



# Mayor and Common Council Borough of Flemington

June 12, 2023

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

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## I. Call to Order

## II. Flag Salute

## III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of June 12, 2023 was included in a list-of-meetings notice sent to the *Hunterdon County Democrat* and *Courier-News* on Jan. 5, 2023, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough

## IV. OATH OF OFFICE-Borough Clerk

Borough Attorney Corsini swore in Carla Conner as the new Borough Clerk

## V. Roll Call

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

on Roll Call the following was recorded:

<b>RESULT:</b>	[0 - 0]
<b>MOVER:</b>	Jeremy Long, President
<b>SECONDER:</b>	
<b>ABSENT:</b>	Tony Parker, Malik Johnston

## VI. EXECUTIVE SESSION (6:30 PM) Personnel- Construction Official

The Council met with John Tillotson before approving Mr. Tillotson as the new Construction Official.

## **VII. Presentations**

### **VIII. Mayor's Report**

Mayor Karrow welcomed new Borough Clerk, Carla Conner

Mayor Karrow reported on the House Tours which took place June 3, 2023, the resignation of Jess Hand from the Environmental Committee, the Governor's office visit, and reminded the residents of the Jacob Francis Marker unveiling on June 25, 2023.

Mayor Karrow also read a joint statement from her and Council Vice President Tilly regarding Councilman Malik Johnston.

#### **VI1..PROCLAMATION: AARON IMPORTICO ACHIEVING EAGLE SCOUT**

Mayor Karrow discussed a Proclamation for a Eagle Scout from Raritan Township, Aaron Importico.

#### **VI2..PROCLAMATION: SCOTT HUBAN ACHIEVING EAGLE SCOUT**

Mayor Karrow discussed a Proclamation for a Eagle Scout from Raritan Township, Aaron Importico.

#### **VI3..PROCLAMATION: SETH GOULD ACHIEVING EAGLE SCOUT**

Mayor Karrow discussed a Proclamation for a Eagle Scout from Raritan Township, Seth Gould.

#### **VI4..PROCLAMATION: ANDREW J. DEVINE ACHIEVING EAGLE SCOUT**

Mayor Karrow discussed a Proclamation for a Eagle Scout from Raritan Township, Andrew J. Devine.

#### **VI5..PROCLAMATION RECOGNIZING PAT CERILLO AS BARBERSHOPPER OF THE YEAR**

Mayor Karrow read a Proclamation recognizing Pat Cerillo as Barbershopper of the year. Mr. Cerillo was in attendance to accept the Proclamation.

### **IX. Council Member Reports**

Council President Long reported on the House Tours and the Memorial Day Parade.

Councilwoman Engelhardt reported that public schools are now out so beware of kids running around the Borough while driving. Councilwoman also reported the Open House for the Community Garden will be on July 1, 2023 and the next Planning Board meeting is June 13, 2023.

Councilwoman Rosetti reported the Shade Tree Commission's next meeting is June 24, 2023.

Council Vice President Tilly reported on her meeting with DPW and the Fire Department and that 586 tickets were sold for the House Tours.

## XI. Public Comments - Session I

Ben Hennessey from Flemington stated he is concerned about the flooding at Liberty Village now and once the affordable housing is built there.

Steve Dunn from Flemington stated Walnut Brook became clogged in the recent storm and would like the Borough to look at it.

Kathlyn Kolvites from Raritan Twp. commented on the intersection of Reaville & Rt. 202 and stated she is concerned about the pedestrian's safety crossing the intersection.

Robin Lapidus, Director of Community Partnership reported on the House Tour and what a success it was.

## XII. Approval of Minutes

## XIII. Consent Agenda

XI1..RESOLUTION 2023-102: AUTHORIZING THE PURCHASE OF A 2011 CHEVY CAPRICE POLICE VEHICLE FOR \$9,000.00

Motion To:

<b>RESULT:</b> [4 - 0]
<b>MOVER:</b> Kimberly Tilly, Member
<b>SECONDER:</b> Jeremy Long, President
<b>AYES:</b> Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

XI3..  
AUTHORIZING THE CLOSURE OF MAIN STREET ON JUNE 25, 2023 FOR THE JACOB FRANCIS PANEL DEDICATION

## XIV. Regular Agenda

### XII1. Public Hearing:

ORDINANCE 2023-17: AMENDING IN PART BOND ORDINANCE NO. 2020-18 ADOPTED ON DECEMBER 14, 2020, PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS FOR THE BOROUGH OF FLEMINGTON, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$173,500 REPRESENTING A GRANT RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A TOTAL APPROPRIATION OF \$1,846,050 AND TO AMEND THE PURPOSES THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY

Motion To:

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Jeremy Long, President  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

**XII2. Public Hearing:**

ORDINANCE 2023-18: REPEALING ONE-WAY LIMITS ON NORTH PLACE

Motion To:

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Susan Engelhardt, Member  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

**XII3. Public Hearing:**

ORDINANCE 2023-19: AMENDING CHAPTER 9A-3 "CONSTRUCTION PERMIT FEES" TO ADD A NEW SECTION TO BE ENTITLED "CONSTRUCTION RECORDS CLEARANCE (CRC)"

Motion To:

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Jeremy Long, President  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

**XII4. Public Hearing:**

ORDINANCE 2023-20: CREATING A NEW SUBSECTION 3 IN SECTION 7 (PROHIBITED CONDUCT) OF CHAPTER 3 (POLICE REGULATIONS) ENTITLED "GENERAL VIOLATIONS" TO REGULATE CERTAIN MINOR MUNICIPAL COURT VIOLATIONS

Motion To:

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Jeremy Long, President  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

**XII5. RESOLUTION AMENDING THE PRIOR RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR ENGINEERING SERVICES - SPECIAL PROJECTS ENGINEER TO MARTUCCI ENGINEERING, LLC OF FLEMINGTON, NJ**

Motion To:

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Jeremy Long, President  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

**XII6. APPROVING THE APPOINTMENT AND HIRING OF JOHN TILLOTSON AS  
CONSTRUCTION OFFICIAL AND ZONING OFFICER**

Motion To:

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Jeremy Long, President  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

**XV. Work Session**

**XVI. Public Comments - Session II**

**XVII Payment of the Bills**

**RESULT:** [4 - 0]  
**MOVER:** Kimberly Tilly, Member  
**SECONDER:** Susan Engelhardt, Member  
**AYES:** Jeremy Long, Susan Engelhardt, Kimberly Tilly, Elizabeth Rosetti

XV1, Bill List Dated 5/18/2023  
bill list-001.pdf

**XVII Executive Session**

**Negotiations-Liberty Village & Cardinal**

**XIX. Adjournment**

Attest:

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Michael Humphrey, Acting  
Borough Clerk

# PROCLAMATION FOR AARON IMPORTICO

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Proclamation

**AGENDA SECTION:** Mayor's Report

**SUBJECT:** PROCLAMATION: AARON IMPORTICO ACHIEVING EAGLE SCOUT

### Borough of Flemington Proclamation

**WHEREAS**, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

**WHEREAS**, Eagle is the highest rank in the Boys Scouts of America, and requires mastery of difficult challenges in diverse areas; and

**WHEREAS**, to become an Eagle Scout requires demonstration of good character and community service; and

**WHEREAS**, Aaron Importico has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

**WHEREAS**, for his Eagle Scout Project, Aaron built and installed a new trail bridge and bench at the Sarah Dilts Farm Park, in Delaware Township, New Jersey, benefitting the community by replacing the former dilapidated bridge with a safer and longer structure for visitors.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, that they do hereby congratulate Aaron Importico of Boy Scout Troop 65 on attaining the rank of Eagle Scout.

Approved: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

# PROCLAMATION FOR SCOTT HUBAN

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023  
**SUBMITTED BY:** Rebecca Newman, Clerk  
**ITEM TYPE:** Proclamation  
**AGENDA SECTION:** Mayor's Report  
**SUBJECT:** PROCLAMATION: SCOTT HUBAN ACHIEVING EAGLE SCOUT

### **Borough of Flemington Proclamation**

**WHEREAS**, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

**WHEREAS**, Eagle is the highest rank in the Boys Scouts of America, and requires mastery of difficult challenges in diverse areas; and

**WHEREAS**, to become an Eagle Scout requires demonstration of good character and community service; and

**WHEREAS**, Scott Huban has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

**WHEREAS**, for his Eagle Scout Project, Scott built a dedicated sleeping quarter and performed general station renovations at the Amwell Valley Ambulance Corps in Ringoes, New Jersey, benefitting the volunteer squad members.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, that they do hereby congratulate Scott Huban of Boy Scout Troop 65 on attaining the rank of Eagle Scout.

Approved: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

# PROCLAMATION FOR SETH GOULD

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Proclamation

**AGENDA SECTION:** Mayor's Report

**SUBJECT:** PROCLAMATION: SETH GOULD ACHIEVING EAGLE SCOUT

### Borough of Flemington Proclamation

**WHEREAS**, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

**WHEREAS**, Eagle is the highest rank in the Boys Scouts of America, and requires mastery of difficult challenges in diverse areas; and

**WHEREAS**, to become an Eagle Scout requires demonstration of good character and community service; and

**WHEREAS**, Seth Gould has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

**WHEREAS**, for his Eagle Scout Project, Seth built an outdoor picnic and eating area, including a propane-fueled fire pit and benches, at the Amwell Valley Ambulance Corps in Ringoes, New Jersey, benefitting the volunteer squad members.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, that they do hereby congratulate Seth Gould of Boy Scout Troop 65 on attaining the rank of Eagle Scout.

Approved: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

# PROCLAMATION FOR ANDREW J. DEVINE

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Proclamation

**AGENDA SECTION:** Mayor's Report

**SUBJECT:** PROCLAMATION: ANDREW J. DEVINE ACHIEVING EAGLE SCOUT

### Borough of Flemington Proclamation

**WHEREAS**, scouting is a movement that challenges, inspires, and guides young people toward high achievements and high values as expressed in the Scout oath, law, motto, and slogan; and

**WHEREAS**, Eagle is the highest rank in the Boys Scouts of America, and requires mastery of difficult challenges in diverse areas; and

**WHEREAS**, to become an Eagle Scout requires demonstration of good character and community service; and

**WHEREAS**, Andrew J. Devine has demonstrated a special commitment to the Boy Scouts, and has worked with great diligence to successfully complete the requirements for the rank of Eagle; and

**WHEREAS**, for his Eagle Scout Project, Andrew mapped and marked the trails and built entrance signs, at the Brownstein Preserve in Raritan Township, New Jersey, benefitting members of the community.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, that they do hereby congratulate Andrew Devine of Boy Scout Troop 62 on attaining the rank of Eagle Scout.

Approved: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Proclamation

**AGENDA SECTION:** Mayor's Report

**SUBJECT:** PROCLAMATION RECOGNIZING PAT CERILLO AS BARBERSHOPPER OF THE YEAR

### Borough of Flemington Proclamation

**WHEREAS**, Mr. Patrick Cerillo was born in Plainfield, NJ, graduated from Scotch Plains Fanwood High School and attended Lycoming College with a double major in Political Science and Music. Mr. Cerillo attended the Marine Corps Platoon Leaders Class in Quantico Virginia from 1974 to 1976; and

**WHEREAS**, Mr. Cerillo clerked for Superior Court of New Jersey for Honorable B. Thomas Leahy, Somerville NJ from 1980 to 1981; and

**WHEREAS**, Mr. Cerillo married his wife Traci in 1980 and had four children and is the owner of his law firm Patrick J. Cerillo LLC from 1985 to present. Mr. Cerillo is a member of the NJ State Bar Association, the Hunterdon County Bar Association, licensed to practice law in New Jersey as well as the Federal Court for the District of NJ and the United States Supreme County; and

**WHEREAS**, in his spare time Mr. Cerillo played soccer in the Cosmopolitan League New York and New Jersey, coached travel soccer for many years, enjoys playing trumpet, piano and singing with the Hunterdon Harmonizers. Mr. Cerillo also enjoys fishing, hunting and performing with a cappella quartet Ovation.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, that they do hereby congratulate Patrick J. Cerillo on being named the Hunterdon Harmonizers Barbarshopper of the Year.

Approved: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

## RESOLUTION 2023-102

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-102: AUTHORIZING THE PURCHASE OF A 2011 CHEVY CAPRICE POLICE VEHICLE FOR \$9,000.00

**WHEREAS**, the Flemington Borough Police are in need of a vehicle due to the K9 vehicle being involved in an accident; and

**WHEREAS**, the Borough's insurance company declared the vehicle a total loss; and

**WHEREAS**, the loss of this vehicle creates an emergent need to acquire a vehicle; and

**WHEREAS**, the Police Department solicited multiple vendors for quotes for a vehicle with the necessary specifications; and

**WHEREAS**, Royll Emergency Vehicles provided a quote for a 2011 Chevy Caprice, which was the only quote for a vehicle that met necessary specifications; and

**WHEREAS**, the Chief Financial Officer certifies that funds are available for this purchase in the 2023 Borough budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a purchase order to Royll Emergency Vehicles in the amount of \$9,000.00 for the purchase of a 2011 Chevy Caprice.

Adopted: April 24, 2023

Attest:



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Marcia A. Karrow, Mayor

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Carla Conner, Municipal Clerk

**ATTACHMENTS:**

## RESOLUTION 2023-114

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** AUTHORIZING THE CLOSURE OF MAIN STREET ON JUNE 25, 2023 FOR THE JACOB FRANCIS PANEL DEDICATION

**WHEREAS,** the Jacob Francis Panel Dedication organizers have requested that Main Street be closed on June 25, 2023 between the hours of 11:00 AM and 3:00 PM as follows:

Main Street from Church Street to Fulper Road ; and

**WHEREAS,** the Flemington Borough Police Department has reviewed this request and has approved the closures as requested.

**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 requested road closures as outlined above are approved for the Jacob Francis Panel Dedication being held on June 25, 2023.

Adopted: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

Carla Conner, Borough Clerk

**ATTACHMENTS:**

# ORDINANCE 2023-17

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Carla Conner, Clerk

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** **Regular Agenda**

**SUBJECT:** **Public Hearing:**  
ORDINANCE 2023-17: AMENDING IN PART BOND ORDINANCE NO. 2020-18 ADOPTED ON DECEMBER 14, 2020, PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS FOR THE BOROUGH OF FLEMINGTON, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$173,500 REPRESENTING A GRANT RECEIVED FROM THE STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR A TOTAL APPROPRIATION OF \$1,846,050 AND TO AMEND THE PURPOSES THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, NEW JERSEY

**WHEREAS**, the Borough of Flemington, in the County of Hunterdon, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2020-18 on December 14, 2020 (the "Prior Ordinance") providing for various roadway improvements by and in the Borough; and

**WHEREAS**, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation set forth in the Prior Ordinance and to amend the project description set forth in the Section 3 (a) of the Prior Ordinance.

**NOW, THEREFORE, BE IT ORDAINED 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 general improvements or purposes to be undertaken by the Borough and were previously authorized by the Borough by the Prior Ordinance. For the improvements or

purposes described in Section 3, there is hereby appropriated the sum of \$1,846,050 of which \$1,672,550 was appropriated by the Prior Ordinance, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$79,598 as the amount of down payment previously appropriated by the Prior Ordinance required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") and the sum of \$173,500 in grant funds received from the State of New Jersey Department of Transportation (NJDOT) which is appropriated hereby.

Section 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,846,050 appropriation not provided for by application hereunder of said down payment and grant funds from NJDOT, negotiable bonds of the Borough are 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 the 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 Bloomfield Avenue, Shields Avenue, Pennsylvania Avenue, 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 improvements or purposes is \$1,591,952.

(c) The estimated cost of the improvements or purposes is \$1,846,050, which is equal to the amount of the \$173,500 supplemental appropriation herein made therefor and the \$1,672,550 appropriation made by the Prior Ordinance.

Section 4. 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. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements 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 the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) In accordance with the Prior Ordinance, the Supplemental Debt Statement required by the Local Bond Law had been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof had been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The authorization of the bonds and notes provided in this bond ordinance remains unchanged from the Prior Ordinance.

(d) An aggregate amount not exceeding \$334,310 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

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 obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. 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 holders 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 10. 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 11. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

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.

Introduction: May 22, 2023

Adopted: June 12, 2023

ATTEST:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**CERTIFICATE AS TO BOND ORDINANCE**

I, Carla Conner, Borough Clerk of the Borough of Flemington, in the County of Hunterdon, New Jersey, HEREBY CERTIFY that annexed hereto is a true and complete copy of Bond Ordinance No. 2023-17 which was introduced at a duly convened meeting of the Borough Council on May 22, 2023, and finally adopted at a duly convened meeting of the Borough Council on June 12, 2023.

IN WITNESS WHEREOF, I hereby set my hand and the seal of the Borough this 12th day of June, 2023.

BOROUGH OF FLEMINGTON, IN THE  
COUNTY OF HUNTERDON, NEW JERSEY

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Carla Conner, Borough Clerk

**(SEAL)**

**ATTACHMENTS:**



# ORDINANCE 2023-18

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** **Regular Agenda**

**SUBJECT:** **Public Hearing:**  
ORDINANCE 2023-18: REPEALING ONE-WAY LIMITS ON NORTH PLACE

**WHEREAS**, the Borough of Flemington Common Council adopted Ordinance 2022-25 “Implementing One-Way Limits on Corcoran Street and North Place” on November 14, 2022; and

**WHEREAS**, the residents of North Place have filed a petition to remove the one-way limitations of the street; and

**WHEREAS**, the Borough Engineer has determined that one-way limits are not necessary for North Place.

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

1. Section 7A-5, Schedule V of the Code of the Borough of Flemington entitled, “One-Way Streets,” is amended to repeal North Place Northbound from Corcoran Street to North Main Street.
2. The Borough Police Department is authorized to remove appropriate signage consistent with this ordinance.
3. All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.
4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

Introduced: May 22, 2023

Adopted: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** **Regular Agenda**

**SUBJECT:** **Public Hearing:**  
ORDINANCE 2023-19: AMENDING CHAPTER 9A-3  
"CONSTRUCTION PERMIT FEES" TO ADD A NEW SECTION TO  
BE ENTITLED "CONSTRUCTION RECORDS CLEARANCE (CRC)"

**WHEREAS**, the Borough of Flemington desires to amend Chapter 9A-3 to include a new section addressing Construction Records Clearance (CRC).

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

**Section 1.** Chapter 9A-3(b)(4) shall be added to the Borough Code as follows:

4. Construction Records Clearance (CRC)

(a) When required. A construction records clearance (CRC) shall be required prior to the sale or change of tenant of any residential or commercial structure. In that event, there shall be no change in occupancy of a building or structure, in whole or part, prior to the issuance of a CRC.

(b) Responsibility. No owner shall permit the sale of a residential or commercial premise covered under this section unless the requisite CRC has been issued. No purchaser or new tenant shall occupy any premises covered under this section until the requisite CRC has been issued. Owners and occupants shall be jointly and separately responsible for failure to obtain the requisite CRC required hereunder. The owner or his authorized agent shall submit a written application and payment of fees at least 2 months prior to the change of ownership and/or occupancy on the form provided by the Township.

(c) Preoccupancy records search. Prior to the issuance of any such certificate for any transaction, the enforcing agency shall conduct a records search to ensure that there are no open construction permits on subject premises. Should there be open permits on subject premises, all necessary

inspections, payment of fees due, and prior approvals shall be obtained and appropriate Uniform Construction Code certificates shall be issued prior to issuance of the CRC. The Construction Official may, at his discretion, exempt any active and ongoing permits or projects from the CRC.

(d) Fees. The applicant shall submit with the application the fee for the CRC to cover the administrative cost in accordance with the following schedule based on the number of days prior to closing or occupancy change:

- (1) One to five business days: \$150.
- (2) Six to 15 business days: \$80.
- (3) 16 to 40 business days: \$50.

These fees shall apply to each request, including those made pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq.

(e) Validity. The CRC will only be valid for a period of 90 days and shall only apply to any permits issued prior to the CRC application and shall not apply to any permit applications submitted after the CRC application.

(f) Violations and penalties.

(1) Any person, firm or corporation violating any provisions of this section shall, upon conviction, be punishable by a fine not exceeding \$2,000, imprisonment for a period not exceeding 90 days and/or a period of community service not exceeding 90 days.

(2) The issuance of a CRC shall not preclude the imposition of penalties upon subsequent discovery of violations.

(3) Certificates are valid for all permits issued up to the date of the CRC certificate issuance and must be renewed for each sale or occupancy change.

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

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

**Section 4.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**Section 5.** This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduced: May 22, 2023

Adopted: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

# ORDINANCE 2023-20

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** **Regular Agenda**

**SUBJECT:** **Public Hearing:**  
ORDINANCE 2023-20: CREATING A NEW SUBSECTION 3 IN SECTION 7 (PROHIBITED CONDUCT) OF CHAPTER 3 (POLICE REGULATIONS) ENTITLED "GENERAL VIOLATIONS" TO REGULATE CERTAIN MINOR MUNICIPAL COURT VIOLATIONS

**WHEREAS**, the Borough Council wishes to create a new subsection in the municipal ordinances of the Borough of Flemington to regulate certain minor municipal court violations;

**BE IT THEREFORE ORDAINED**, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that that a new subsection is created and inserted into the Municipal Code thereof pursuant to the provisions hereof:

### SECTION I.

A new subsection shall be inserted into the Municipal Code of the Borough of Flemington as Section 3-7.3, shall be entitled as "General Violations," and shall contain the following provisions:

#### Section 3-7.3(a) Definitions

- **Public Place:** Any place to which the public has access, including but not limited to any street, highway, road, alley or sidewalk. This definition shall also include the front or neighborhood of any store, shop, restaurant, tavern or other place of business, public grounds, public areas, parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter, or, in the case of a minor, not owned or under the control of the minor's parent or guardian.
- **Parent or Guardian:** Any adult person having care or custody of a minor, whether by reason of blood relationship, court order, or otherwise.

- **Disorderly Assemblage:** Any two or more persons gathered together and acting in a boisterous, noisy, riotous, offensive, disorderly or threatening manner toward each other or others or committing any acts which in any way breach or disturb the peace or tend to breach or disturb the peace.
- **Dangerous Goods:** Any item of movable property, material, matter, or substance that when possessed, consumed, transported, or otherwise handled is a risk to the health or safety of any person, public place, or the environment.

Section 3.7-3(b) Unlawful Acts

1. Prohibited Conduct. All acts constituting lewd, immoral, or indecent conduct, unlawful destruction of property, willful injuries to or unlawful interference with persons, hazards to the public health, and breaches or disturbances of the peace are severally prohibited.
2. Prohibited Possession, Distribution, or Consumption of Dangerous Goods. All acts which involve any person possessing, distributing, or consuming dangerous goods, as defined in § X.1.
3. Placing Obscene Words or Figures on Buildings. No person shall write or cause to be written any lewd, indecent, or obscene word or mark whatsoever or draw or cause to be drawn any lewd, indecent, or obscene figure upon any house, building, wall, fence or other place in the Borough. No person shall deface or damage any building or other structure owned by any person or public entity by placing thereon any graffiti, epigraph, or inscription without the consent of the owner of the building or structure.
4. Disturbing Lawful Assemblies. No person shall at any time or place willfully disquiet, interrupt, or disturb any assembly of people met for a lawful purpose, either by making a noise or by rude, disorderly or indecent behavior or profane language, either within the place of meeting or out of it, so near as to disturb the order and solemnity of the meeting.
6. Obstructing or Threatening Persons. No person shall willfully obstruct, molest, hinder, annoy, frighten, threaten, insult, or interfere with any other person lawfully upon any public thoroughfare, in any public place, or in any automobile, bus, or other public or private conveyance which is lawfully upon any public thoroughfare.
7. Interference with retail or wholesale practices. No person shall purposely interfere with, hinder, disturb, or obstruct any retail or wholesale business operation, function or activity, nor shall any person purposely interfere with, hinder, disturb or obstruct any retail or wholesale business owner, employee, agent or personnel acting in the furtherance of the interests of that business, with the intent to prevent, undermine or otherwise obstruct the lawful retail or wholesale practices of the business. This section does not apply to conduct considered lawful competitive economic practices.

Section 3-7.3(c) Violations and penalties; enforcement.

Any person violating any provision of this chapter shall be liable for a fine not exceeding \$2,000 and/or imprisonment of up to 90 days in county jail and/or up to 90 days of community service.

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

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

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

Introduced: May 22, 2023

Adopted: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**



## RESOLUTION 2023-127

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** **Regular Agenda**

**SUBJECT:** **RESOLUTION AMENDING THE PRIOR RESOLUTION  
AUTHORIZING THE AWARD OF CONTRACT FOR ENGINEERING  
SERVICES – SPECIAL PROJECTS ENGINEER TO MARTUCCI  
ENGINEERING, LLC OF FLEMINGTON, NJ**

**WHEREAS**, the Borough of Flemington, has a need to acquire the goods or services to be provided hereunder as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-*

20.4 or 20.5, as applicable; and,

**WHEREAS**, a partial award for said services was approved at the last meeting of the Flemington Borough Council and amendments thereto are necessary; and

**WHEREAS**, the specific services to be rendered, as amended, are engineering services concerning the following projects:

1. Shields Avenue/Pennsylvania Avenue Water Main Project (and associated road work)
2. Shields Avenue Water Tower Project
3. Courthouse Square Utility Project (including associated stormwater work)
4. Closeout of Streetscape Project
5. Closeout of Hopewell Avenue Improvement Project

6. 200 Main Street Well Project (Well 11) and Associated EPA Grant

**WHEREAS**, it has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one year; and

**WHEREAS**, Martucci Engineering LLC has submitted a proposal indicating they will provide the services of Special Projects Engineer for the aforementioned projects; and

**WHEREAS**, Martucci Engineering LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they or any of their employees have not made any reportable contributions to a political or candidate committee in the Borough of Flemington in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, this Contract may be and shall be awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A: 11-5(1)(a) of the Local Public Contracts Law because these services are rendered or performed by a person authorized by law to practice a recognized profession; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services," without competitive bids and the contract itself, must be available for public inspection; and

**WHEREAS**, it shall be agreed and understood between the Borough of Flemington and Martucci Engineering LLC that the services rendered hereunder shall be provided at a cost of \$1 in nominal consideration to the Borough for the first \$99,000 of "fair market value" services and at an hourly rate of \$115 in an amount not to exceed \$35,000 for all services rendered above the fair market value of \$99,000; and

**NOW THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Flemington that the Mayor is hereby authorized to enter into a contract with Martucci Engineering LLC, as described herein.

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that the Borough Clerk shall publish such notice as required under the law.

Adopted: June 12, 2023

Attest:

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**ATTACHMENTS:**

## RESOLUTION 2023-111

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** June 12, 2023

**SUBMITTED BY:** Rebecca Newman, Clerk

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** **Regular Agenda**

**SUBJECT:** APPROVING THE APPOINTMENT AND HIRING OF JOHN TILLOTSON AS CONSTRUCTION OFFICIAL AND ZONING OFFICER

WHEREAS the retirement of Jeff Klein left a vacancy in the Construction Code Official / Building Inspector / Zoning Official position, and

WHEREAS candidates for his replacement have been interviewed and John Tillotson has been selected to fill this position.

NOW, THEREFORE, BE IT RESOLVED By the Mayor and Council of the Borough of

Flemington that John Tillotson be hired effective June 5, 2023 and will be paid at an hourly rate of \$50 per hour for the period of June 5, 2023 through June 30, 2023 to work an average of nine hours per week.

BE IT FURTHER RESOLVED, that effective July 1, 2023 Mr. Tillotson will be paid a salary of \$52,000 for twenty hours per week of work and will receive sixty hours of paid time off per year. Also, upon obtaining the zoning officer certification his salary will be increased by \$2,000 to \$54,000 annually.

ATTEST:

Adopted: June 12, 2023

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Marcia A. Karrow, Mayor

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Carla Conner, Borough Clerk

**CERTIFICATION**

I, Carla Conner, Borough Clerk of the Borough of Flemington, County of Hunterdon, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution duly authorized by the Mayor and Council on this 12<sup>th</sup> day of June, 2023.

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*Conner Conner, Borough Clerk*