



BOROUGH OF FLEMINGTON  
REGULAR COUNCIL MEETING  
JULY 24, 2023

Mayor Karrow called the meeting to order at 7:01 p.m. announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

**SALUTE TO THE FLAG**

Mayor Karrow stated a notice was provided as required. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

**ATTENDANCE ROLL CALL:**

Councilman Malik Johnston	Absent
Councilman Tony Parker	Present
Councilwoman Elizabeth Rosetti	Present
Councilwoman Susan Engelhardt	Present
Council Vice President Kim Tilly	Present
Council President Jeremy Long	Present
Mayor Marcia Karrow	Present

**Also Present:**

Carla Conner, Borough Clerk  
Chris Corsini, Borough Attorney

**PRESENTATION: Presentation from Stephen Sullivan of Wilentz Attorneys at Law discussing joining a Class Action Lawsuit regarding "Forever Chemicals"**

Mr. Sullivan explained that he and his partner, John Keefe have been involved in successful litigation cases against PFAS manufacturers, regarding their knowledge of and responsibility for New Jersey's and the other PFAS manufacturers and represent water providers who face the burden of PFAS contamination and the requisite costly upgrades to their treatment facilities. Mr. Sullivan explained how he and Mr. Keefe will evaluate the Borough's water testing and other data to determine whether litigation in the MDL (Multi-District Litigation) is appropriate for the Borough.

Council and Mr. Sullivan discussed the contingency basis, which is Wilentz will not recover its investigation or litigation costs or attorney's fees unless the Borough receives a favorable settlement, judgment and/or other resolution.

Mayor Karrow amended the agenda to add Executive Session regarding potential litigation regarding the PFAS "Forever Chemicals." Action will be taken after the Executive Session.

**MAYOR'S REPORT:**

Mayor Karrow reported sadly Ron Cozze, a long time Police Officer and the wife of Mike DeLuca of the Shade Tree Commission, Kathy DeLuca have both passed away. Mayor Karrow also reported that Council President Long, Police Chief Rotella and herself met over at the new Police building with the Borough's Architects' Angela Gonzalez and the facilities staff who are active law enforcement from the Department of Corrections. The Department of Corrections had a lot of concerns regarding renovated the building.

**COUNCIL MEMBER REPORTS**

**COUNCIL PRESIDENT LONG:**

Council President Long reported that all disbursement reports for the Court have been completely updated from January through June, now that our Court has been turned into a shared service with Raritan Township everything is pretty much on target and things appear to be running smoothly.

Council President Long also report there is a fundraiser taking place on August 2<sup>nd</sup>, 2023 at Chick-Fil-A. A portion of all proceeds will go to the K-9 Unit.

**COUNCIL VICE PRESIDENT TILLY:**

Council Vice President Tilly reported for everyone to look out for the newsletter coming out, the HPC will have a very important message in the newsletter.

**COUNCILMAN PARKER:**

Councilman Parker reported that hanging basket will go in the Fall, Councilman Parker does not think this is the right time to do it.

Councilman Parker reported on the incident that happened at the Sip & Stroll of a truck with a confederate flag driving around. Mr. Parker stated it was an insult to all the people there.

**COUNCILWOMAN ROSETTI:**

Councilwoman Rosetti wanted to send her sincere condolences to Mike Deluca and his family. C

Councilwoman Rosetti reported that there will not be a Shade Tree meeting in August, the next meeting will be held on September 13, 2023.

**COUNCILWOMAN ENGELHARDT:**

Councilwoman Englehardt the FRIS Board of Education meeting is tonight and Central District BOE meeting is August 21, 2023. Councilwoman Engelhardt also reported that the Planning Board's next meeting will be held on July 25, 2023.

**COUNCILMAN PARKER:**

No report given.

**PUBLIC COMMENTS – SESSION I:**

Robin Lapidus, from FCP gave a report of what happened at the Sip & Stroll. Ms. Lapidus also reported that the Corn Fest is sold out.

**CONSENT AGENDA:**

1. RESOLUTION 2023-147 - RESOLUTION AUTHORIZING A CONTRACT WITH R & S LANDSCAPE TO ABATE PUBLIC SAFETY HAZARDS AT 217 S MAIN STREET AND AUTHORIZING THE TAX COLLECTOR TO LIEN THE

**WHEREAS**, 217 S. Main Street, Block 46 Lot 7, has been abandoned; and

**WHEREAS**, there are many hazards on the property that are impacting the public safety of the Borough of Flemington; and

**WHEREAS**, there are piles of debris, dangerous tree branches, extremely high grass and the sidewalks are overgrown; and

**WHEREAS**, letters have been sent to the property owner of record by the property maintenance officer but have been returned undelivered; and

**WHEREAS**, the safety hazards need to be abated; and

**WHEREAS**, a quote was received from R & S Landscape in the amount of \$2,050.00 to abate current hazards a one-time lawn mowing; and

**WHEREAS**, future mowing may be needed; and

**WHEREAS**, pursuant to State Statutes a municipality can abate safety hazards on private property and authorize the tax collector to place a lien on the property to recover the costs.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that a contract be awarded to R & S Landscaping in the amount of \$2,050.00 to abate the current hazards on block 46 lot 7, known as 217 S. Main Street.

**BE IT FURTHER RESOLVED**, that the property maintenance officer is authorized to have the lawn mowed and future safety hazards abated in the future if necessary for an additional amount not to exceed \$1,500.00.

**BE IT FURTHER RESOLVED**, that the tax collector is authorized to place a tax lien on the property for any Borough funds expended not to exceed \$3,550.00 in total, to maintain the property and abate hazards.

A **MOTION** was made by Council President Long to approve the resolution. This Motion was seconded by Councilman Parker and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

**REGULAR AGENDA:**

1. APPROVING FIRE DEPARTMENT APPLICATION FOR ROBERT WALL

A **MOTION** was made by Council Vice President Tilly to approve the resolution. This Motion was seconded by Council President Long with a vote of all ayes.

2. RESOLUTION 2023-148 - AUTHORIZING A CONTRACT FOR ANIMAL CONTROL SERVICES WITH ANIMAL CONTROL SOLUTIONS

**WHEREAS**, the Borough of Flemington solicited quotes for animal control services; and

**WHEREAS**, quotes were received from

Animal Control Solutions, LLC	\$28,704.00
Advanced Animal Control, LLC	\$32,196.00

**WHEREAS**, the proposal that was most advantageous to the Borough of Flemington was submitted by Animal Control Solutions for the fee of \$28,704.00 from August 1, 2023 through July 31, 2025.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Animal Control Solutions be awarded a contract to perform all services related to animal control for a fee of \$1,170 per month from 8/1/23 – 12/31/23, \$1,194 per month from 1/1/24-12/31/24, and \$1,218 per month from 1/1/25 – 7/31/25 and the Chief Financial Officer certifies that funds are available in the 2023 Animal Control budget and the Animal Control Trust Fund.

A **MOTION** was made by Council Vice President Tilly to approve the resolution. This Motion was seconded by Council President Long and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

3. RESOLUTION 2023-149 - AUTHORIZING THE PURCHASE OF TWO VEHICLES FROM NATIONAL AUTO FLEET THROUGH SOURCEWELL CO-OP, CONTRACT #091521-NAF FOR THE DEPARTMENT OF PUBLIC WORKS

**WHEREAS**, the Borough of Flemington has received quotes from National Auto Fleet Group under the Sourcewell Contract # 091521-NAF for the purchase of a 2024 Chevrolet Silverado 3500HD 4WD Regular Cab and a 2024 Chevrolet Silverado 2500 HD 4WD Regular Cab for the Department of Public Works, and

**WHEREAS**, it has been determined by the Public Works Department that the quote meets the needs of the Department.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$61,943.38 for the Silverado 2500HD and \$101,866.28 for the Silverado 3500HD to National Auto Fleet Group for the purchase of the trucks.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available in 2-07-605-202, C-04-223-004 3-07-100-219 and 3-07-605-203.

A **MOTION** was made by Council Vice President Tilly to approve the resolution. This Motion was seconded by Councilman Parker and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

4. ORDINANCE 2021-21 - AN ORDINANCE AMENDING CHAPTER 9A-3  
"CONSTRUCTION PERMIT FEES" TO MODIFY VARIOUS FEE AMOUNTS

John Tillotson, the Construction Officer explained the Ordinance.

**WHEREAS**, the Borough of Flemington desires to amend Chapter 9A-3 to update and amend its fees for various building construction items.

**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(a) and (b) shall be amended as follows (deletions are noted ~~thusly~~; additions are noted thusly:

1. General.
2. The fee for plan review, ~~computed as a percentage of the fee for a construction permit~~, may be paid at the time of application for a permit. The amount of this fee, if prepaid, shall then be deducted from the amount of the fee due for a construction permit, when the permit is issued. Plan review fees are not refundable.
3. The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.
4. The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.
5. **The minimum fee for all subcode fees shall be \$75.00.**
6. Flemington Building Department fees shall be as follows:
7. Plan review fee: The fee for plan review shall be ~~20 percent of the amount to be charged for a new construction permit~~ **\$100.00 per hour (with an established minimum of one-half**

**hour)**, except that elevator device plan review shall be as set forth in N.J.A.C. 5:23-4.20(c) 6 and 7. **The plan review fee for updates and as-builts shall be \$100.00 per hour (with an established minimum of one-half hour).**

8. The basic construction fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices and the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates provided herein plus any special fees

(a) Building volume or cost: The fees for new construction or alteration are as follows:

(1) For new construction in Residential Use Groups U, R-3, R-4, and R-5, ~~\$0.038~~ **\$0.045** per cubic foot of building or structure volume, provided that the minimum fee shall be \$200.00.

For new construction in Commercial Use Groups A, B, E, F, H, I, M, S and U, \$0.040 per cubic foot of building or structure volume up to 100,000 cubic feet and \$0.020 per cubic foot over 100,000 cubic feet provided the minimum fee shall be \$200.00.

(2) For renovations, alterations and repairs in Residential Use Groups U, R-3, R-4 and R-5, ~~\$15.00~~ **\$30.00** per each \$1,000.00 of actual construction cost provided the minimum fee shall be \$60.00.

For renovations, alterations and repairs in Commercial Use Groups A, B, E, F, H, I, M, S and U, ~~\$20.00~~ **\$30.00** per each \$1,000.00 of actual construction cost provided the minimum fee shall be \$100.00.

(3) For additions in Residential Use Groups U, R-3, R-4 and R-5, ~~\$0.038~~ **\$0.045** per cubic foot of building or structure volume provided that the minimum fee for Residential Use Groups R-3 and R-4 shall be \$50.00 and the minimum fee for Residential Use Groups U involving less than 1,000 cubic feet of building or structure volume, \$60.00.

For additions in Commercial Use Groups A, B, E, F, H, I, M, S and U, \$0.040 per cubic foot of building or structure volume up to 100,000 cubic feet and \$0.015 per cubic foot over 100,000 cubic feet provided the minimum fee shall be \$200.00.

(4) Fees for combination renovations and additions shall be computed at the sum of the fees computed separately in accordance with (2) and (3) above.

(5) Fees for the construction of in ground swimming pools shall be ~~\$100.00~~ **\$350.00** and ~~\$50.00~~ **\$100.00** for above ground pools; these fees are in addition to any required electrical and plumbing subcode fees.

**Fees for pool barriers and fencing over 6 foot shall be \$100.00.**

(6) Fees for the construction of decks in Residential Use Groups R-3, R-4 and R-5 shall be \$10.00 per each \$1,000.00 of actual construction cost provided the minimum fee shall be \$75.00; the fees for decks shall include the three required inspections.

(7) Re-roofing, re-siding, and siding for use groups R-3, R-4, and R-5 is a flat fee of \$75.00. All other use groups the fee is \$20.00 per thousand of estimated cost.

**(8) Fees for retaining walls over 4 feet in height (measured from bottom of footing to top of finished wall) shall be \$150.00 for residential structures less than 550 square feet; the fee shall be \$250.00 for residential structures over 550 square feet; the fee for all other use groups shall be \$30.00 per cubic foot over 1,000 of actual construction cost.**

**Section 2.** Chapter 9A-3(b)(3) shall be amended as follows (deletions are noted ~~thusly~~; additions are noted **thusly**):

3. Certificates and other permits:

(a) ~~The fee for demolition shall be \$100.00 for each story of the structure to be demolished~~ **\$200.00 for one- and two-family structures. The fee for demolition shall be \$30.00 per each \$1,000.00 of actual construction cost provided the minimum fee shall be \$250.00.**

The owner of the building to be demolished or person applying for a demolition permit shall provide a cash or paper bond in an amount one and one-half times the estimated cost of the demolition, clearing and filling in of the site which shall require the completion of the work, and the clearing and filling in of the site and shall protect and indemnify the borough against loss or damage; upon satisfactory completion of the work, the bond shall be returned.

(b) The fee for a permit to move a building or structure from one lot to another or to a new location on the same lot shall be \$100.00 plus \$10.00 per each \$1,000.00 of the actual cost of the new foundation; the owner of the building to be moved or the person applying for the permit shall furnish a cash or paper bond in the amount of one and one-half times the cost of moving, filling and grading of the lot, and foundation construction which shall require the completion of the work and the restoration of the site; upon satisfactory completion of the work, the bond shall be returned.

(c) The fee for a certificate of occupancy or approval shall be in the amount of 10 percent of the total construction permit fee.

(d) The fee for a certificate of occupancy for a change of use group and certificate of continuing occupancy shall be \$100.00.

(e) The fee for a temporary certificate of occupancy for each construction trailer for up to six months shall be \$100.00.

(f) The fee for a permit to construct a sign shall be in the amount of ~~\$2.00~~ **\$3.00** per square foot surface area of the sign computed on one side only for double faced signs, provided that the minimum fee shall be ~~\$35.00~~ **\$75.00**.

(g) The fee for a special event permit involving tents at local parks shall be \$50.00 per each tent up to ten tents and \$500.00 over ten tents.

(h) ~~(Reserved)~~ **The fee for temporary structures other than tents and trailers shall be \$200.00 each structure.**

(i) The fee for footing and foundation on any new building shall be \$100.00, 50 percent of which will be used for credit on the update.

**(j) The fee for sheds 200 square feet and over, over 10 feet in height, or any size with utilities attached shall be \$200.00.**

**(k) The fee for gazebos and prefab pool houses without footing and foundation shall be \$200.00.**

**(l) The fee for photovoltaic systems for one- and two-family structures shall be \$300.00.; the fee for all other use groups shall be \$30.00 per \$1,000 of actual construction cost**

**(m) The fee for asbestos and lead abatement shall be \$200.00.**

**Section 3.** Chapter 9A-3 (c) shall be established as follows (all text shall be new text):

1. **Flemington Zoning Department fees shall be as follows:**
2. **The fee for a zoning permit shall be \$50.00 or as established under the Municipal Land Use Law, N.J.S.A. 40:55D et seq.**

**(a) The fee for single family dwellings, including foundation location review, shall be \$125.00.**

**Section 4.** All sections of the Borough Code not amended hereunder shall remain in full force and effect.

**Section 5.** All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 6.** 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 7.** This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

A **MOTION** was made by Council President Long to introduce the Ordinance. This Motion was seconded by Councilman Parker.

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

The Public Hearing will be held August 14, 2023

5. ORDINANCE 2023-22 - AN ORDINANCE AMENDING CHAPTER 7A: TITLED  
PARKING REGULATIONS OF THE BOROUGH OF FLEMINGTON

**WHEREAS**, traffic and parking regulations for the Borough of Flemington are contained in Chapter 7A and Chapter 7 of the municipal code thereof; and

**WHEREAS**, the Borough Council wishes to create a new Section 7A-20 in the aforementioned Chapter concerning compact cars and a companion section in Chapter 7 concerning the same;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, that a new section to Chapter 7A shall be created at Section 7A-20 and shall be entitled Schedule XX: Compact Cars and a new section to Chapter 7 shall be created at Section 7-5B entitled "Designated Compact Cars Zones":

**SECTION I.**

Section 7A-20 is hereby created and entitled "Schedule XX: Compact Cars" and shall consist of entirely new text as follows:

In accordance with the provisions of Section 7-5B, the following parking zone shall be utilized on by "compact cars" as defined in the U.S. Code of Federal Regulations as vehicles having between 100-109 cubic feet of combined passenger and cargo volume, and are between 161 and 187 inches long.

**SCHEDULE XX:**

**COMPACT CARS**

<b>Name of Street</b>	<b>Location</b>
William Street	From a point 57 feet north of the northerly curb line of William Street projected to a point 71 feet north thereof.

**SECTION II.**

Section 7-5B is hereby created and entitled "Designated Compact Car Zones" and shall consist of entirely new text as follows:

William Street from a point 57 feet north of the northerly curb line of William Street projected to a point 71 feet north thereof.

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

A **MOTION** was made by Council President Long to introduce the Ordinance. This Motion was seconded by Council Vice President Tilly.

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

The Public Hearing will be held August 14, 2023

6. RESOLUTION 2023-150 - A RESOLUTION SETTING THE SALARIES FOR THE  
BOROUGH EMPLOYEES

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

**Section 1:** The rate of compensation of the following employees shall be on a yearly basis, payable quarterly and effective January 1, 2023:

Mayor	\$6,120
Council Member	\$4,935

**Section 2:** The rate of compensation of the following non-union employees shall be on a yearly basis, payable bi-weekly and effective January 1, 2023:

Borough Clerk (To include Registrar of Vital Statistics)	\$85,000
Deputy Clerk / Technical Assistant to Construction Official	\$72,000
Chief Financial Officer (To include Deputy Collector)	\$49,761
Tax Collector	\$22,819
Tax Assessor	\$33,338
Finance Assistant	\$20,043
Construction Official / Building Sub-Code Inspector	\$52,000.00
Property Maintenance Officer (per hour rate)	\$24.01
Fire Sub-Code Inspector	\$12,066
Plumbing Sub-Code Inspector	\$12,066
Electric Sub-Code Inspector	\$13,479
Fire Marshal	\$46,003
Planning Board Secretary	\$26,101
Office of Emergency Management	\$2,388
Department of Public Works Director / Recycling Coordinator	\$117,322
Library Director	\$72,561

Librarian I	\$42,309
Librarian II	\$40,210
Certified Zoning Officer	\$2,000
Fire Prevention Inspector Step I (per hour rate)	\$20.81
Fire Prevention Inspector Step II (per hour rate)	\$22.51
Right to Know Officer	\$2,500
Police Secretary (per hour rate)	\$15.54
Library Aide (per hour rate)	\$15- \$18
Adult Crossing Guards (per hour rate)	\$16 - \$30
Tax Assessor Assistant (per hour rate)	\$27.05
Parking Enforcement Officer (per hour rate)	\$15 - \$30
Special Police Officer: Class III (per hour rate)	\$30 - \$45
Casual Employees (per hour rate)	\$15 - \$58
Administrative Assistant	\$17.34

**Section 3:** The rate of compensation of the following police non-union employee shall be on a yearly basis, payable bi-weekly:

Chief of Police	\$158,721
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A **MOTION** was made by Council President Long to approve the resolution. This Motion was seconded by Council Vice President Tilly and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

7. RESOLUTION 2023-151 - AUTHORIZING THE HIRING OF PATRICK RENALDI AS THE  
TEMPORARY ZONING OFFICER

**WHEREAS**, the Borough of Flemington is in need of a temporary Zoning Officer; and

**WHEREAS**, Mr. Renaldi is the most qualified to perform the duties of the Temporary Zoning Officer; and

**WHEREAS**, Mr. Renaldi will be compensated a salary of \$50.00 an hour; and

**WHEREAS**, Mr. Renaldi will be required to work a total of 2 hours a week.

**NOW THEREFORE IT BE RESOLVED**, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Partick Renaldi is hired effective immediately as the temporary Zoning Officer with a salary of \$50.00 an hour and will adhere to the above requirements.

A **MOTION** was made by Councilwoman Englehardt to approve the resolution. This Motion was seconded by Councilman Johnston and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

**APPROVAL TO PAY THE BILLS:**

**1. AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF \$359,825.68**

A **MOTION** was made by Council Vice President Tilly to pay the bills. This Motion was seconded by Councilwoman Engelhardt and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

**PUBLIC COMMENTS – SESSION II:**

There were no public comments.

**EXECUTIVE SESSION:**

**BE IT RESOLVED** that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

The general nature of the subject to be discussed in this session is as follows:

1. Litigation – Appointing Wilentz as Special Counsel related to PFAS litigation
  - It is unknown precisely when the matters discussed in this session will be disclosed to the public.
  - Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.

The Mayor and Council entered into Executive Session and a **MOTION** was made by Council Vice President Tilly, seconded by Councilwoman Engelhardt and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

**RETURN FROM EXECUTIVE SESSION:**

**RESOLUTION 2023-152 - APPOINTING SPECIAL COUNSEL RELATED TO PFAS LITIGATION**

**WHEREAS**, there exists nationwide litigation regarding certain producers of polyfluoroalkyl substances (“PFAS”) which has caused contamination in the Borough of Flemington; and

**WHEREAS**, it is necessary for the Borough of Flemington to engage the services of specialized legal counsel to pursue Flemington’s interest in these litigation related to PFAS; and

**WHEREAS**, Flemington has received a proposed Letter of Engagement from John Keefe, Esq. of Wilentz, Goldman & Spitzer, P.A. to represent the Borough on a contingency basis related to PFAS litigation; and

**WHEREAS**, N.J.S.A. 40A:11-1 et seq, exempts professional services from certain requirements of public bidding provided a notice of the appointment be printed in the newspaper of general circulation within the municipality; and

**WHEREAS**, the Governing Body has determined that Mr. Keefe’s proposal is acceptable to the Borough and will contain no legal expenses for the Borough except in the result of a successful recovery; and

**WHEREAS**, the Borough has received or will receive a Business Registration certificate and Affirmative Action compliance statement from the firm prior to entering into a contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Flemington, Hunterdon County, and State of New Jersey, that John E. Keefe of the firm of Wilentz, Goldman & Spitzer, P.A. be and is hereby appointed as Special Counsel related to PFAS Litigation in conjunction with the terms provided in his proposed Letter of Engagement; and

**BE IT FURTHER RESOLVED**, that compensation for said Borough Attorney will be on a contingency basis as outlined in the proposed Letter of Engagement.

A **MOTION** was made by Council President Long to approve the resolution. This Motion was seconded by Councilman Parker and on Roll Call vote the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

#### **ADJOURNMENT**

A **MOTION** was made by Council President Long to adjourn the meeting. and was seconded by Councilwoman Engelhardt with a vote of all ayes.

ATTEST:

  
Carla Conner, Borough Clerk

  
Marcia Kartow, Mayor

Adopted: October 23, 2023