads and other facilities, including general

administrative responsibilities for the Borough sewer and water systems, the cutting of brush, mowing of grass and removal of snow, the cleaning of ditches, the maintenance of parks and the care of other public works in the Borough, subject to the orders and directions of the Council. In addition, he or she shall:

- (a) Set up and maintain adequate inventory and control thereof of all materials and supplies needed for the maintenance and repair of all public works under his or her supervision.
- (b) Submit to the Mayor and Council a monthly report of all work performed, services furnished and inspections made during the previous month.
- (c) Submit to the Mayor and Council and the Borough Engineer recommendations for budget appropriations for the ensuing year.
- (d) Recommend for approval the expenditure of all funds by voucher chargeable against the public works budget.
- (e) Inspect or be responsible for the inspection of all storm sewer lines in the Borough individually or in conjunction with other designated officials.
- (f) Receive and investigate all complaints from residents and taxpayers of the Borough relating to the operations under his or her jurisdiction, take appropriate action and report results to the Mayor and Council.
- (g) Attend all Public Works Committees, including road, sewer, water and parks and playgrounds.
- (h) Supervise the operation, maintenance and repair of municipally owned equipment used in the performance of the work assigned to him or her.
- (i) Set up, keep and maintain all the necessary books, records, field notes, maps, surveys and similar records necessary to perform the duties of his or her office and turn over all such reports to his or her successor or the Borough Council upon the termination of his or her employment by the Borough.
- (j) Recommend to the appropriate committee chairperson the need for repairs and replacements to municipally owned equipment, structures, buildings and grounds.
- (k) Supervise the performance of the work of personnel assigned to his or her jurisdiction.
- (20) Safety responsibilities. Develop and implement all necessary safety instructions and training for employees, Borough personnel and Borough officials.
- (21) Recycling. Serve as recycling coordinator for the Borough and oversee all actions necessary to fill the Borough's recycling requirements.

(22) Grants. Investigate the availability of and report to the Mayor and Council the feasibility of obtaining grants from federal, state and private sources and apply for and administer such grants as are authorized by the Mayor and Council.

(23) Other duties. The Business Administrator shall perform such additional administrative duties and functions as may be from time to time assigned by the Mayor and Council.

J. Authority of the Mayor and Council. Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Business Administrator to exercise the power and duties thereof except as authorized.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. 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 4. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced: November 9, 2020

Tabled: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

RESULT:	TABLED [UNANIMOUS]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors: Council Member Christopher Runion

ADOPTED

ORDINANCE 2020-20

DOC ID: 3337

An Ordinance of the Borough of Flemington Establishing an Electric Aggregation Program

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, the Borough is interested in ensuring that a greater percentage of energy provided by the Program comes from renewable energy sources, and will therefore include provisions for the inclusion of renewable energy in the proposals for energy aggregation services; and

WHEREAS, the purchase of renewable energy will reduce the dependence on fossil fuels and under the aggregation process the residential and non-residential ratepayers will likely receive a direct reduction in their electric bills; and

WHEREAS, the realization of energy cost savings is in the interests of the health, safety and welfare of the residents and non-residents of the Borough of Flemington ("Borough"); and

WHEREAS, the Borough hereby finds that it is in the best interests of residential ratepayers for the Borough to create the opportunity for them to enter into an aggregation agreement in order to seek savings on electric rates.

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

1. The Borough publicly declares its intent to become an aggregator of electric power on behalf of its residential users of electricity pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
2. The Borough will become a member of the Hunterdon Area Energy Cooperative and utilize its energy consultants, Commercial Utility Consultants, Inc. and Concord

Engineering Group dba Concord Energy Services to administer and manage the Borough's electric aggregation program.

3. The Mayor and Municipal Clerk are hereby authorized and directed to execute any documents necessary to carry out the purpose of the Ordinance.
4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
5. If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.
6. This ordinance shall be effective immediately upon adoption and publication in accordance with law.

Date Introduced: November 9, 2020

Date Advertised: November 12, 2020

Date Adopted: December 14, 2020

Attest:

Betsy Driver
Mayor

Sallie Graziano
Borough Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Borough Council of Flemington in the County of Hunterdon, State of New Jersey held online only during the COVID-10 pandemic on November 9, 2020, and the same came up for final passage at the Regular Meeting of the Borough Council held on December 14, 2020, at which time, after persons interested were given an opportunity to be heard concerning said Ordinance, the same was passed and will be in full force in the Borough of Flemington according to law.

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors: Council Member Christopher Runion

ADOPTED

RESOLUTION 2020-207

DOC ID: 3383

Authorizing the Signing of Government Energy Aggregation Program Agreements

BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive marketplace through deregulation and restructuring of the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-93.1 et seq. ("Act") and the New Jersey Board of Public Utilities' implementing rules at N.J.A.C. 14:4-6.1 et seq. ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to Ordinance 2020-20, adopted by the Council of the Borough of Flemington on December 14, 2020, the Borough of Flemington publicly declared its intent to commence a GEA Program; and

WHEREAS, the Borough of Califon is the Lead Agency for the Hunterdon Area Energy Cooperative (HAEC) and shall accept or reject pricing on behalf of the Cooperative and its participant members; and

WHEREAS, the Borough of Flemington wishes to be a participating member of the HAEC and hereby agrees to proceed with the program, by signing the Supplier Agreement, should the Borough of Califon accept pricing, which provides a savings on the supply portion of the electric bill for the residential energy aggregation program; and

WHEREAS, the Borough of Califon appointed Commercial Utility Consultants, Inc. (CUC) and Concord Engineering Group dba Concord Energy Services (CES) for the HAEC to serve as the Energy Agents to assist and administer the GEA program at no cost to the Borough of Califon or HAEC or its participating members;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon, New Jersey, duly assembled in public session, as follows:

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

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

2. The Borough of Flemington, as a participating member of the HAEC, hereby agrees to proceed with the program by signing the Supplier Agreement should the Borough of Califon accept pricing which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program.

3. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute on behalf of the Borough of Flemington any documents necessary to carry out the purpose of this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CLERK'S CERTIFICATION

I HEREBY CERTIFY this to be a true and correct Resolution of the Council of the Borough of Flemington, adopted on December 14, 2020.

Sallie Graziano, RMC, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Christopher Runion, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flernington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Appointments
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-208

DOC ID: 3159

Reappointing Sallie Graziano as Municipal Clerk and Registrar

WHEREAS Sallie Graziano was hired as Acting Municipal Clerk on August 15, 2016, for a one-year term, and reappointed effective August 15, 2017; and

WHEREAS Ms. Graziano completed the five Rutgers University Center for Government Services courses required to obtain her Registered Municipal Clerk certification, and passed the state certification examination given on Oct. 11, 2017; and

WHEREAS Ms. Graziano has met all other requirements, specified in N.J.S.A 40A:9-133, to serve as Municipal Clerk; and

WHEREAS Ms. Graziano was appointed to a three-year term as Municipal Clerk effective December 12, 2017; and

WHEREAS, that term expired on Dec. 12, 2020, and Council wishes to re-appoint Ms. Graziano to a new three-year term as Municipal Clerk; and

WHEREAS, Ms. Graziano was appointed as the local Registrar by Resolution 2016-153, adopted October 12, 2016, with no salary currently associated with the Registrar position; and

WHEREAS, Ms. Graziano, a Certified Municipal Registrar, was re-appointed as Registrar by Resolution 2019-185, adopted September 23, 2019, specifying in accordance with N.J.S.A. 26: 8-13 that her term as Registrar would run concurrent with her term as Municipal Clerk;

NOW, THEREFORE, BE IT RESOLVED that Council approves the re-appointment of Ms. Graziano as Municipal Clerk and Registrar for a three-year term effective Dec. 12, 2020, at her current salary.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the new Jersey State Office of Vital Statistics and Registry, to be kept on file for 30 years.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, RMC, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-209

DOC ID: 3351

**Authorizing the Purchase of a Chevrolet Silverado for the
Sewer Department from National Auto Fleet Group Under
Sourcewell Contract # 120716-NAF**

WHEREAS, the Borough of Flemington has received a quote from National Auto Fleet Group under the Sourcewell Contract # 120716-NAF for the purchase of a Chevrolet Silverado 2500HD 4WD Crew Cab 159" Custom 6.9' Box; and

WHEREAS, it has been determined that the quote meets the needs of the Sewer Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$39,534.41 to National Auto Fleet Group for the purchase of the Chevrolet Silverado.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available in the Sewer Department Budget.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3352

ADOPTED

RESOLUTION 2020-210

**Authorizing the Hiring of Marmic Associates as a Consultant
for the Maintenance and Security of the Borough's IT
Infrastructure**

WHEREAS, the Borough of Flemington has the need to hire a consultant for the maintenance and security of the Borough IT infrastructure; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington enter into a contract with Marmic Associates for IT consultant services at an hourly rate of \$110.00 for project work.

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

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-211

DOC ID: 3357

In Support of NJ Senate Bill No. S-2964 and NJ Assembly Bill No. A-4925 Which Establishes a Restricted Alcoholic Beverage License that Allows the Sale of Beer, Wine and Cider by the Glass on the Premises of a Restaurant with a Full-Service Kitchen

Borough of Flemington, County of Hunterdon

WHEREAS, the State of New Jersey's liquor license laws date back to the 1950s and 1960s; and

WHEREAS, under current law, a municipality may issue plenary retail consumption licenses until the combined total number in the municipality is fewer than one license for each 3,000 municipal residents and this restriction creates a shortage of these licenses in some municipalities; and

WHEREAS, the State of New Jersey's liquor license laws have caused an extreme supply imbalance that the statewide average cost of an individual liquor license is \$300,000, an exorbitant amount causing an inequitable landscape among current and potential restaurateurs; and

WHEREAS, a recent license in Flemington Borough sold for \$1.2 million; and

WHEREAS, the restaurant liquor license standards of other states in the Northeast region enable restaurateurs to join the market at a significantly lower price point than the State of New Jersey, thus giving them a competitive advantage; and

WHEREAS, no consumption licenses are currently in use in the Borough of Flemington; and

WHEREAS, the COVID-19 pandemic has put additional burden on New Jersey's small businesses, particularly the restaurant industry; and

WHEREAS, Senate Bill No. S-2964 and Assembly Bill No. A-4925, attached hereto, addresses this shortage by allowing a municipality to issue these limited beer, wine, and cider licenses; and

WHEREAS, Senate Bill No. S-2964 and Assembly Bill No. A-4925 also allows the licensee to charge a service or corkage fee to patrons who bring their own beer, wine, or cider for consumption on the licensed premises and removes the prohibition on advertising that a restaurant is "BYOB;" and

WHEREAS, in addition to other details related to taxation and application, Senate Bill No. S-2964 and Assembly Bill No. A-4925 also provides a tax credit against the corporation business tax and gross income tax to compensate license holders for the expected loss in value resulting from the creation of the new restricted licenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Flemington that it supports S-2964 and A-4925 as a means to address the limited availability of plenary retail consumption licenses and the resulting escalating retail/transactional price associated with the acquisition of such licenses; and

BE IT FURTHER RESOLVED that the Clerk be and hereby is authorized to distribute copies of this Resolution to all appropriate officials and agencies including our Legislative Representatives, Senator Vin Gopal, Assemblyman Brian Bergen, the Governor, the Lieutenant Governor and the New Jersey State League of Municipalities.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

DOC ID: 3353

ADOPTED

RESOLUTION 2020-212

**Authorizing Extension of a Lease with Raritan Township for
Use of Municipal Court and Office Space**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the Borough of Flemington is in need of appropriately configured space for its municipal court commencing Jan. 1, 2021; and

WHEREAS, the Township of Raritan is currently providing such space, for annual rent of \$11,308.00; and

WHEREAS, the Borough of Flemington's Municipal Court is currently operating online-only during the COVID-19 public health emergency; and

WHEREAS, the Borough of Flemington desires to extend the current lease, under the current terms, for 6 months or until in-person court sessions resume;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that a lease extension with Raritan Township for Municipal Court Space under the above-listed terms is authorized.

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign the documents necessary to ensure this extension.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, RMC, Borough Clerk

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Jeremy Long, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 12/14/20 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

ADOPTED

RESOLUTION 2020-214

DOC ID: 3389

**Further Amending an Addendum to an Agreement of Sale for
Borough Property at 144 Main St.**

WHEREAS, Council desires to reimburse the prospective purchasers of Borough-owned property at 144 Main Street, Block 38, Lot 1.01, for remediation work costing more than \$15,000, in an amount up to \$10,000, which can be taken from the proceeds at closing; and

WHEREAS, Council wishes to delete language in the addendum about the Borough seeking additional quotes for the work, provided the potential buyers obtain 3 quotes under \$20,000;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington hereby amends the addendum to the agreement for the sale of Borough Property at 144 Main Street to reflect the terms described above.

Adopted: December 14, 2020

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

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