



Mayor and Common Council Borough of Flemington

February 27, 2023

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

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 February 27, 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. 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 Member |

V. Presentations

VI. Mayor's Report

1. PROCLAMATION: JAMES J. BANSON III ACHIEVING EAGLE SCOUT

VII. Council Member Reports

VIII. Administrator's Report

IX. Public Comments - Session I

X. Approval of Minutes

Approval of Minutes for January 23, 2023

XI. Consent Agenda

1. RESOLUTION 2023-71: RAFFLE LICENSE FOR ST. MAGDALEN CHURCH FOR APRIL 28, 2023 AND MAY 25, 2023
2. RESOLUTION 2023-74: RAFFLE LICENSE FOR THE FLEMINGTON FIRE DEPARTMENT FOR APRIL 18, 2023
3. RESOLUTION 2023-75: RAFFLE LICENSE FOR THE FLEMINGTON FALCONS FOOTBALL ASSOCIATION MARCH 30, 2023

XII. Regular Agenda

1. **Public Hearing:**
ORDINANCE 2023-05: AMENDING CHAPTER 7A SECTION 7A-6A, SCHEDULE VI-A ENTITLED "STOP INTERSECTIONS" IN THE CODE OF THE BOROUGH OF FLEMINGTON
 2. **Public Hearing:**
ORDINANCE 2023-06: AMENDING CHAPTER 19 (FLOOD DAMAGE PREVENTION), SECTION 19-4 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO ESTABLISH PERMITTING FEES WITHIN AREAS OF SPECIAL FLOOD HAZARD
 3. **Public Hearing:**
ORDINANCE 2023-07: AMENDING CHAPTER 2, SECTION 2-10 ENTITLED "SHADE TREE COMMISSION" TO ADJUST THE NUMBER OF COMMISSION MEMBERS FROM FIVE TO SEVEN
 4. **Introduction:**
ORDINANCE 2023-08: AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS, BY REMOVING A SPOT ON CAPNER STREET
 5. **Introduction**
ORDINANCE 2023-09: AMENDING CHAPTER 11 "UTILITIES," SECTION 11-1.1 "REGULATIONS" TO MODIFY THE WATER SERVICE UNIT
 6. **Introduction:**
ORDINANCE 2023-10: AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, TITLED STREETS AND SIDEWALKS, TO UPDATE ROAD OPENING REQUIREMENTS
 7. **Introduction:**
ORDINANCE 2023-11: GRANTING RENEWAL OF MUNICIPAL CONSENT
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TO COMCAST OF CENTRAL NEW JERSEY II, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY

8. RESOLUTION 2023-66: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON STORM RECOVERY TRUST FUND.
9. RESOLUTION 2023-67: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON ANIMAL CONTROL FEES.
10. RESOLUTION 2023-68: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL OFFICERS.
11. RESOLUTION 2023-69: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON UNEMPLOYMENT TRUST FUND.
12. RESOLUTION 2023-70: AWARDING A PROFESSIONAL SERVICES CONTRACT TO RVE FOR ENGINEERING SERVICES FOR THE MAIN STREET WATER AND SEWER INFRASTRUCTURE IMPROVEMENT PROJECT IN THE AMOUNT OF \$308,900
13. RESOLUTION 2023-72: AUTHORIZING THE CLOSEOUT CHANGE ORDER AND FINAL PAYMENT NO. 4 FOR THE CONSTRUCTION CONTRACT WITH REIVAX CONTRACTING, IN CONNECTION WITH THE DEWEY AVENUE ROAD IMPROVEMENT PROJECT IN THE AMOUNT OF \$16,209.42
14. RESOLUTION 2023-73: AWARDING CONTRACT FOR A FIRE DETECTION SYSTEM FOR 200 MAIN STREET

XIII. Work Session

Discussion on the Environmental Protection Agency's (EPA) ACO designation, with an Engineer from the Borough's engineering firm Remington Vernick.

XIV. Public Comments - Session II

XV. Payment of the Bills

Payment of bills in the amount of \$365,795.58

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

1. RESOLUTION 2023-76: EXECUTIVE SESSION TO DISCUSS POTENTIAL SHARED

SERVICE AGREEMENT WITH RARITAN TOWNSHIP AND CONTRACT DISCUSSION
FOR LOCAL TEAMSTERS CONTRACT

XVII Adjournment

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Mayor's Report

SUBJECT: PROCLAMATION: JAMES J. BANSON III ACHIEVING EAGLE SCOUT

SUGGESTED ACTION:

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, James J. Benson III 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, James Benson created four cold frame garden boxes for the Flemington Food Pantry vegetable garden, providing shelter for seedlings in the early spring, allowing the pantry to begin preparing for the harvest earlier in the season and to grow more plants than in previous years; and

WHEREAS, COVID delayed his review and he was unable to hold an Eagle Court of Honor, and his college schedule makes it difficult

to celebrate his remarkable achievement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, that they do hereby congratulate James J. Benson III of Boy Scout Troop 186 on attaining the rank of Eagle Scout.

Approved: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-71: RAFFLE LICENSE FOR ST. MAGDALEN CHURCH FOR APRIL 28, 2023 AND MAY 25, 2023

SUGGESTED ACTION:

WHEREAS applications have been received by the Borough of Flemington to grant an On-Premises 50/50 Raffle License to St. Magdalen Church; and

WHEREAS no objection has been received by the Borough Clerk;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that licenses be granted to St. Magdalen Church, to benefit the organization's debt service, for two raffles to be held on April 28, 2023 and on May 25, 2023, to be held at 105 Mine Street, Flemington.

Adopted: February 27, 2023

Attest:

Marcia Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-74: RAFFLE LICENSE FOR THE
FLEMINGTON FIRE DEPARTMENT FOR APRIL 18, 2023

SUGGESTED ACTION:

WHEREAS an application have been received by the Borough of Flemington to grant an On-Premises 50/50 Raffle License to the Flemington Fire Department; and

WHEREAS, the Fire Department has requested a waiver of the \$20.00 Borough fee for raffle licenses; and

WHEREAS no objection has been received by the Borough Clerk;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that licenses be granted to the Flemington Fire Department, to benefit the organization's fire fighting budget, to be held on April 18, 2023, to be held at 38 Park Avenue, Flemington; and

MAY IT BE FURTHER RESOLVED that the Borough of Flemington waives the Borough raffle license fee of \$20.00.

Adopted: February 27, 2023

Attest:

Marcia Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: **Consent Agenda**

SUBJECT: RESOLUTION 2023-75: RAFFLE LICENSE FOR THE FLEMINGTON FALCONS FOOTBALL ASSOCIATION MARCH 30, 2023

SUGGESTED ACTION:

WHEREAS applications have been received by the Borough of Flemington to grant an On-Premises Raffle License to the Flemington Falcons Football Association; and

WHEREAS no objection has been received by the Borough Clerk;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that licenses be granted to the Flemington Falcons Football Association, to benefit the organization's non-profit operations, to be held on March 30, 2023, to be held at Reading Fleming Intermediate School, 50 Court Street, Flemington.

Adopted: February 27, 2023

Attest:

Marcia Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
ORDINANCE 2023-05: AMENDING CHAPTER 7A SECTION 7A-6A, SCHEDULE VI-A ENTITLED "STOP INTERSECTIONS" IN THE CODE OF THE BOROUGH OF FLEMINGTON

SUGGESTED ACTION: **WHEREAS**, The Borough of Flemington Municipal Code regulates intersections designated as "stop intersections" within the Borough; and

WHEREAS, the Borough of Flemington Police Department recommends to amend Chapter 7A, Section 7A-6A, Schedule VI-A to include additional stop signage at certain intersections to improve traffic safety.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Flemington, County of Hunterdon, and State of New Jersey, that Chapter 7A Section 7A-6A, Schedule VI-A entitled "Stop Intersections" shall be amended as follows (additions are written **thusly** and deletions are written thusly):

SECTION I.

Schedule VI-A: Stop intersections

| | |
|-------------------------------|---|
| Brown Street and Grant Avenue | A STOP sign shall be installed on Grant Avenue. |
|-------------------------------|---|

| | |
|----------------------------------|--|
| William Street and Spring Street | A STOP sign shall be installed on Spring Street. |
|----------------------------------|--|

| | |
|--|--|
| Bloomfield Avenue and Spring Street | A STOP sign shall be installed on Spring Street. |
| Court Street and Allen Street | A STOP sign shall be installed on Allen Street. |
| Allen Street and Corcoran Street | STOP signs shall be installed on Corcoran Street. |
| Maple Avenue and Spring Street | STOP signs shall be installed on Spring Street |
| Spring Street and Chorister Place | A STOP sign shall be installed on Chorister Place. |
| Central Avenue and Fulper Road | A STOP sign shall be installed on Fulper Road. |
| Shields Avenue and Bonnell Street | A STOP sign shall be installed on Shields Avenue. |
| Hunterdon Shopping Center: Entrance Driveway and Main Driveway. | A STOP sign shall be placed at the Entrance Driveway. |
| Walter Foran Boulevard, Walter Foran Boulevard Extension and North Main Street | STOP signs shall be installed on Walter Foran Boulevard and Walter Foran Boulevard Extension in the event the traffic signal is inoperative. |
| Walter Foran Boulevard and North Main Street (East Side Right Turn) | A STOP sign shall be installed on Walter Foran Boulevard Extension. |
| Walter Foran Boulevard Extension and Park Avenue | A STOP sign shall be installed on Park Avenue. |
| <u>Church Street and Brown Street</u> | <u>STOP signs shall be installed on Church Street and Brown Street.</u> |

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.

All ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

SECTION V.

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

Introduced: February 13, 2023

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
ORDINANCE 2023-06: AMENDING CHAPTER 19 (FLOOD DAMAGE PREVENTION), SECTION 19-4 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO ESTABLISH PERMITTING FEES WITHIN AREAS OF SPECIAL FLOOD HAZARD

SUGGESTED ACTION: **WHEREAS**, it is the desire of the Mayor and Council of the Borough of Flemington to establish a fee schedule for the issuance of permits within areas of special flood hazard; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 19 of the Municipal Code of the thereof entitled "Flood Damage Prevention" is hereby amended at Section 19-4 (Administration) as follows:

Section I:

Section 19-4.1 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

3. Development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 19-3.2. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature,

location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 19-5.2b; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. **Upon completion of the project, an elevation certificate and a topographical as-built survey.**

b. The following fees shall be applicable:

1. **If it cannot, in the sole discretion of the local administrator or their designee, be readily determined from the information provided to the municipality whether the proposed activity takes place within an area of special flood hazard and therefore requires a development permit, then a fee of \$50 shall be charged in order to investigate and make such determination.**
2. **In all cases where a development permit is required, a fee of \$300 shall be submitted with the application.**
3. **In all cases where a development permit is required, there shall be an additional fee of \$300 for final review of the elevation certificate and survey, which shall be paid prior to the issuance of a certificate of occupancy or certificate of approval from the Construction Department.**

Section II

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

Section III

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 IV

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

Introduction: February 13, 2023

Adoption: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Public Hearing:**
ORDINANCE 2023-07: AMENDING CHAPTER 2, SECTION 2-10 ENTITLED "SHADE TREE COMMISSION" TO ADJUST THE NUMBER OF COMMISSION MEMBERS FROM FIVE TO SEVEN

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington currently permits five members and two alternates to serve on the Shade Tree Commission; and

WHEREAS, pursuant to N.J.S.A. 40:64-1, a municipality's shade tree commission "shall consist of not less than five nor more than seven members, and may include not more than two alternate members"; and

WHEREAS, the Borough of Flemington desires to amend Chapter 2, Section 2-10 to permit seven members and two alternate members to serve on the Shade Tree Commission.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that the Municipal Code of the Borough of Flemington be and is hereby amended as follows (additions are noted **thusly**; deletions are noted ~~thusly~~):

Section I

§ 2-10.1. Commission; Personnel; Appointment.

There shall hereby be established a commission known as the Shade Tree Commission of the Borough of Flemington. The commission shall consist of ~~five~~ **seven** members and two alternate members. The members and alternate members shall be

appointed by the Mayor with consent of the Council, shall be residents of the municipality, and shall serve without compensation, except as hereinafter provided.

Section II

§2-10.2. Establishment and Composition; Terms; First Commission; Subsequent Commissions; Terms.

- a. There shall be a Shade Tree Commission established in the Borough of Flemington, which shall consist of ~~five~~ **seven** members. Each member shall be a resident of the Borough and be appointed by the Mayor for a five-year term. The terms of all members of the Shade Tree Commission shall expire on December 31, 2020. Thereafter, appointments will be made on a staggered basis and of the members initially appointed, one member shall be appointed to serve for a term of one year, one member shall be appointed to serve a term of two years, one member shall be appointed to serve a term of three years, one member shall be appointed to serve a term of four years, and one member shall be appointed to serve a term of five years. Thereafter, all appointments shall be made for a term of five years.
- b. The alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The terms of all alternate members shall expire on December 31, 2020. The initial term of Alternate No. 2 shall be four years and the initial term of Alternate No. 1 shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their appointment. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

Section III

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

Section IV

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 V

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

Introduction: February 13, 2023

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Introduction:**
ORDINANCE 2023-08: AMENDING CHAPTER VII TRAFFIC,
SCHEDULE XII PARKING RESTRICTED FOR USE BY
HANDICAPPED PERSONS, BY REMOVING A SPOT ON
CAPNER STREET

SUGGESTED ACTION: **WHEREAS**, N.J.S.A. 39:4 - 197 confers upon the Borough a right to establish resident handicapped on-street parking in order to preserve and safeguard the public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 39:4 -197.6, any municipality may, by ordinance establish a restricted parking zone in front of a residence occupied by a handicapped person if a windshield placard or wheelchair license plates have been issued for a vehicle owned by that person, or by another occupant of the residence who is an immediate member of the family of the handicapped person, by the New Jersey Department of Motor Vehicles pursuant to the provisions of P.L. 1949, c.280 (C.39:4-204 et seq.), provided the permitting does not interfere with the normal flow of traffic; and

WHEREAS, the Borough of Flemington Council has determined that is no longer a necessity to provide for resident on-street handicapped parking on Capner Street between Main Street and Park Avenue; now, therefore

NOW, THEREFORE BE IT ORDAINED by the Borough of Flemington Council to remove the following handicap restricted parking space:

STREET: Capner Street

SIDE: South

LOCATION: From a point 25 feet east of the southernly curb-line of Park Avenue to 62 feet east thereof.

Introduced: February 27, 2023

Adopted:

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Introduction**
ORDINANCE 2023-09: AMENDING CHAPTER 11 "UTILITIES,"
SECTION 11-1.1 "REGULATIONS" TO MODIFY THE WATER
SERVICE UNIT

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington desires to amend Chapter 11, Section 11-1.1 to redefine the water service unit as 300 gallons per day (gpd) to be consistent with the definition of a sewer service unit; and

WHEREAS, the amended definition eliminates the need to calculate and periodically update the average daily flow of water to the average single-family residence in the district; and

WHEREAS, the proposed amendment also includes defining when the connection fee shall be paid by the applicant to be consistent with the connection fee payment requirements for a sewer service unit.

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 11-1.1a(11)(c) shall be amended as follows (additions are noted **thusly**; deletions are noted ~~thusly~~):

The remainder shall be divided by the total number of service units served by the Borough of Flemington at the end of the immediately preceding fiscal year of the Borough, and the results shall then be apportioned to each new connector according to the number of service units attributed to that connector. In attributing

service units to each connector, the estimated average daily flow of water **(in gallons per day)** for the connector shall be divided **300 gallons per day** by the average daily flow of water to the average single residence in the authority's district and rounded to the next highest service unit, to produce the number of service units to be attributed. The number of service units is thereafter multiplied by the connection fee for water connection, per § 11-1.2, Water Connection Fee, to establish the connection fee. The flow from a multiunit building may be aggregated for the purpose of determining a connection fee. **The calculated connection fee shall be due and payable in advance to the Borough of Flemington Water Utility System before the time any physical connection or tie-in is made.**

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.

Introduced: February 27, 2023

Adopted:

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Introduction:**
ORDINANCE 2023-10: AMENDING CHAPTER 10 OF THE
MUNICIPAL CODE, TITLED STREETS AND SIDEWALKS, TO
UPDATE ROAD OPENING REQUIREMENTS

SUGGESTED ACTION: **WHEREAS**, the Borough of Flemington desires to update its road opening ordinance; and

WHEREAS, in consideration thereof, the Mayor and Council of the Borough of Flemington desire to amend Chapter 10, titled Streets and Sidewalks; and

BE IT THEREFORE ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 10 of the Municipal Code of the Borough of Flemington, County of Hunterdon, State of New Jersey is amended pursuant to the provisions hereof (additions are noted **thusly** and deletions are noted ~~thusly~~):

Section I

Chapter 10-1.1 is hereby amended as follows:

- a. No person shall excavate, test drill or disturb any public street or road surface or curbing or sidewalks within the right of way of any street or road in the borough, including all sidewalks, streets and roads in private developments not a part of the borough street system at the time of excavation, but where it is contemplated that application will

subsequently be made to have the streets or roads become a part of the borough road system, for the purpose of laying, changing, repairing or connecting any water, gas, sewer pipe, storm drain or any electric, telephone or telegraph pipes or conduits, or for any other purpose whatever without first having obtained a permit from the Borough Clerk **after approval by the Director of the Department of Public Works ("Director")**. In the event of emergency where repairs must be made immediately, and the person charged with the responsibility for making the repairs would be unduly delayed in seeking a permit, the excavation may be made for the purpose of stopping a leak or interruption in service of the utility. As soon as the leak or interruption in service has been repaired, and an emergency no longer exists, the person having made the excavation shall forthwith apply for a permit and comply with all the other provisions of this section. In emergency matters and in the absence of the clerk, a permit may be issued by the mayor or councilman in charge of borough streets. The power to regulate excavation and construction in the public streets is contained in R.S. 40:67-1. The power to provide specifications for street and sidewalk construction is part of the general police power, R.S. 40:48-2.

- b. **In cases where a street has been paved in the direction of the Borough within the last eight years, the extent of repairs may be significantly greater, and may include extensive milling and repaving to return the street to the condition it was in prior to the opening. The bonding required in these cases shall reflect the need for additional work.**
- c. **Recently paved streets. The Borough, in an attempt to preserve the integrity of recently paved streets, will not issue a street opening permit for a street that has been paved in the last eight years, except in an emergency or under extraordinary conditions. In cases where a street permit is issued on a street paved within the last eight years, the bond or cash posted shall not be less than \$2,500, and the fee shall be 100% more than indicated in Chapter 10-2.**
- d. **The Borough shall have the authority to require curb-to-curb repaving where the Director deems it necessary.**
- e. **The Borough shall have the authority to require infra-red paving where the Director deems it necessary.**

Section II.

Chapter 10-1.2 is hereby amended as follows:

Any person desiring a permit shall file with the Borough Clerk, or other designated official in the event of emergency, a signed application containing the following information.

I. The NJ Dig Number shall be provided prior to the start of work.

m. An agreement to be invoiced for any work done by the Borough to bring the street repair and paving to the Borough Inspector of Borough Designee's approval.

n. Online applications shall be permitted. In the case of online applications, only one set of plans shall be required.

Section III.

Chapter 10-2 is hereby amended as follows:

The fee for such permit shall be ~~\$50.00~~ **\$75.00** per opening for four or more multi-family residences, garden apartments, commercial properties and utilities and \$100.00 for single family through three multi-family residences, **plus an escrow of \$600.** **For public utilities, the fee shall be \$300 plus an escrow amount to be determined by the Director.** Such fee shall be due and payable at the time the application is made to the borough clerk.

Section IV.

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

Section V.

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 VI.

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey Law.

Introduced: February 27, 2023

Adopted:

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Ordinances

AGENDA SECTION: Regular Agenda

SUBJECT: **Introduction:**
ORDINANCE 2023-11: GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF CENTRAL NEW JERSEY II, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY

SUGGESTED ACTION: **WHEREAS**, in or about September 2019, Comcast of Central New Jersey II, LLC ("Comcast") filed an application for the renewal of municipal consent to construct and operate a cable television system within the Borough of Flemington; and

WHEREAS, pursuant to N.J.S.A. 48:5A-23, the Borough conducted a properly noticed public hearing to consider Comcast's application on October 15, 2019; and

WHEREAS, at the time, Comcast had not yet submitted a draft contract to the Borough for consideration, therefore the Borough did not issue a report and decision concerning Comcast's application within the required thirty (30) days set forth in N.J.S.A. 48:5A-23(d); and

WHEREAS, the Borough requested that Comcast resubmit its application so that a new public hearing could be held and a decision and report timely issued; and

WHEREAS, Comcast refused to do so; and

WHEREAS, however, a representative from the BPU advised that this ordinance could serve as the required decision and report,

notwithstanding its adoption outside the timelines set forth in N.J.S.A. 48:5A-23(d); and

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FLEMINGTON, HUNTERDON COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" is the Borough of Flemington, County of Hunterdon, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey II LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of

Municipal Consent.

- i. "Primary Service Area" or "PSA" consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.
- j. "Government access" shall mean noncommercial use by the governing bodies of Buena Vista Township, Winslow Township, Chesilhurst Borough, Folsom Borough, Monroe Township and Waterford Township for the purpose of showing the public local government at work.
- k. "Educational access" shall mean noncommercial use by educational institutions such as public or private schools, but not "home schools," community colleges and/or universities.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 5 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, and, except as where higher payment is otherwise required by the applicable law and regulations (including N.J.S.A. 48:5A-30), the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount permitted by the Act or otherwise allowable by law.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company prior to approval of the board.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company.

Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

- d. Temporary removal of cables: The Company shall, upon request of the Borough, at the company's expense, temporarily raise, lower or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.
- e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

SECTION 9. CUSTOMER SERVICE.

- a. In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough upon written request of the Borough Administrator or Clerk.
- b. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- c. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- d. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association ("NCTA").
- e. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to

complaints by Borough customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY; FREE SERVICE.

- a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- b. The Company shall provide the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation to each qualified existing and future school in the Borough, public and private, elementary, intermediate and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit.
- c. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet to every Borough

- building and each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough. Monthly service charges shall be waived on all additional outlets except for equipment.
- d. The Company shall provide the following: (1) one standard installation per Borough building; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation to every Borough building and each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit.
 - e. Within one (1) year of the issuance of the Renewal Certificate of Approval by the BPU, the Company shall install and provide sufficient public wifi access points on Main Street to provide free public internet on Main Street (between William Street and Pennsylvania Avenue) and along Stangl Road. Monthly service charges shall be waived.
 - f. The Company shall make available to the Borough on a first-come, first-served basis, a mobile production vehicle, with cameras, recording and editing equipment, for the purpose of producing noncommercial community, governmental, or educational access programming, consistent with the company's written rules and regulations on the use of said vehicle, and provided the vehicle is in service by the Company. Upon reasonable advance notice, the Petitioner shall provide training for potential access users and groups.
 - g. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time PEG Access Capital Grant in the amount of \$10,000 to meet the PEG Access capital needs of the community.
 - h. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority

on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law, including the services set forth in subsections (a) and (b) above which may be recovered at the fair market value as a pass-through in addition to the 2.0% franchise fee provided herein.

SECTION 15. GOVERNMENTAL AND EDUCATIONAL ACCESS

- A. The Company shall provide one channel for educational and governmental ("EG") access for use by the Borough on the most basic tier of service offered by the company in accordance with the Cable Act, Section 611 (47 U.S.C. § 531), and as further set forth below. Educational and governmental access video programming shall be provided by the governing body of the Borough and/or a designated educational institution. Unused capacity may be utilized by the Company subject to the provisions for "fallow time" below.
- B. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user - whether an educational or government user - acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- C. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- D. The governing body of the Borough shall be responsible for developing, implementing and enforcing rules for EG access channel use which shall ensure that the EG access channel and the EG access equipment, which shall be provided by the Borough, will be available on a first-come-first-served, nondiscriminatory basis.
- E. Company use of fallow time. Because blank or underutilized EG channels are not in the public interest, in the event the Borough or other EG access users elect not to fully program their EG access channel, the Company may program unused time on those channels subject to reclamation by the Borough upon no less than 60 days' written notice. In times

- of a declared state of emergency (at the local, county, or state level) the Borough shall reclaim unused time immediately for the purpose of relaying information related to said emergency upon written notice to the Company.
- F. The Company shall make the EG channel available to live stream through a website link that can be posted on the Borough's municipal website.
 - G. Indemnification. The Borough shall indemnify company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Borough's rules for or administration of access.

SECTION 16. EMERGENCY USES.

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of

N.J.A.C. § 14:17-6.7.

SECTION 20. MEETINGS

Upon thirty (30) days written request by the Municipality, the Company shall make representatives available to meet with officials of the Municipality for the purpose of reviewing the Company's performance. The Company's representative shall respond to the reasonable requests for information made by the Municipality prior to such meeting.

SECTION 21. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 22. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 23. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Introduced: February 27, 2023

Adopted:

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-66: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON STORM RECOVERY TRUST FUND.

SUGGESTED ACTION:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides for receipt revenues by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, P.L. 2013 c. 271 and NJS 40A:4-62.1 provides the dedicated revenues anticipated from the Storm Recovery Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Storm Recovery Trust Fund per New Jersey Public Law 2013 C. 271 and NJS 40A:4-62.1.
2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local

Government Services.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-67: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON ANIMAL CONTROL FEES.

SUGGESTED ACTION:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides for receipt revenues by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, the dedicated revenues anticipated from the Animal Control Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Animal Control Trust Fund.
2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies

of this Resolution to the Director of the Division of Local
Government Services.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-68: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON OUTSIDE EMPLOYMENT OF OFF-DUTY MUNICIPAL OFFICERS.

SUGGESTED ACTION:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides for receipt of Outside Employment of Off-Duty Officers Revenues by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Outside Employment of Municipal Officers fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Outside Employment of Municipal Off-Duty Officers per New Jersey Public Law as amended by LFN 2000-14.

2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-69: REQUESTING PERMISSION FOR DEDICATION BY RIDER FOR THE EXPENDITURE OF FEES FOR THE BOROUGH OF FLEMINGTON UNEMPLOYMENT TRUST FUND.

SUGGESTED ACTION:

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:4-39 provides for receipt revenues by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, the dedicated revenues anticipated from the Unemployment Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Flemington, County of Hunterdon, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Unemployment Trust Fund.

2. The Clerk of the Borough of Flemington, County of Hunterdon is hereby directed to forward two certified copies of this Resolution

to the Director of the Division of Local Government Services.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-70: AWARDING A PROFESSIONAL SERVICES CONTRACT TO RVE FOR ENGINEERING SERVICES FOR THE MAIN STREET WATER AND SEWER INFRASTRUCTURE IMPROVEMENT PROJECT IN THE AMOUNT OF \$308,900

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington requires the services of an Engineer in connection with a Main Street Improvement project; and

WHEREAS, the Borough Engineer Remington & Vernick Engineers has submitted the attached proposal for \$308,900.00; and

WHEREAS, the Borough is acquiring these professional services without the need for public bidding pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the Borough obtained funding for this project through the New Jersey Infrastructure Bank (the "I-Bank") and the Borough's Chief Financial Officer has certified that sufficient funds are available; and

WHEREAS, the I-Bank requires the execution of a separate contract for each funded project; and

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

1. Remington & Vernick Engineers is awarded a contract of

- \$308,900.00 consistent with the attached proposal for engineering services related to the Main Street Improvement project; and
2. The Mayor and Clerk are hereby authorized to execute the attached proposal.
 3. A notice of this action shall be published in the official newspaper of the Borough within ten (10) days of approval of this resolution.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[Flemington Hotel Redevelopment Area Water and Sewer inspection proposal.pdf](#)

February 3, 2023

Mr. Michael Humphrey, Business Administrator
Borough of Flemington
Municipal Building
38 Park Avenue
Flemington, New Jersey 08822

**Re: Contract Administration and Construction Inspection Proposal
Hotel Redevelopment Area Water & Sewer Improvements**

Dear Mr. Humphrey:

Remington & Vernick Engineers is pleased to provide this proposal for services for Contract Administration and Construction Inspection of Flemington's Hotel Redevelopment Area Water & Sewer Improvements project. Proposed construction will be performed as per the following construction bid documents:

- Construction plans prepared by a prior engineer (Martucci), revised to July, 2021.
- Construction specifications and bid documents as prepared by CME Associates (including Addendum #1 changes dated September 14, 2022 as incorporated into CME's bid specifications).

As referenced in construction bid specifications, work to be inspected shall include the following as depicted on the Martucci Site Plans:

- Construct Water & Sewer improvements, excavation, storm water system improvements and appurtenances on Bloomfield Avenue, between Main Street and Broad Street (Martucci design Plan Sheet 2). Pavement restoration of new utility trenches including surface course restoration as depicted on "Permanent Pavement with Surface Course Restoration Detail" on Martucci design Plan Sheet 10, modified by CME Addendum #1.
- Construct Water & Sewer improvements, excavation, storm water system improvements and appurtenances on Spring Street, south of Bloomfield Avenue (Martucci design Plan Sheet 3). Pavement restoration of new utility trenches including surface course restoration as depicted on "Permanent Pavement with Surface Course Restoration Detail" on Martucci design Plan Sheet 10, modified by CME Addendum #1.
- Construct Water & Sewer improvements, excavation, storm water system improvements and appurtenances on Chorister Place (Martucci design Plan Sheet 4). Pavement restoration of new utility trenches including surface course restoration as depicted on "Permanent Pavement with Surface Course Restoration Detail" on Martucci design Plan Sheet 10, modified by CME Addendum #1.

- Construct Water & Sewer improvements, excavation, storm water system improvements and appurtenances on a section of Broad Street (Martucci design Plan Sheet 5). Pavement restoration of new utility trenches including surface course restoration as depicted on “Permanent Pavement with Surface Course Restoration Detail” on Martucci design Plan Sheet 10, modified by CME Addendum #1.
- Construct Water & Sewer improvements, excavation, storm water system improvements and appurtenances on a section of New York Avenue (Martucci design Plan Sheet 6). Pavement restoration of new utility trenches including surface course restoration as depicted on “Permanent Pavement with Surface Course Restoration Detail” on Martucci design Plan Sheet 10, modified by CME Addendum #1.
- Construct Water & Sewer improvements, excavation, storm water system improvements and appurtenances on a section of Main Street (Martucci design Plan Sheets 7 and 8). Pavement restoration of new utility trenches including surface course restoration as depicted on “Permanent Pavement with Surface Course Restoration Detail” on Martucci design Plan Sheet 10, modified by CME Addendum #1.

Other than paving restoration for the above-referenced trenches, no road reconstruction or surface coat paving is proposed as part of this project. Per communications with CME and Borough staff, portions of Bloomfield Avenue will be paved at a future date using money from NJDOT local aid and NJ I Bank monies. It is our understanding that reconstruction include road reconstruction on Spring Street and Chorister Place to be done by the Hotel Redeveloper. The Redeveloper’s plans show mill and pave for a portion of Bloomfield between Main Street and Broad Street. Finally, Elizabethtown Gas will be doing gas main and service installation (which will require pavement restoration/resurfacing at a future date).

Per review of the bid design, there are deep excavation cuts to install proposed sanitary gravity sewerage (and lateral connections). including proposed work within Bloomfield Avenue, Broad Street, Chorister Place, and New York Avenue. While proposed water main will be installed closer to ground surface, there will be numerous new water connections as well. In addition to observing excavation activities, ensuring proper trench compaction and trench paving restoration will be crucial in the successful completion of this project. As such, RVE estimates that full-time inspection is warranted for 75% of proposed construction activities, which is reflected in our Fee Proposal.

RVE will provide the Borough with professional construction support during all phases of construction, including the following services:

Daily Inspection Reports: RVE will prepare reports daily. The reports will provide a clear and concise record of the day's events and quantities will be measured on a daily basis. The reports will include the weather conditions, work performed, start and end times, location, pay quantities installed, manpower and equipment at the site, visitors, directions given, questions asked, and unusual reports or occurrences. The reports will comment on the contractor's operations and procedures and recommendations provided. At a minimum these reports will include:

- Start and end time of each workday.
- Name and classification of all labor employed to complete the work.
- Activities complete and time off activities.
- Weather conditions.
- Equipment utilized and onsite.
- Unusual events.
- Operations and procedures discussed for upcoming work.

Copies will be provided to the Borough on a monthly basis along with a monthly progress report in conjunction with the monthly request for payment.

Field Engineering: RVE will prepare construction sketches as necessary to review with the Borough, as required for resolution of actual field conditions encountered.

Shop Drawings: RVE will review, track, and process all submittals provided by the Contractor. For this type of project, we anticipate reviewing asphalt mix designs, concrete mix designs, dense graded aggregate, roadway striping and signage, and traffic control devices. All submittals will be reviewed to be in conformance with the project and NJDOT specifications. Any proposed deviations will be reviewed with the Borough and recommendation discussed. As part of the submittal review, the onsite personnel will coordinate daily maintenance and protection of traffic plans with local police and the Borough.

Material Certification: RVE will collect and review all (non-regulated) material certifications provided by the contractor.

Coordination: RVE will observe, document and coordinate the project startup between the Contractor and the Borough. RVE's familiarity with the Borough will be useful in ensuring the contract is performed up to the expectation of the Borough. RVE will also coordinate with any Borough Police Traffic Director concerns. Coordination with the Borough Police will be critical for this project to make sure traffic is maintained during the lane and shoulder closures within the project limits.

Project Closeout: Upon notification from the contractor that the project is substantially complete, RVE will perform a final inspection and generate a project punchlist. While the contractor completes the punchlist item, RVE will initiate the closeout process, and begin to draft the final change order for item as-built quantities.

Inspection: RVE will provide full time onsite inspection for critical components of the project completion (**estimated at 75% of project duration**) and part-time observation of remaining non-critical work. In addition to providing the services of our Chief Inspection Supervisor and Contract Administrator (Mr. George Allan), RVE will provide a full-time, minimum NICET II or equivalent construction inspector. Our inspector will be responsible for verification that work is completed in conformance with the contract documents, Contractor is complying with all Borough, State, and Federal requirements, as applicable to the project, witness onsite material testing, measure and track all payment quantities, and provide a Certificate of Completion to the Borough at project completion.

Change Orders and Claims: RVE will review all contractor provided documentation for change orders. RVE will review contractors proposed change orders and reiterate that no work shall be performed until the change order has been performed. All change orders must be approved by the Borough Project Manager. In the event a price cannot be agreed upon, work will proceed and tracked as force account per NJDOT specification. In the event the contractor files claim for any reason, RVE will prepare an analysis of the change, and all support documentation for the Borough to review. Any documentation required for Borough, State, or Federal review will be prepared.

Requests for Information (RFIs): RVE will track and manage all requests for information. RFI's will be reviewed with the Borough and possible solutions proposed. Based on actual field conditions any changes will be incorporated into the work and documented during construction on the inspector's daily report.

Project Meetings: RVE will coordinate and attend all necessary project meetings, including the preconstruction and progress meetings. RVE will document the meeting via meeting minutes distributed to all invitees and attendees. RVE will schedule Bi-weekly project meetings with the Borough Project Manager to discuss the project progress and any conflicts.

As Built: RVE will prepare collect the contractor's red line as-builts and verify with the measurements taken during construction. Any necessary field visits required to gather accurate information for the as built quantity or project costs will be made as necessary.

Environmental Compliance: The contractor will be required to perform all work in accordance with the approved erosion and sediment control plan. Onsite inspectors will verify that required silt fence and/or inlet filters are in place prior to construction as required by the contract and soil erosion and sediment control permit.

Reproduction: RVE will provide the contractor with the necessary copies of the contract documents as requested at the preconstruction meeting.

Utility Relocation (if needed): RVE assist the contractor with any necessary utility relocations required for the project. The most realistic utility interaction would be the need to temporary support a utility pole during excavation. Contractors will typically support the pole with prefabricated "pole holders" and utilize a trench box to safely excavate and minimize sloughing of the excavation.

Contractor Partial Payment Requisitions: RVE will receive and review the contractor's prepared requests for periodic reimbursement. To facilitate our review, a payment ledger will be maintained throughout the course of the project. The ledger will be based on daily quantity measurements and provide a running total of quantities installed and payment earned. Although the ledger will be based on information included in the inspector reports, it will be confirmed with the contractor's records on a periodic basis. Upon agreement, we will recommend payment to the Borough and provide two copies of the support documentation. We will provide all documentation required for funding agency reimbursement to the Borough. At project completion, RVE will prepare an Engineers Certificate of Project Completion.

We propose to provide CA/CI services as described herein for a time and material, not to exceed fee of **\$298,900.00**. Our estimate is based on the specified construction duration of 240 calendar days to substantial completion, and 270 calendar days to final completion. Our fees exclude construction materials testing, analytical testing or due diligence work.

Finally, RVE recommends a testing allowance of \$10,000 for materials testing (paving, etc.) to help ensure successful completion of this project.

We appreciate the opportunity to assist Flemington Borough on this important project. Should you have any questions or require additional information, please do not hesitate to contact me at (732) 955-8000.

Sincerely,
REMINGTON & VERNICK ENGINEERS



Terence Vogt, PE, PP, CME
Principal, Regional Manager

cc: Leonard Faiola, CEO
George Allan
Jeffrey Fedorchak, PE

Item Cover Page

MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-72: AUTHORIZING THE CLOSEOUT CHANGE ORDER AND FINAL PAYMENT NO. 4 FOR THE CONSTRUCTION CONTRACT WITH REIVAX CONTRACTING, IN CONNECTION WITH THE DEWEY AVENUE ROAD IMPROVEMENT PROJECT IN THE AMOUNT OF \$16,209.42

SUGGESTED ACTION:

WHEREAS, a construction contract for the Dewey Avenue Road Improvement Project was awarded to Reivax Contracting Corp. on September 13, 2021 in the amount of \$340,700.50; and

WHEREAS, the project has been satisfactorily completed at a total cost of \$223,941.13; and

WHEREAS, the project funding agency, the New Jersey I-Bank, requires a Resolution from the Governing Body authorizing a closeout change order and final payment; and

WHEREAS, the Chief Financial Officer certifies that there are funds available for this project;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, approves Closeout Change Order and Final Payment Application No. 4 for \$16,209.42 to Reivax Contracting Corp., in connection with the Dewey Avenue Road Improvement Project and authorizes the payment.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Regular Agenda

SUBJECT: RESOLUTION 2023-73: AWARDING CONTRACT FOR A FIRE DETECTION SYSTEM FOR 200 MAIN STREET

SUGGESTED ACTION:

WHEREAS, the Borough of Flemington has entered into a contract to purchase property located at 200 Main Street in the Borough of Flemington; and

WHEREAS, the Borough intends to relocate the headquarters of the Flemington Borough Police Department to this property; and

WHEREAS, the newly acquired building requires certain modifications and improvements be made before being occupied by the Police Department, with such modifications being done in a phased approach due to schedule and funding constraints; and

WHEREAS, the Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed; and

WHEREAS, one of these classifications is the installation of a fire detection system for the building; and

WHEREAS, working with the Police Department and Borough Fire Official, the Project Team has developed a scope of work, conducted field reviews and contacted no less than six specialty Contractors for this work; and

WHEREAS, the Borough has solicited and has received two detailed and one non-detailed quote for this service as follows:

| | |
|-------------------------|-------------|
| Cooper Technology Group | \$23,890.00 |
|-------------------------|-------------|

Protective Measures Security & Fire Systems \$36,368.00
Lanyi & Tevald \$45,800.00*

*Quote provided to Murray Contracting in December 2022
;and

WHEREAS, the quote that is most advantageous to the Borough is that of Cooper Technology Group for an amount of \$23,890.00; and

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

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

1. The Mayor and Acting Borough Clerk are authorized to enter into a contract with Cooper Technology Group for an amount not to exceed \$23,890.00 to install a fire detection system in the building to be approved by the Borough Attorney.
2. The Mayor and Acting Clerk are authorized to take all actions necessary to execute this agreement.
3. This Resolution shall take effect immediately.

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS:

[ltr - 2.25..23 - Fire detection system.pdf](#)



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

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

February 25, 2023

Mr. Michael Humphrey
Business Administrator | Acting Clerk | Registrar
Borough of Flemington
38 Park Avenue
Flemington, NJ 08822-1321

**Re: Borough of Flemington
Police Headquarters Relocation
Phase I Construction- Fire Detection System**

Dear Mr. Humphrey:

The relocation of the Police Department to the newly acquired building at 200 Main St. requires certain modifications and improvements be made to that facility before being occupied by the Department. The present building has no Fire Detection System, and we have reviewed with the Architect and Fire Marshall and determined that a Fire Detection System is required for the facility.

Accordingly, we developed a scope of work for a design- build approach for the Fire Detection system, which is a common method of contracting for these services, and solicited Proposals for this work.

We have contacted many firms regarding this work and received two (2) Proposals. The Proposal from Cooper Technology Group of Alpha, NJ in the amount of \$23,890.00 is enclosed, and, in our opinion, is a reasonable amount. The second Proposal received, from Protective Measures Security and Fire Systems, in the amount of \$36,368.00 is also enclosed.

The other firms contacted, and I spoke to someone in each instance, were: Fire and Safety Technologies, Absolute Fire Protection, Allied Fire Protection, Confires Inc, and Alpha Fire and Security, a total of 6 firms including Cooper Technology Group.

Accordingly, we recommend a Purchase Order be issued to Cooper Technology Group of Alpha, NJ in the amount of \$23,890.00. A detailed Proposal from the Vendor is enclosed.

Please do not hesitate to advise of any questions on this matter.

Very Truly Yours,
CME ASSOCIATES

David H. Coats, P.E.

Enclosure

cc: W. Hance, Boro of Flemington

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MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Michael Humphrey, Clerk/Administration

ITEM TYPE: Resolutions

AGENDA SECTION: Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

SUBJECT: RESOLUTION 2023-76: EXECUTIVE SESSION TO DISCUSS POTENTIAL SHARED SERVICE AGREEMENT WITH RARITAN TOWNSHIP AND CONTRACT DISCUSSION FOR LOCAL TEAMSTERS CONTRACT

SUGGESTED ACTION:

WHEREAS, the Common Council of the Borough of Flemington desires to discuss and obtain attorney advice regarding negotiation of potential contract renewal with Teamsters Local 469 and potential shared services with Raritan Township; and

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

pending or anticipated litigation or contract negotiation other than in subsection B. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer;

and

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

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

Adopted: February 27, 2023

Attest:

Marcia A. Karrow, Mayor

Michael Humphrey, Acting Borough Clerk

ATTACHMENTS: