



Mayor and Common Council Borough of Flemington

February 28, 2022

Online during COVID-19 Emergency

Call to Order (7:00 PM)

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of Jan. 24, 2022 was included in a list-of-meetings notice sent to the Hunterdon County Democrat and Courier-News on Jan. 5, 2022, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough Clerk.

Certain measures are currently in place providing relief to ratepayers experiencing economic hardship during the COVID-19 pandemic. For more information, please go to our website at www.historicflemington.com or contact Rebecca Newman at rnewman@historicflemington.com or call 908-782-8840. The New Jersey Department of Community Affairs is currently developing a Low-Income Household Water Assistance Program. This program is designed to assist water and sewer customers facing economic hardship due to the COVID-19 pandemic. Further information will be provided once the program goes live.

Work Session (7:00 PM)

- 1- Planet Networks presentation about fiber broadband network - Robert Boyle
- 2- Discussion of Community Energy Plan grant

Regular Meeting (7:30 PM)

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

Flag Salute

Roll Call:

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

I. Mayor's Report

II. Council Members' Reports

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

IV. Approval of Minutes

Motion To: **Approve Minutes: Feb. 14, 2022 Regular Council Meeting**

Consent Agenda

1. RESOLUTION 2022-72: EXPRESSING SUPPORT FOR HUNTERDON MEDICAL CENTER AND HUNTERDON BEHAVIORAL HEALTH'S APPLICATION FOR A GRANT FROM THE DEPARTMENT OF HUMAN SERVICES, DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES, FOR EARLY INTERVENTION SUPPORT SERVICES
2. RESOLUTION 2022-73: APPROVING APPLICATION FROM MELISSA KILINSKI FOR SOCIAL MEMBERSHIP IN THE FLEMINGTON FIRE DEPARTMENT
3. RESOLUTION 2022-74: APPROVING APPLICATION FROM ROBERT WALL FOR SOCIAL MEMBERSHIP IN THE FLEMINGTON FIRE DEPARTMENT
4. RESOLUTION 2022-75: AUTHORIZING AN APPLICATION TO THE NJ BOARD OF PUBLIC UTILITIES COMMUNITY ENERGY PLAN GRANT PROGRAM
5. RESOLUTION 2022-76: IN SUPPORT OF THE FLEMINGTON AREA FOOD PANTRY'S EFFORT TO OBTAIN A USDA RURAL DEVELOPMENT GRANT TO AID IN THE ESTABLISHMENT OF A PANTRY ANNEX AT 47 EAST MAIN STREET IN THE BOROUGH OF FLEMINGTON

Regular Agenda

1. PRESENTATION- CARDINAL CAPITAL MANAGEMENT PLANS FOR BLK 14, LOT 1
2. RESOLUTION 2022-77: AUTHORIZING THE EXECUTION OF A CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT WITH CARDINAL CAPITAL MANAGEMENT, LLC PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.
3. SECOND READING, ORDINANCE 2022-1: AN ORDINANCE RE-ESTABLISHING THE TERMS OF THE ENVIRONMENTAL COMMISSION
4. RESOLUTION 2022-78: AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY IN FLEMINGTON BOROUGH BY PLANET NETWORKS, INC.
5. RESOLUTION 2022-79: AUTHORIZING AN AGREEMENT WITH CME ASSOCIATES FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE DEWEY AVENUE ROAD IMPROVEMENTS PROJECT
6. RESOLUTION 2022-80: AUTHORIZING AN AGREEMENT WITH CME ASSOCIATES FOR CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE HOPEWELL AVENUE ROAD IMPROVEMENTS PROJECT

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

VI. Attorney's Report

VII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$141,620.46**

Executive Session

1. RESOLUTION 2022-81: ENTERING EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING POSSIBLE NEGOTIATIONS ON LAND ACQUISITION, AND OBTAINING ATTORNEY ADVICE REGARDING CELLULAR FACILITY LEASES (ACTION MAY BE TAKEN)

VIII. Adjournment

Motion To: **Adjourn**

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/14/22 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

INTRODUCED

ORDINANCE 2022-1

DOC ID: 3730

**An Ordinance Re-Establishing the Terms of the
Environmental Commission**

**BOROUGH OF FLEMINGTON
HUNTERDON COUNTY, NEW JERSEY**

WHEREAS, the Borough Council established an Environmental Commission as set forth in Borough Code Chapter 31 *et seq.*; and

WHEREAS, Borough records are unclear regarding the beginning and end dates of the terms of Commission members; and

WHEREAS, the Borough Council desires to clarify the term lengths of each member as set forth below.

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

SECTION 1. Section 31-1.1 of the Borough Code entitled "Commission; Appointment; Terms; Vacancies" regarding the Borough Environmental Commission is hereby amended and supplemented as follows:

§ 31-1.1. Establishment and composition; Terms.

a. **Establishment.** Pursuant to N.J.S.A. 40:56A-1, there is hereby created an Environmental Commission in the Borough for the protection, development, and use of natural resources, including water resources within the territorial limits of the Borough.

b. **Membership; terms.**

(1) The Commission shall consist of not less than 5 members, appointed by the Mayor, one of whom shall also be a member of the Borough planning board and all of whom shall be residents of the Borough. The members shall serve without compensation except as hereafter provided.

(2) The Mayor shall designate one of the members to serve as chairman and presiding officer of the commission.

(3) Membership; Terms. The terms of all members of the Commission shall expire on December 31, 2021. Thereafter, appointments will be made on a staggered basis and of the members initially appointed, 2 members shall be appointed to serve for a term of one (1) year, 2 members shall be appointed to serve a term of two (2) years; 1 member shall be appointed to serve a term of three (3) years.

Thereafter, all appointments shall be made for a term of three (3) years.

(4) The Mayor or Council may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.

(5) A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

(6) Notwithstanding any other provision of the law to the contrary, the powers of appointment and removal hereby accorded to the Mayor shall be vested in the elected official so designated or, where there is a vacancy in the office of mayor, on the duly designated acting mayor.

(7) There shall be two alternate members of the Commission designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The terms of all alternate members shall expire on December 31, 2021. The initial term of "Alternate No. 2" shall be one year and the initial term of "Alternate No. 1" shall be two years.

Thereafter, the terms of the alternate members shall be for two years.

A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only. An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate may be removed by the governing body for cause. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

SECTION 2. Section 31-1.2 of the Borough Code entitled "Powers of Commission" regarding the Borough Environmental Commission is hereby amended and supplemented as follows:

The Commission shall have the power to conduct research into the use and possible use of the open land areas of the Borough and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommend to the planning board or, if none, to the Mayor and Council, plans and programs for inclusion in a municipal master plan and the development and use of such areas.

SECTION 3. Section 31-1.3 of the Borough Code entitled "Acquisition by Commission" regarding the Borough Environmental Commission is hereby amended and supplemented as follows:

The Commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the Borough by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the Borough.

SECTION 4. Section 31-1.4 of the Borough Code entitled "Records and Annual Report" regarding the Borough Environmental Commission is hereby amended and supplemented as follows:

The Commission shall keep records of its meetings and activities and shall make an annual report on or before December 1 of each year to the Borough Council. Such report shall be comprehensive and detailed covering operations, receipts, disbursements, and expenditures for the full year.

SECTION 5. Sections 31-1.5 through 31-1.12 regarding the Environmental Commission and establishment of a Joint Environmental Commission are hereby deleted in their entirety.

SECTION 6. Section 31-1.5 of the Borough Code entitled "Operational procedures" is hereby added as follows:

a. Adoption of bylaws. The Commission is authorized to adopt bylaws governing its procedural operation.

b. Appropriations. The Borough Council shall annually fix, determine and appropriate a sum sufficient for the care, custody, policing and maintenance of such lands acquired for the uses and purposes herein stated and for the expenses of the Commission, which shall be raised by taxation in the same manner as other taxes.

SECTION 7. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 8. 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 9. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced: February 14, 2022

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2022-72

DOC ID: 3748

**Expressing Support for Hunterdon Medical Center and
Hunterdon Behavioral Health's Application for a Grant from
the Department of Human Services, Division of Mental Health
and Addiction Services, for Early Intervention Support
Services**

WHEREAS, Hunterdon Medical Center has applied to the state Department of Human Services, Division of Mental Health and Addictions Services, for a grant for Early Intervention Support Services (EISS); and

WHEREAS, Hunterdon Medical Center has a history of supporting mental health treatment since its inception, and its affiliate Hunterdon Behavioral Health currently hosts a wide range of services from inpatient through outpatient care for all age ranges, including those struggling with addiction; and

WHEREAS, Hunterdon Behavioral Health is uniquely qualified to operate a Mental Health Urgent Care model that will be accessible to residents 7 days per week, providing medication and psychotherapy support; and

WHEREAS, this facility will have a welcoming, comfortable "Living Room" model for residents and allow for time-limited treatment in person or virtually, as well as case management to support linkage to ongoing physical and mental health services;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington supports the application of Hunterdon Medical Center for a grant for Early Intervention Support Services.

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2022-73

DOC ID: 3747

**Approving Application from Melissa Kilinski for Social
Membership in the Flemington Fire Department**

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Melissa Kilinski has met the necessary qualifications to join the Flemington Borough Fire Department as a social member;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Melissa Kilinski's social membership in the Flemington Fire Department is approved.

Approved:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2022-74

DOC ID: 3746

**Approving Application from Robert Wall for Social
Membership in the Flemington Fire Department**

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS, Robert Wall has met the necessary qualifications to join the Flemington Borough Fire Department as a social member;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that Robert Wall's social membership in the Flemington Fire Department is approved.

Approved:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3751

SCHEDULED

RESOLUTION 2022-75

**Authorizing an Application to the NJ Board of Public Utilities
Community Energy Plan Grant Program**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, Flemington Borough strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean energy by 2050; and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Grant program for municipalities to develop a community energy plan to meet the goals of the state's Energy Master Plan; and

WHEREAS, Flemington Borough is invested in developing a community energy plan to help the state achieve the goal of 100% clean energy by 2050; and

WHEREAS, the Community Energy Plan Grant program will help Flemington Borough to plan for and invest in renewable energy and to work toward a better environment for all residents by using the state's Energy Master Plan (EMP) as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

WHEREAS, the Mayor and Council of Flemington Borough have determined that Flemington Borough should apply for the aforementioned Community Energy Plan Grant program;

WHEREAS, Flemington Borough will commit to providing staff support for the duration of the Community Energy Planning process, including for gathering of relevant data and for convening at least two public meetings;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington, Hunterdon County, authorize the submission of the aforementioned application to the NJBPU Community Energy Plan Grant program.

Adopted: February 28, 2022

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3753

SCHEDULED

RESOLUTION 2022-76

In Support of the Flemington Area Food Pantry's Effort to Obtain a USDA Rural Development Grant to Aid in the Establishment of a Pantry Annex at 47 East Main Street in the Borough of Flemington

WHEREAS, Flemington Borough Council adopted Resolution 2021-228 in support of the Flemington Area Food Pantry's effort to obtain a USDA Rural Development grant to support the build-out of a 1,400-square-foot Pantry Annex at 47 Maple Avenue in the Borough of Flemington; and

WHEREAS, the site for the intended pantry annex has changed, to 47 East Main Street in the Borough; and

WHEREAS, the size of the intended pantry annex has changed to 1,500 square feet; and

WHEREAS, the annex is intended to store packaged groceries and personal products for the Pantry's pop-up pantry locations at two low-income senior developments, including the Herman Kapp Senior Residence in Flemington; and

WHEREAS, the Pantry has expanded beyond its current facility and needs the extra space; and

WHEREAS, the Pantry will not be doing any direct food distribution at the annex but will have a walk-in refrigerator and freezer and a generator, and in the case of a power outage or natural disaster, the facility could be used for emergency food distribution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington support the Flemington Area Food Pantry's efforts to establish the Pantry Annex at 47 East Main Street in the Borough of Flemington.

Adopted: February 28, 2022

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2022-77

DOC ID: 3743

Authorizing the Execution of a Conditional Designation and Interim Cost Agreement with Cardinal Capital Management, LLC Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, Et Seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, the Borough desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated as Block 14, Lot 1 be redeveloped in accordance with the "Global Agway Redevelopment Plan" dated January, 2017, as same may be amended from time to time (the "Redevelopment Plan"); and

WHEREAS, Cardinal Capital Management LLC ("Cardinal") submitted a proposal for redevelopment of the Redevelopment Area, (the "Proposal") a complete copy of which is on file at the Borough Hall, seeking to be designated as the Redeveloper of Block 14, Lot 1 located in the Redevelopment Area in order to build a multi-family residential project; and

WHEREAS, the Borough Redevelopment Subcommittee vetted the information contained within the Proposal and met with Cardinal to further discuss the Proposal and the implementation of the Redevelopment Plan, generally; and

WHEREAS, the Proposal calls for, among other things, the construction of several multi-family residential buildings with up to one hundred (100) residential units, with associated parking, related infrastructure, commercial construction and other amenities; and

WHEREAS, the Proposal calls for Cardinal to acquire the property which comprises the Project Site, and redevelop it in accordance with the Proposal, the Redevelopment Plan and all applicable laws, rules and regulations; and

WHEREAS, the Borough and Cardinal desire to negotiate a Redevelopment Agreement in order for Cardinal to implement the Proposal, subject to the provisions herein and further review by the Borough; and

WHEREAS, the Borough has determined that Cardinal possesses the necessary experience and qualifications to take the steps necessary in order to implement the Proposal and further, that the Proposal is in the best interest of the community; and

WHEREAS, the Borough requires that Cardinal pay the reasonable costs and fees incurred by the Borough associated with the review of the Proposal, the drafting and negotiation of a Redevelopment Agreement (a "Redevelopment Agreement"), and all other costs and fees related to this matter prior to the execution of any such Redevelopment Agreement, should a Redevelopment Agreement ultimately be executed, or the determination by the Borough that such a Redevelopment Agreement cannot be executed, should that result occur.

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

1. The Mayor is hereby authorized and directed to execute a Conditional Designation and Interim Cost Agreement between the Borough of Flemington and Cardinal Capital Management, LLC in substantially the form attached hereto as Attachment A.
2. The Clerk and Staff of the Borough of Flemington are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

Adopted: February 28, 2022

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CLERK'S CERTIFICATION

I, _____, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on February 28, 2022.

Sallie Graziano, RMC, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

RESOLUTION 2022-78

DOC ID: 3744

Authorizing the Use of the Public Rights-Of-Way in Flemington Borough by Planet Networks, Inc.

Flemington Borough, Hunterdon County

This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of 'another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose

reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED:

1) That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.
- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) The Mayor is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

Adopted: February 28, 2022

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3742

SCHEDULED

RESOLUTION 2022-79

**Authorizing an Agreement with CME Associates for
Construction Phase Engineering Services for the Dewey
Avenue Road Improvements Project**

WHEREAS, The Borough of Flemington has undertaken the Dewey Avenue Road Improvements Project; and

WHEREAS, the Borough requires engineering services for the construction phase of this project:

Construction Administration, and Construction Inspection/ Observation Services as described in the attached document; and

WHEREAS, CME Associates, 3141 Bordentown Ave., Parlin, NJ is serving as the Borough's Municipal Engineer; and

WHEREAS, CME Associates has submitted a proposal as detailed in the attached document, with office engineering and field observation services to be provided at an estimated cost not to exceed \$45,300; and

WHEREAS, the Borough wishes to enter into an agreement with CME Associates, in substantially the same form as attached hereto, for construction phase engineering services for the Dewey Avenue Road Improvement Project;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington hereby authorizes a project engineering contract with CME Associates for the Dewey Avenue Road Improvements Project, in substantially the same form as attached; and

BE IT FURTHER RESOLVED that the Mayor and Borough officials be authorized to execute any documents as needed for this project.

Adopted: February 28, 2022

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CERTIFICATION

I, Sallie Graziano, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on February 28, 2022.

Sallie Graziano, RMC, Flemington Borough Clerk

ATTACHMENTS:

- CME Dewey Rd Imprvmts (PDF)



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

February 4, 2022

Borough of Flemington
38 Park Avenue
Flemington, N.J. 08822
Attn: Ms. Sallie Graziano, Borough Clerk

**Re: Dewey Avenue Road Improvements
Construction Phase Engineering Services
Borough of Flemington, Hunterdon County, New Jersey
CME File No. PFM00601.01**

Dear Ms. Graziano:

Thank you for considering our Firm for the above referenced work and allowing us to submit this proposal for the Construction Phase Services associated with the proposed Road Improvements for Dewey Avenue in the Borough of Flemington. It is our understanding that the project consists of construction of concrete curb, concrete sidewalk, driveway aprons, paved driveway apron transitions, storm drainage, underdrain, roof leader connections, removal of concrete pavement, roadway reconstruction, and topsoil restoration for Dewey Avenue from Bonnell Street to Mine Street. The construction contract for this portion of the overall project has been awarded by the Borough.

It is also our understanding that the Borough will be receiving funding for the road improvements primarily through the NJ Moves (NJDOT) / New Jersey Environmental Infrastructure Trust (NJEIT) and accordingly, the Scope of Services has taken into consideration the requirements of the NJEIT. Our proposal has considered the elements required to provide the Construction Phase Services and our Firm has the capabilities of providing the necessary engineering and field observation services associated with the Project.

CONSTRUCTION PHASE SERVICES

We will provide the following services:

Construction Administration

- Provide general communication with the Borough and Contractor throughout the duration of construction regarding such issues as progress, submittal status, construction issues and their resolution.



Ms. Sallie Graziano, Borough Clerk
Borough of Flemington
Re: Dewey Avenue Road Improvements

February 4, 2022
Our File No. PFM00601.01
Page 2

- Provide communication and correspondence with the NJDOT.
- Maintain project files as required for periodic inspection by the NJDOT.
- Conduct pre-construction meeting, establish agenda, issue notice to proceed.
- Review and approve Progress Schedule, Schedule of Submittals, Schedule of Values required to be submitted by the Contractor.
- Review shop drawings and other submittals as required to evaluate that the proposed materials and equipment conform to the Contract Documents.
- Coordinate with the Contractor to establish baselines and benchmarks for locating work.
- Review laboratory, shop and mill test reports of materials and equipment.
- Prepare monthly progress reports.
- Prepare record drawings at the completion of the project.
- During the first year of operation, consult with the Borough on the operation of the new improvements, advise the Borough as to whether the improvements are meeting the project performance standards, confirm project performance standards after one year of operation and undertake corrective actions, as appropriate, if the same fails to achieve compliance with the project performance standards.

Construction Inspection/Observation Services

- Provide full time construction observation services during periods when the Contractor is on site to monitor the Contractor's progress and compliance with the Contract Drawings and Specifications, including the Contractor's environmental protection and restoration measures.
- Conduct a weekly (or as agreed to by the Borough, Contractor and CME) construction meeting with the Contractor and Borough to discuss scheduled activities.



Ms. Sallie Graziano, Borough Clerk
Borough of Flemington
Re: Dewey Avenue Road Improvements

February 4, 2022
Our File No. PFM00601.01
Page 3

- Prepare daily inspection reports.
- Review monthly payment requests including the final payment request.
- Participate in the review and evaluation of potential change orders, including a detailed review of cost proposals.
- Participate in the resolution of issues involving unforeseen field conditions.
- Witness testing and startup of equipment and systems.
- Coordinate vendor training.
- Prepare punchlist of remaining work items.
- Evaluate substantial and final completion and issue certificates of substantial or final completion as appropriate.
- One year after initiation of operation, the recipient shall certify to the Department the performance record of the project.

COST PROPOSAL

Our Firm has the capabilities of providing the necessary engineering and field observation services associated with the Project and we have estimated the cost for said services based upon the required tasks and the anticipated contract completion time. Accordingly, we find that the necessary office engineering and field observation services can be provided for an estimated cost not to exceed \$45,300.00. We also recommend that an allowance of \$5,000.00 be budgeted for any materials testing that may be required.

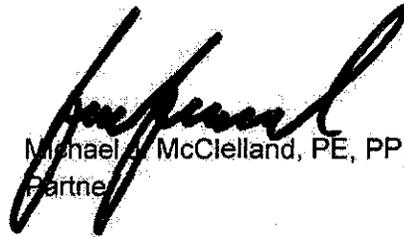
To accept this Agreement, please sign and date both copies, return a copy to CME Associates and keep a copy for your records. We look forward to continuing to be of service to the Borough. Should you require additional information or should you have any questions concerning the above, we would be pleased to discuss them with you in more detail and provide clarification as necessary.



Ms. Sallie Graziano, Borough Clerk
Borough of Flemington
Re: Dewey Avenue Road Improvements

February 4, 2022
Our File No. PFM00601.01
Page 4

Very truly yours,
CME ASSOCIATES



Michael J. McClelland, PE, PP, CME
Partner

MJM/jah

cc: Mayor Betsy Driver
Michael Campion, Director of Public Works

The undersigned agrees to the Terms
and Conditions of this Letter
Agreement attached hereto.

BOROUGH OF FLEMINGTON, N.J.

Signature _____

Printed Name _____

Title _____

Date _____

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Sallie Graziano

Initiator: Sallie Graziano

Sponsors:

DOC ID: 3741

SCHEDULED

RESOLUTION 2022-80

**Authorizing an Agreement with CME Associates for
Construction Phase Engineering Services for the Hopewell
Avenue Road Improvements Project**

WHEREAS, The Borough of Flemington has undertaken the Hopewell Avenue Road Improvements Project; and

WHEREAS, the Borough requires engineering services for the construction phase of this project:

Construction Administration, and Construction Inspection/ Observation Services as described in the attached document; and

WHEREAS, CME Associates, 3141 Bordentown Ave., Parlin, NJ is serving as the Borough's Municipal Engineer; and

WHEREAS, CME Associates has submitted a proposal as detailed in the attached document, with office engineering and field observation services to be provided at an estimated cost not to exceed \$51,800; and

WHEREAS, the Borough wishes to enter into an agreement with CME Associates, in substantially the same form as attached hereto, for construction phase engineering services for the Hopewell Avenue Road Improvements Project;

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington hereby authorizes a project engineering contract with CME Associates for the Hopewell Avenue Road Improvements Project, in substantially the same form as attached; and

BE IT FURTHER RESOLVED that the Mayor and Borough officials be authorized to execute any documents as needed for this project.

Adopted: February 28, 2022

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk

CERTIFICATION

I, Sallie Graziano, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Borough Council on February 28, 2022.

Sallie Graziano, RMC, Flemington Borough Clerk

ATTACHMENTS:

- CME Hopewell Rd Imprvmts (PDF)



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

February 4, 2022

Borough of Flemington
38 Park Avenue
Flemington, N.J. 08822
Attn: Ms. Sallie Graziano, Borough Clerk

**Re: Hopewell Avenue Road Improvements
Construction Phase Engineering Services
Borough of Flemington, Hunterdon County, New Jersey
CME File No. PFM00603.01**

Dear Ms. Graziano:

Thank you for considering our Firm for the above referenced work and allowing us to submit this proposal for the Construction Phase Services associated with the proposed Road Improvements for Hopewell Avenue in the Borough of Flemington. It is our understanding that the project is to consist of drainage improvements, removal of pavement, roadway pavement reconstruction, curb/sidewalk/apron removal and replacement as required, traffic markings, paved drive restoration items, and other lawn restoration and incidental items for Hopewell Avenue from approximately the Borough Water Department building to North Main Street.

It is our understanding that the Borough will be receiving funding for the road improvements through the New Jersey Department of Transportation and accordingly, the Scope of Services has taken into consideration the requirements of the NJDOT. Our proposal has considered the elements required to provide the Construction Phase Services and our Firm has the capabilities of providing the necessary engineering and field observation services associated with the Project.

CONSTRUCTION PHASE SERVICES

We will provide the following services in conjunction with the Project:

Construction Administration

- Provide general communication with the Borough and Contractor throughout the duration of construction regarding such issues as progress, submittal status, construction issues and their resolution.



Ms. Sallie Graziano, Borough Clerk
Borough of Flemington
Re: Hopewell Avenue Road Improvements

February 4, 2022
Our File No. PFM00603.01
Page 2

- Provide communication and correspondence with the NJDOT.
- Maintain project files as required for periodic inspection by the NJDOT.
- Conduct pre-construction meeting, establish agenda, issue notice to proceed.
- Review and approve Progress Schedule, Schedule of Submittals, Schedule of Values required to be submitted by the Contractor.
- Review shop drawings and other submittals as required to evaluate that the proposed materials and equipment conform to the Contract Documents.
- Coordinate with the Contractor to establish baselines and benchmarks for locating work.
- Review laboratory, shop and mill test reports of materials and equipment.
- Prepare monthly progress reports.
- Prepare record drawings at the completion of the project.
- During the first year of operation, consult with the Borough on the operation of the new improvements, advise the Borough as to whether the improvements are meeting the project performance standards, confirm project performance standards after one year of operation and undertake corrective actions, as appropriate, if the same fails to achieve compliance with the project performance standards.

Construction Inspection/Observation Services

- Provide full time construction observation services during periods when the Contractor is on site to monitor the Contractor's progress and compliance with the Contract Drawings and Specifications, including the Contractor's environmental protection and restoration measures.
- Conduct a weekly (or as agreed to by the Borough, Contractor and CME) construction meeting with the Contractor and Borough to discuss scheduled activities.



Ms. Sallie Graziano, Borough Clerk
Borough of Flemington
Re: Hopewell Avenue Road Improvements

February 4, 2022
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- Prepare daily inspection reports.
- Review monthly payment requests including the final payment request.
- Participate in the review and evaluation of potential change orders, including a detailed review of cost proposals.
- Participate in the resolution of issues involving unforeseen field conditions.
- Witness testing and startup of equipment and systems.
- Coordinate vendor training.
- Prepare punchlist of remaining work items.
- Evaluate substantial and final completion and issue certificates of substantial or final completion as appropriate.
- One year after initiation of operation, the recipient shall certify to the Department the performance record of the project.

COST PROPOSAL

Our Firm has the capabilities of providing the necessary engineering and field observation services associated with the Project and we have estimated the cost for said services based upon the required tasks and the anticipated contract completion time. Accordingly, we find that the necessary office engineering and field observation services can be provided for an estimated cost not to exceed \$51,800.00. We also recommend that an allowance of \$5,000.00 be budgeted for any materials testing that may be required.

To accept this Agreement, please sign and date both copies, return a copy to CME Associates and keep a copy for your records. We look forward to continuing to be of service to the Borough. Should you require additional information or should you have any questions concerning the above, we would be pleased to discuss them with you in more detail and provide clarification as necessary.



Ms. Sallie Graziano, Borough Clerk
Borough of Flemington
Re: Hopewell Avenue Road Improvements

February 4, 2022
Our File No. PFM00603.01
Page 4

Very truly yours,
CME ASSOCIATES



Michael J. McClelland, P.E., P.P., CME
Partner

MJM/jah

cc: Mayor Betsy Driver
Michael Campion, Director of Public Works

The undersigned agrees to the Terms
and Conditions of this Letter
Agreement attached hereto.

BOROUGH OF FLEMINGTON, N.J.

Signature _____

Printed Name _____

Title _____

Date _____

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 02/28/22 07:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Sallie Graziano
Initiator: Sallie Graziano
Sponsors:
DOC ID: 3752

SCHEDULED

RESOLUTION 2022-81

Entering Executive Session for the Purpose of Discussing Possible Negotiations on Land Acquisition, and Obtaining Attorney Advice Regarding Cellular Facility Leases

WHEREAS, the Common Council of the Borough of Flemington desires to discuss possible negotiations on land acquisition, and to obtain attorney advice regarding cellular facility leases; and

WHEREAS, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (5), which cites:

Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed; and

WHEREAS, an executive session for this discussion is also justified under N.J.S.A. 10:4-12 (7), which cites:

Any pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party; and

WHEREAS, the Common Council of the Borough of Flemington also desires to obtain attorney advice regarding cellular facility leases; and

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

Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

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

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

Adopted: February 28, 2022

Attest:

Sallie Graziano, Borough Clerk

Betsy Driver, Mayor