



BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
SEPTEMBER 26, 2023

Mayor Karrow called the meeting to order at 7:02 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	Present
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: Warren Korecky from Suplee, Clooney & Co., discussing the 2022 Audit

Warren Korecky explained the 2022 Audit and findings.

MAYOR'S REPORT:

Mayor Karrow reported the CFO, Bill Hance received notification from the State on receiving \$250,000 towards the processing center at the new Police building and Mayor Karrow has still not heard from the Federal side regarding money. Mayor Karrow also reported there will be an Executive Session on the Liberty Village and Cardinal updates.

COUNCIL MEMBER REPORTS

COUNCIL PRESIDENT LONG:

Council President Long reported the Court will post two open violations Clerk positions this week and a Police Officer hit a pole and totaled the vehicle, thankfully the Officer is ok.

COUNCIL VICE PRESIDENT TILLY:

Council Vice President Tilly reported she is getting a lot of property maintenance complaints. She asked Councilwoman Rosetti to pass them on to Dave Guiliani. Council President Tilly reported Lone Eagle will hosting a fundraiser for the Fire Department on October 7, 2023 and the Fire Department is selling raffle tickets. Council Vice President Tilly also reported she will be running the Halloween candy program this year again. All donated candy will be dropped off at Borough Hall and dispersed on October 29, 2023 and the registration form will be posted on the Borough website.

COUNCILWOMAN ROSETTI:

Councilwoman Rosetti reported she spoke to Dave Guiliani regarding grass near the curb in front of resident's homes and Mr. Guiliani stated this is the responsibility of the homeowners to cut the grass along the curb.

COUNCILMAN PARKER:

Councilman Parker reported he went to an event that was the NAACP Gala where politicians and the media were there, including NPR. Councilman Parker is going to connect with NPR and try to get Flemington on a national forum. Councilman Parker also reported he is planning a Juneteenth celebration next year. Councilman Parker continued he is looking to do an article for the newsletter on each volunteer committee in the Borough.

COUNCILMAN JOHNSTON:

No report given.

COUNCILWOMAN ENGELHARDT:

Councilwoman Engelhardt reported the Samuel Fleming House will host a Pumpkin decorating event on October 14, 2023. Councilwoman Engelhardt also reported the next Planning Board meeting will be held October 3, 2023. Councilwoman Engelhardt reported FRIS Board of Education meeting will be held October 11, 2023 and Central District BOE meeting is October 16, 2023. Councilwoman Engelhardt also reported that GoHunterdon awards breakfast was held September 22, 2023 both schools districts, the Borough and the Police Department all received awards in different programs.

PUBLIC COMMENTS – SESSION I:

Robin Lapidus, from FCP thanked Council for coming and volunteering at the Corn Festival and gave a report on the festival, discussed the NJ Jazz Festival and other events with the FCP. The Christmas parade date has changed to Saturday, December 2, 2023.

Robin Lapidus, from FCP reported 39 Mine held a carnival for their 10th anniversary and Ms. Lapidus went over events for the next two weekends and Ms. Lapidus went over Halloween events.

APPROVAL OF MINUTES:

May 8, 2023

Regular Session

A **MOTION** was made by Council Vice Present Tilly to approve the minutes, seconded by Council President Long, with a vote of all ayes.

May 8, 2023

Executive Session

A **MOTION** was made by Council Vice Present Tilly to approve the minutes, seconded by Council President Long, with a vote of all ayes.

CONSENT AGENDA:

1. RESOLUTION 2023-167 – RESOLUTION APPROVING THE 2022 AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:2788-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments and Recommendations;

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled:

General Comments and Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:2788-52 - to wit:

R.S. 52-2788-52 - "A local officer or member of a local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED on this 25th day of August 2023, that the Borough Council of the Borough of Flemington hereby states that it has complied with the regulation of the Local Finance Board of the State of New Jersey dated July 30, 1968, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

2. RESOLUTION 2023-168 – RESOLUTION APPROVING A CHAPTER 159 – CLEAN
COMMUNITIES GRANT

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Flemington has received \$10,219.63 of the State of New Jersey Clean Communities Grant and wishes to amend its 2023 budget to include this amount as revenue,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2023 in the amount of \$10,219.63 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Clean Communities Grant \$10,219.63

BE IT FURTHER RESOLVED that a like sum of \$10,219.63 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs Offset by Revenues:

Clean Communities Grant \$10,219.63

3. RESOLUTION 2023-169 – RESOLUTION APPROVING A CHAPTER 159 – ANJEC

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Flemington has received \$1,000.00 from ANJEC and wishes to amend its 2023 budget to include this amount as revenue,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2023 in the amount of \$1,000.00 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

ANJEC Grant	\$1,000.00
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BE IT FURTHER RESOLVED that a like sum of \$1,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs Offset by Revenues:

ANJEC Grant	\$1,000.00
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4. RESOLUTION 2023-170 – RESOLUTION APPROVING A CHAPTER 159 – LEAD GRANT ASSISTANT PROGRAM (LGAP)

WHEREAS, N.J.S. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Flemington has received \$8,000.00 for the State of New Jersey LGAP and wishes to amend its 2023 budget to include this amount as revenue,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Flemington requests the Director of the Division of Local Government Services to approve the insertion of this item of revenue in the budget of the year 2023 in the amount of \$8,000.00 which is now available as a revenue from:

Miscellaneous Revenues: Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

Lead Grant Assistance Program (LGAP) \$8,000.00

BE IT FURTHER RESOLVED that a like sum of \$8,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations: (A) Operations - Excluded from "CAPS": Public and Private Programs Offset by Revenues:

Lead Grant Assistance Program (LGAP) \$8,000.00

A **MOTION** was made by Council Vice Present Tilly to approve the Consent Agenda, seconded by Council President Long and on Roll Call the following was recorded:

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	Yes

Motion carried.

REGULAR AGENDA:

5. RESOLUTION 2023-171 – RESOLUTION AUTHORIZING THE ISSUANCE OF A CLASS 5 RETAIL LICENSE TO AUNT MARY’S

WHEREAS, pursuant to N.J.S.A. 24:6I-31 et seq., the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“the Act”) authorizes the legal use of recreational cannabis by adults aged twenty-one (21) and older; and

WHERE, the Act further establishes a comprehensive regulatory licensing scheme for commercial recreational (adult use) cannabis operations, use, and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed cannabis business, specifically including retail sales as a Class 5 license; and

WHEREAS, Ord. No. 2023-02 as approved on March 13, 2023 by the Borough Council of the Borough of Flemington authorizes two (2) Class 5 retail licenses; and

WHEREAS, pursuant to N.J.A.C. 17:30-5.1(a)(4), a local municipality may impose a separate local license requirement, which the Borough of Flemington has done pursuant to Chapter 95 of the municipal ordinances thereof; and

WHEREAS, the Borough has undertaken the licensing process pursuant to Section 95-7 of the municipal ordinances thereof, having reviewed the application of Aunt Mary’s LLC for said license;

WHEREAS, Aunt Mary’s has been granted a medical license by the Borough of Flemington and is presently operating an authorized facility at 100 Reaville Road in the Borough; and

WHEREAS, Aunt Mary's has been granted an annual license by the New Jersey Cannabis Regulatory Commission; and

WHEREAS, the Borough Council of the Borough of Flemington desires to award one (1) retail cannabis license to Aunt Mary's of Flemington, New Jersey under the terms and conditions of N.J.S.A. N.J.S.A. 24:61-31 et seq., N.J.A.C. 17:30-1 et seq., Section 95-1 et seq. of the Borough's municipal code, and the Cannabis Business Application as submitted by Aunt Mary's LLC (attached hereto as Schedule A);

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that one (1) retail cannabis license is hereby awarded to Aunt Mary's of Flemington, New Jersey; and

BE IT FURTHER RESOLVED, that Aunt Mary's LLC shall tender all fees associated with the issuance and maintenance of this license as authorized in Section 95-4 and 95-6 of the Borough's Municipal Code; and

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Flemington shall issue a Class 5 retail license to Aunt Mary's LLC pursuant to Section 95-5 of the municipal code thereof upon the completion of all other statutory, regulator, and municipal requirements and any requirement, promise, or representations made in Aunt Mary's, LLC's Cannabis Business Application; and

BE IT FURTHER RESOLVED, Aunt Mary's, LLC shall have a continuing obligation to comply with all statutory, regulator, and municipal requirements and any requirement, promise, or representations made thereby in the aforementioned Cannabis Business Application; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to the applicant's appropriate representative; and

BE IT FURTHER RESOLVED, that this resolution shall take effect upon adoption by the Borough Council of the Borough of Flemington.

A **MOTION** was made by Councilman Parker 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 Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	Yes

Motion carried.

6. RESOLUTION 2023-172 – RESOLUTION AUTHORIZING PS&S TO DESIGN MECHANICALS FOR A NEW HVAC SYSTEM FOR THE LOWER LEVEL OF THE NEW POLICE FACILITY USING OPTION #4, NTE \$64,375 – 77,250

WHEREAS, the Borough of Flemington’s new Police facility is in need of a HVAC for the lower level; and

WHEREAS, it has been determined that PS&S is most qualified to design mechanicals for the new HVAC system; 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.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorizes PS&S to design mechanicals for a new HVAC system for the lower level of the new Police facility using option #4 for equipment & installation, NTE \$64,375 – 77,250.

Angela Gonzalez from PS&S explained the plans for the new Police building.

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

Councilman Johnston	Abstain
Councilman Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	Yes

Motion carried.

7. RESOLUTION #2023-173 - RESOLUTION APPROVING PROFESSIONAL CONSULTING SERVICES FOR THE MANHOLE FLOW AND LEVEL MONITORING – ADMINISTRATIVE COMPLIANCE ORDER (ACO) RESPONSE TO REMINGTON & VERNICK ENGINEERS, NTE \$35,800

WHEREAS, the Borough of Flemington approves the professional consulting services for manhole flow and level monitoring – Administrative Compliance Order (ACO) response to Remington & Vernick Engineers; and

WHEREAS, the project will consist of installing and calibrating flow meters in several manholes throughout areas identified in the Environmental Protection Agency’s (EPA) Administrative Compliance Order (ACO) that have contributed to previously reported sanitary sewer overflows throughout the Borough of Flemington; and

WHEREAS, the Borough CFO has certified that funds are available for this purpose.

NOW THEREFORE BE IT RESOLVED, the Mayor and Common Council of the Borough of Flemington, approves the professional consulting services for manhole flow and level monitoring – Administrative Compliance Order (ACO) response to Remington & Vernick Engineers, NTE \$35,800.

A **MOTION** was made by Councilwoman Engelhardt 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 Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	Yes

Motion carried.

8. RESOLUTION #2023-174 - RESOLUTION APPROVING PROFESSIONAL CONSULTING SERVICES FOR THE SANITARY SYSTEM CCTV AND MANHOLE INSPECTION SERVICES – ADMINISTRATIVE COMPLIANCE ORDER (ACO) RESPONSE TO REMINGTON & VERNICK ENGINEERS, NTE \$27,250

WHEREAS, the Borough of Flemington approves the professional consulting services for sanitary system CCTV and manhole inspection services – Administrative Compliance Order (ACO) response to Remington & Vernick Engineers; and

WHEREAS, the project will consist of developing specifications to publicly bid the televising areas determined to have significant inflow following the flow and level monitoring of manholes, an estimated three miles of the sewer system as identified in the Environmental Protection Agency’s (EPA) Administrative Compliance Order (ACO); and

WHEREAS, the Borough CFO has certified that funds are available for this purpose.

NOW THEREFORE BE IT RESOLVED, the Mayor and Common Council of the Borough of Flemington, approves the professional consulting services for sanitary system CCTV and manhole inspection services – Administrative Compliance Order (ACO) response to Remington & Vernick Engineers, NTE \$27,250.

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	Yes

Motion carried.

PUBLIC COMMENTS – SESSION II:

There was no public comment.

APPROVAL TO PAY THE BILLS:

AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF \$2,892,090.39

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

Councilman Johnston	Yes
Councilman Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	Yes

Motion carried.

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. Negotiations – Liberty Village and Cardinal
 - 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 Councilman Parker with a vote of all ayes.

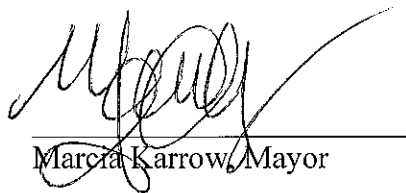
ADJOURNMENT

A **MOTION** was made by Council Vice President Tilly to adjourn the meeting. and was seconded by Councilman Parker with a vote of all ayes.

ATTEST:



Carla Conner, Borough Clerk



Marcia Karrow, Mayor

Adopted: December 11, 2023