



Mayor and Common Council Borough of Flemington

March 27, 2023

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

I. Call to Order

Meeting Called to Order at 7:04 PM

II. Flag Salute

III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of March 27, 2023 was included in a list-of-meetings notice sent to the *Hunterdon County Democrat* and *Courier-News* on January 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 Vice President

V. Presentations

1. Elizabethtown Gas to discuss Phase 2 work in Flemington Borough.
Elizabethtown Gas officials Stephanie Forrest, Brett Fisher, Tyler Kemp, and Skoda Construction official Andrew Garrett presented the Phase 2 Gas Main Replacement Project plan. Mayor Karrow shared the Borough's concerns about the Phase 1 work being executed under the former road opening and repaving ordinance, leaving the possible issues of incomplete road restoration following completion of the work. She reminded the Officials that the ordinance requires curb-to-curb restoration and a five year ban from new non-emergency road openings. The Borough should not have roads that have damage just a few years after this work.

Mr. Kemp shared a set of slides that presented the remaining work and quality assurance for Phase 1, and the work he is doing with Flemington's DPW Director Campion to assure conformance to the new Street Opening Ordinance for Phase 2. The Second Phase will include Mine Street, Bonnell Street, related cross streets and isolated intersections in that area. Work for Phase 2 main lines is set to begin on April 17th and complete by May 23rd. Gas line tie-ins will go from June to August. Typical work hours are 7:00 am to 3:30 pm.

Concerns about the repair of disturbed sidewalks and lawns were shared by Council, with Mr. Kemp responding that total restoration would happen at the tail end of the project. Enhancements to communications to the Borough of the work were discussed.

VI. Mayor's Report

Mayor Karrow announced that Northfield Bank is donating \$10,000 for the Borough's July 4th fireworks event.

VII. Council Member Reports

Council President Long reported that the police ask everyone to be cautious with the road construction in the borough. The department is still looking to hire an officer. The Citizen Police Academy is coming up at the end of May. People can still sign up. There will be two light court sessions taking place in April and one in May leading up to the court merger between Flemington Borough and Raritan Township. So we know more news to come on in that regard. Volunteers helped cleanup the Flemington Community Gardens and the park this past weekend and filled the garden beds two thirds of the way. Topping off with compost comes next.

Council Vice President Tilly shared the request to the DPW to remove the handicap parking spot on Capner Street. The Fire Department participated in a planning meeting with the FCP regarding the Corn, Tomato and Beer Festival being held in August. She thanked the Fire Department's Ladies Night committee for the awesome dance that we had on Saturday. Ms. Tilly asked to review the permit parking ordinance to bring equity amongst all residents.

Council Member Engelhardt reported that the Planning Board Meeting tomorrow night will hear from BSD Development for the Spice Factory property.

Council Member Johnston read a statement that, under the advice of his legal counsel he is not permitted to discuss anything to do with the charges brought against him. He is deeply sorry for any embarrassment he has caused the Council.

Council Member Parker was invited to meet with the Stangl businesses, facilitated by FCP Director Lapidus, to discuss their wants and needs. The Borough Newsletter will be launched with the first issue in August. This is a quarterly newsletter that will be supported by articles from various departments and organizations. FCP is improving the relationship between the business owners for throughout the community.

Council Member Rosetti reported that the Code Enforcement Official Giuliani has been in

touch with the appropriate people and that will the flag near the Post office will be repaired. Several residents received notice last week about their garbage cans being out too long after garbage day. There was some garbage that was spilled on North Main Street.

VIII. Administrator's Report

Administrator Humphrey announced that Lead Paint Inspection letters have been mailed. Inspections will be scheduled for the first Tuesday of each month. Cannabis Applications should be ready for Council review by the first meeting in April. We have a resolution to move the April 11th meeting to April 10, providing the proper time to introduce the 2023 budget on April 10 and the Public Hearing on May 8th.

1. RESOLUTION 2023-93: CHANGE THE BOROUGH OF FLEMINGTON COUNCIL MEETING DATE FROM APRIL 11, 2023 TO MONDAY, APRIL 10, 2023, AT 6:30 PM

Motion To: **Adopt**

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Tony Parker, Member
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

IX. Public Comments - Session I

Maureen Keeler from Flemington asked Councilman Johnston to resign and discussed past issues with the Councilman's conduct.

Adrienne Fusaro of Flemington asked Mr. Johnston to step down from Council.

Ms. Ridall and Colonel Chris Weedling from Four Leaf discussed their wellness Cannabis business and their interest in opening up in Flemington.

Susan Lax of Hunterdon Helpline thanked Council Member Parker for visiting the Helpline offices and discussing the Salsa Night Event.

Tony Previte of Flemington shared the need for more Borough trash receptacles and asked about flag pole upkeep throughout the Borough. He asked for progress on Liberty Village redevelopment efforts, and Mayor Karrow explained the current review of the financial documents for the redevelopment and the timeline for discuss with the developer.

George Vallone of Bedminster, and owner of Liberty Village, expressed his satisfaction for the executive session meeting dates in April to discuss the proposed Liberty Village RDA Amendment. He expressed a desire for a vote to approve in the same meeting, which Mayor Karrow would not commit to.

X. Approval of Minutes

XI. Consent Agenda

XII. Regular Agenda

1. **Public Hearing:**

ORDINANCE 2023-12: AMENDING CHAPTER 4 (LICENSING – GENERAL), SECTION 4-3 (RETAIL FOOD ESTABLISHMENTS), SUBSECTION 4-3.2 (FEES) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO AMEND THE FEES ASSESSED FOR TEMPORARY RETAIL FOOD ESTABLISHMENTS

For the Public Comments Session, Susan Lax from Hunterdon Helpline expressed concern that the fees will effect her fundraising efforts, and confusion on the descriptions with each of the fee levels.

For the Council Comments Session, it was explained by Administrator Humphrey that the current Borough Code states that Temporary Food Concession Permits include a \$100 fee. Several years ago an off-the-books arrangement had been made for the FCP and Hunterdon Helpline to pay one \$100 fee, with all vendors for their events paying no fee. That arrangement was never approved by the Council. This ordinance provides tiered fees, reducing the fee to out-of-Borough businesses from \$100 to \$75, and reducing in-Borough businesses to \$25.

Council Vice President Tilly shared that the new fee levels, as written in this ordinance, is confusing. It was agreed by Council to introduce a new ordinance that provides better fee definitions.

Motion To: **Open Public Comments**

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Malik Johnston, Member
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Close Public Comments**

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Tony Parker, Member
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Tony Parker, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

2. **Introduction:**

ORDINANCE 2023-13: REPEALING AND REPLACING ORDINANCE NO. 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

Motion To: **Introduce**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

3. RESOLUTION 2023-86: EXTENDING THE PROVISION OF CHAPTER 10 (STREETS AND SIDEWALKS), SECTION 10-7 (ESTABLISHMENT OF OPEN CONTAINER AREAS) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO CERTAIN DATES TO CORRESPOND WITH THE FLEMINGTON COMMUNITY PARTNERSHIP'S "THIRD THURSDAY SIP & STROLL ON STANGL" EVENT SERIES

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Jeremy Long, President
SECONDER: Tony Parker, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

4. RESOLUTION 2023-87: APPROVING FIREWORKS ON JULY 3, 2023, WITH A RAIN DATE OF JULY 5, 2023, AUTHORIZING ROAD CLOSURES AND WAIVING THE PERMIT FEE

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Malik Johnston, Member
SECONDER: Kimberly Tilly, Member
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

5. RESOLUTION 2023-88: AWARDING CONTRACT FOR FIREWORKS SERVICES FOR THE FLEMINGTON BOROUGH'S 2023 JULY 4TH CELEBRATION TO GARDEN STATE FIREWAORKS, INC. FOR \$18,000.00
[Garden State Fireworks Contract 2023.doc](#)

Motion To: **Adopt**

RESULT: Passed [6 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Jeremy Long, President
AYES: Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

6. RESOLUTION 2023-89: DECLARING APRIL 28, 2023 AS ARBOR DAY IN THE BOROUGH OF FLEMINGTON

Motion To: **Adopt**

RESULT: Passed [4 - 0]
MOVER: Kimberly Tilly, Member
SECONDER: Malik Johnston, Member
AYES: Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti
ABSENT: Jeremy Long, Susan Engelhardt

7. RESOLUTION 2023-90: APPOINTMENT OF NW FINANCIAL GROUP, AS A REDEVELOPMENT CONSULTANT, 2023
[Flemington Engagement Letter.pdf](#)

Motion To: **Adopt**

RESULT: Passed [4 - 0]
MOVER: Malik Johnston, Member
SECONDER: Kimberly Tilly, Member
AYES: Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti
ABSTAIN: Jeremy Long, Susan Engelhardt

8. RESOLUTION 2023-92: AUTHORIZING A PER DIEM RATE OF UP TO \$28 PER HOUR FOR MUNICIPAL COURT SUPPORT

Motion To: **Adopt**

RESULT: **Passed [6 - 0]**

MOVER: Jeremy Long, President

SECONDER: Kimberly Tilly, Member

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

XIII. Work Session

1. Event Application Discussion with Chief Jerry Rotella and Cpl. Brian McNally
Flemington Police Chief Rotella presented on the new event application process. He explained the need for more information from the event holder to be delivered with more lead-time before an event. The Police Department's and Office of Emergency Management's role is to have a safe event.

Chief Rotella explained the two prong process that has been developed. The first is an inquiry for basic event information, so that the Fire Marshal, the DPW Director, the OEM and the FPD can sign off. The current process requires the FPD Chief to say yes or know, and this new process brings more officials into the decision. "Freedom of Speech" events are completely different avenue, which the Chief will continue to make decisions on.

Corporal McNally explained that in about 2011 the FPD took an all-hazards approach to event planning, which is outlined through FEMA. These are extensive documents that need more information sooner. The FPD examined what other cities are doing in planning events, and have come up with two forms. One is the festival event street closure application. This kind of mimics what you've known as a parade permit before, which was outdated. The second form is a more extensive form. The need is to have the first form within 90 days of the event, with an escalating fee based on how far out from the event the form is completed.

The Council asked several questions about the applicability for various types of events and event organizers. Corporal McNally explained that the Borough had once had an active Department of Community Events to help oversee these issues.

FCP Director Lapidus spoke of her agreement for a better form, but concern about penalties and the lack of involvement of the FCP in this process. She also mentioned that hardship the new Temporary Food Concession License fees will be on her events.

XIV. Public Comments - Session II

Mr. Vallone, owner of Liberty Village, provided an outline of the current Redevelopment Agreement and the proposed amendments.

Susan Lax, CEO of Hunterdon Helpline, shared her support for the updated event application, and reiterated her concern for the temporary food concession license fee.

XV. Payment of the Bills

Authorization to pay the bills in the amount of \$1,273,484.72

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Jeremy Long, President
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

XVI. Executive Session

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

1. RESOLUTION 2023-91: EXECUTIVE SESSION TO DISCUSS POTENTIAL EMPLOYMENT MATTERS

Motion To: **Adopt**

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Jeremy Long, President
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

XVII Adjournment

RESULT:	Passed [6 - 0]
MOVER:	Kimberly Tilly, Member
SECONDER:	Jeremy Long, President
AYES:	Jeremy Long, Susan Engelhardt, Tony Parker, Kimberly Tilly, Malik Johnston, Elizabeth Rosetti

Attest:

Michael Humphrey, Acting
Borough Clerk