



Mayor and Common Council Borough of Flemington

February 13, 2023

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

I. Call to Order

Call to Order at 7:00 PM

II. Flag Salute

III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of February 13, 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

No Presentations Scheduled

VI. Mayor's Report

Mayor Karrow expressed her sadness and concern for the recent charges brought against one of the Council Members. She explained that the Shade Tree Commission ordinance that is being introduced is to accommodate the commission's request to increase the number of members, from five to seven. The DOT grant for Bloomfield Avenue to renovate the aging sewer and water lines will be a long-term project. Our engineer is exploring the potential of modifying some of that work to other areas. Concerns about the wear-and-tear to the road due to the hotel construction were shared, especially considering the work on Main Street to replace more water and sewer lines. The Main Street Project will take 270 days.

Mr. Parker shared that this will be a massive project, and he complimented the engineers at Remington Vernick. He expressed the need to communicate the progress of the project.

Mayor Karrow shared the details for several of the legislative items on the agenda. She announced that the Borough Engineer will discuss the Administrative Court Order from the EPA.

Ms. Engelhardt asked about the plans for detours and road closures during the project, as well as the size of the heavy equipment using the roads. The Mayor shared that such closures will be intermittent, and the responsibility of the hotel developer to repair any damage.

VII. Council Member Reports

Council Vice President Tilly announced the DPW meeting scheduled for February 14th, the HPC meeting on the 15th, and the Fire Department Officers meeting is now scheduled for the 20th. She asked questions regarding getting legislative items on the agenda, and the timing for sharing the agenda with the Council. Mayor Karrow responded to Ms. Tilly's question about the status of the advertising wall at the Flemington Circle, explaining that they have responded in burst of work whenever they have been approached by the Borough representatives, and that the digital display screens are still on order. Ms. Tilly shared that the County's hazardous waste disposal event is on March 4th and the electronic recycling event on March 11th at the Route 12 complex.

Council President Long discussed the Car Burglary Task Force, where Flemington detectives are currently working in conjunction with multiple local agencies in the county to address the increase in car burglaries. The police department has been getting a lot of reports in reference to phone scams. On February 6th Patrolman Lookner officially resigned from the Flemington Police Department, and the Department has begun the process for finding a replacement. He expressed his dismay at the recent events related to Council Member Johnston.

Council Member Parker discussed the progress made with a potential Borough Newsletter and the expanded functionality of the Borough website. He invited FCP Director Robin Lapidus, who discussed the opportunity to use a static sign at the "Living Wall" at the Flemington Circle while the digital screens are on order, and the difficulty of growing plants on the property. Ms. Lapidus announced the upcoming FCP Retreat, and provided updates for local business openings, shared the the FCP events calendar will be ready to share with the Council in March, and a Jacob Francis Memorial will be installed at the Bloomington Baptist Church, which will be an interpretive panel that explains his role as a free black man who was involved in the American Revolution and the abolitionist movement, who raised nine children in Flemington

and was a very active member of the Flemington Baptist Church. The Sons of the American Revolution, the Daughters of the American Revolution and a few other groups are helping to purchase memorial.

Council Member Engelhardt announced that the Planning Board meeting is scheduled for February 14th, and shared some of the updates from the last Planning Board meeting and highlights for the upcoming meeting. She attended the New Jersey League of Municipalities' training for newly elected officials, which she found immensely useful. Details for the Anchor Program, which is due February 28, were posted on the Borough website. Kindergarten registration deadline is February 24, and the forms are on the school website. Ms. Engelhardt asked the architect of record for both school districts to share the long-range facility plans with the Planning Board in the immediate future. For Parks & Recreation, a grant was discussed with Ms. Tilly, Sewer Supervisor Ken Diehl and the DPW for funding long-range facility planning.

Council Member Rosetti discussed the Shade Tree Commission meeting on January 23rd and is in support of the Ordinance to increase the number of members to the commission. The form for the Adopt-A-Tree program is available on the Borough website. Their next meeting is March 8th at 7:00 PM.

VIII. Administrator's Report

Administrator Humphrey shared the following items:

- A sewer main break was discovered on Spring Street, flooding basements with sewage and causing tens of thousands of dollars in damage and the temporary relocation for the residents of three properties on Spring Street. It was discovered that a section of sewer main was removed from the same location of the street that experienced a water main break on December 12th by a subcontractor for the Hotel Project. The developer's contractor has committed to repayment of all monies related to this issue. Please give thanks to our amazing DPW team, who worked to find the source of the break and labored through the night to fix the break.
- A pre-construction meeting for the Main Street-Union Hotel Water & Sewer Replacement Project. It was concluded that this will be a very complex project that involves careful coordination and communications, considering the heavy materials delivery for the hotel construction, the infrastructure work on Bloomfield Avenue, the work by Elizabethtown Gas, the Historic Courthouse exterior restoration work, as well as the 270 days of work to complete this Main Street infrastructure project.
- Tonight's agenda includes considerations to award the networking cabling, the building security system, the door and window security film, and the architects fee for completing Phase 1 of the work at 200 Main Street.
- The Borough now has a new phone system, providing better phone service and

additional communications options for future Borough needs.

- Lead Paint Inspections will begin in April.

MS. Tilly asked about the funding for the phone system, and Mr. Humphrey responded that we first ordered a new phone system for the future home of the Police Department. Then the phone system for the Borough would be discontinued, so the same vendor was used. The cost for the Borough is approx. \$5,100.

IX. Public Comments - Session I

Flemington resident Lois Stewart asked if the new escrow accounts will have an impact on the tax rate. Mayor Karrow said there will be no impact. Ms. Stewart asked who was the point-person for the Jacob Francis Memorial.

Flemington resident Bill Wrens shared again his request to reverse the one-way direction on North Place.

Flemington resident Jae Hoff read a statement requesting the resignation or removal of a Planning Board Alternate Member.

Flemington resident James Weintraub responded to accusations and comments from Flemington residents.

X. Approval of Minutes

Approval of Minutes from the January 9, 2023 Council Meeting

RESULT:	Passed [5 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Jeremy Long, President
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

XI. Consent Agenda

Resolution 2023-54 was moved from the Consent agenda to the Regular Agenda

RESULT:	Passed [5 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Jeremy Long, President
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

1. RESOLUTION 2023-49: AUTHORIZING THE PARTICIPATION IN THE HUNTERDON COUNTY COOP PRICING SYSTEM BID FOR ELECTRICITY SUPPLY
[County of Hunterdon Electricity Cooperative Intro New Program 2023.pdf](#)
2. RESOLUTION 2023-50: AUTHORIZING THE RENEWAL OF TAXI LICENSES FOR

2023

3. RESOLUTION 2023-51: APPOINTING KENNETH MCCORMICK AS FIRE OFFICIAL AND FIRE-SUB-CODE INSPECTOR
4. RESOLUTION 2023-52: APPOINTING DAVE GIULIANI AS PROPERTY MAINTENANCE OFFICER/INSPECTOR, 2023
5. RESOLUTION 2023-53: RAFFLE LICENSE FOR THE PTO READING-FLEMING INTERMEDIATE SCHOOL FOR MARCH 2, 2023
6. RESOLUTION 2022-63: APPOINTING LOCAL EMERGENCY MANAGEMENT COUNCIL, 2023
7. RESOLUTION 2022-64: APPOINTING LOCAL EMERGENCY PLANNING COUNCIL, 2023

XII. Regular Agenda

1. RESOLUTION 2023-54: AUTHORIZING AN APPLICATION TO JOIN AARP'S NETWORK OF AGE-FRIENDLY COMMUNITIES AND THE WORLD HEALTH ORGANIZATION'S GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES

Further explanation about AARP grant funding was provided by Mr. Parker.

Motion To: **Adopt**

RESULT: Passed [5 - 0]

MOVER: Kimberly Tilly, Member

SECONDER: Jeremy Long, President

AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

2. **Public Hearing:**

ORDINANCE 2023-01: AMENDING THE BOROUGH OF FLEMINGTON CODE OF ORDINANCES TO REPEAL CHAPTER 19- FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 19; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Motion to Open the Public Hearing - Ms. Tilly; Second by Mr. Long; Vote was unanimous.

Lois Stewart asked for a brief overview of the Ordinance, which was provided by Mayor Karrow.

Motion to Close the Public Hearing - Ms. Tilly; Second by Mr. Long; Vote was unanimous.
[Ordinance 2023-01 - Flemington Floodplain Management Ordinance.docx](#)

3. **Public Hearing:**

ORDINANCE 2023-03: AMENDING THE CODE OF THE BOROUGH OF FLEMINGTON TO REPEAL OR AMEND CONDITIONS FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS LOCATING WITHIN CERTAIN DISTRICTS

Motion to Open the Public Hearing by Ms. Engelhardt; Second by Ms. Tilly; Vote was unanimous.

Motion To: **Table**

RESULT: Passed [5 - 0]

MOVER: Susan Engelhardt, Member

SECONDER: Kimberly Tilly, Member

AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

4. **Introduction**

ORDINANCE 2023-04: AMENDING THE CODE OF THE BOROUGH OF FLEMINGTON TO REPEAL OR AMEND LOCATIONS WITHIN CERTAIN DISTRICTS FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS

Public Hearing Scheduled for February 27, 2023

Motion To: **Introduce**

RESULT: Passed [5 - 0]

MOVER: Susan Engelhardt, Member

SECONDER: Kimberly Tilly, Member

AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

5. **Introduction:**

ORDINANCE 2023-02: REQUIRING LOCAL CANNABIS ESTABLISHMENT AND CLARIFYING SECTION 2609.1 OF THE BOROUGH CODE REGARDING THE LIMITATION ON THE NUMBER OF CANNABIS CULTIVATORS AND RETAILERS PERMITTED IN THE BOROUGH

Public Hearing Scheduled for February 27, 2023

Motion To: **Introduce**

RESULT: Passed [5 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
Elizabeth Rosetti

6. **Introduction:**

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

Public Hearing Scheduled for February 27, 2023

Motion To: **Introduce**

RESULT: Passed [5 - 0]
MOVER: Jeremy Long, President
SECONDER: Kimberly Tilly, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
Elizabeth Rosetti

7. **Introduction**

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

Public Hearing Scheduled for February 27, 2023

Motion To: **Introduce**

RESULT: Passed [5 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
Elizabeth Rosetti

8. **Introduction**

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

Public Hearing Scheduled for February 27, 2023

Motion To: **Introduce**

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Tony Parker, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

9. RESOLUTION 2023-55: AWARDING CONTRACT FOR SECURITY WINDOW AND DOOR TREATMENT FOR 200 MAIN STREET
[ltr - 1.16.23 - window security treatment award.pdf](#)

Motion To: **Adopt**

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

10. RESOLUTION 2023-56: AWARDING CONTRACT FOR NETWORK CABLING AND INFRASTRUCTURE FOR 200 MAIN STREET
[ltr - 1.16.23 - network cabling and server room award.pdf](#)

Motion To: **Adopt**

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

11. RESOLUTION 2023-57: AWARDING CONTRACT FOR ACCESS CONTROL AND CCTV SYSTEM INSTALLATION FOR 200 MAIN STREET
[ltr - 1.16.23 - access control and CCTV award.pdf](#)

Motion To: **Adopt**

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

12. RESOLUTION 2023-58: APPROVING SERVICES OF SSP ARCHITECTS FOR 200 MAIN STREET, 2023
Clarification was asked for by Ms. Engelhardt as to the work being proposed from the

Architect. Mr Humphrey explained the reaming work still needed for Phase One and the transition to Phase Two of the construction work.

[Proposal for Architectural Serviecs - Flemington Police - PH1 Construction Assistance.pdf](#)

Motion To: **Adopt**

RESULT: Passed [5 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

13. RESOLUTION 2023-59: AUTHORIZING ANNUAL FEES FOR LEAD-BASED PAINT INSPECTIONS IN ACCORDANCE WITH CHAPTER 9, SECTION 9.5.11 OF THE BOROUGH CODE

Motion To: **Adopt**

RESULT: Passed [0 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President

14. RESOLUTION 2023-60: APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINSTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

Motion To: **Adopt**

RESULT: Passed [5 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Elizabeth Rosetti

15. RESOLUTION 2023-61: REFUNDING TEMPORARY FOOD CONCESSION PERMIT FEE FOR TIA B'S STREET TACOS LLC

Motion To: **Adopt**

RESULT: Passed [5 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Susan Engelhardt, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
Elizabeth Rosetti

16. RESOLUTION 2023-62: APPOINTMENT OF VAN CLEEF ENGINEERS AS THE
FLEMINGTON SPECIAL PROJECTS ENGINEER, 2023

Motion To: **Adopt**

RESULT: Passed [5 - 0]
MOVER: Susan Engelhardt, Member
SECONDER: Kimberly Tilly, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
Elizabeth Rosetti

17. **Public Hearing:**

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

XIII. Work Session

1. Exploratory discussion on permitted use of Main Street street-level business spaces.
Borough Planners Beth McManus and Jim Kyle, and FCP Director Robin Lapidus answered questions from the Mayor and Council regarding the concept of limiting Main Street street-level commercial spaces to certain types of businesses, such as retail and food service.
2. Discussion on the "Center Designation"
Borough Planners Beth McManus and Jim Kyle discussed with the Mayor and Council the Center Designation and the issues if the Borough chose not pursue the designation.

XIV. Public Comments - Session II

Flemington resident Bill Wren commented on parking issues in the Main Street area.

Flemington resident Lois Stewart addressed the County parking and the Main Street street-level commercial spaces to keep the historic integrity.

Jonathan Goldbrath of Aunt Mary's Dispensary in Flemington thanked the Council and Planning Board for the support as they opened for business.

XV. Payment of the Bills

1. Payment of the bills in the amount of \$9,912,300.21

Motion To: **Approve**

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Susan Engelhardt, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

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

1. RESOLUTION 2023-65: EXECUTIVE SESSION TO DISCUSS POTENTIAL RDA AMENDMENTS FOR LIBERTY VILLAGE

9:37 PM Motion to Close the Executive Session by Ms. Tilly; Second by Mr. Long; Vote was unanimous

Executive Session ends at 10:05 PM

Motion To: **Adopt**

RESULT: **Passed [5 - 0]**
MOVER: Jeremy Long, President
SECONDER: Kimberly Tilly, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

XVII Adjournment

Adjournment at 10:15 PM

RESULT: **Passed [5 - 0]**
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly,
 Elizabeth Rosetti

Attest:

Michael Humphrey, Acting
Borough Clerk