



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

Call to Order at 7:08 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 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

No Presentation

VI. Mayor's Report

Mayor Karrow shared the the Clerk/Administrator Humphrey will be relocating this summer, and she is working on advertisements to hire for the position. At the March 13th Council meeting, the Girl Scouts will be attending and will lead the Flag Salute.

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

Ms. Karrow read to the public the proclamation and asked for a vote of approval.

Motion To: **Approve**

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

VII. Council Member Reports

Council President Long reported that the Flemington Police Department is accepting applications for the 2023 Citizen Police Academy. Starting may 17, this is a five week program that includes a canine demonstration, de-escalation techniques, motor vehicle stops and much much more. Must be 18 years of age or older, there is no residency requirements, and is free to attend. Chief Rotella is reminding residents to lock their cars and their valuables.

Mayor Karrow asked Borough Attorney Corsini speak about his finding on removal of Planning Board Members. Mr. Corsini shared that although the New Jersey statute does allow for removal of Planning Board members for cause, it is a vague standard that leaves for much interpretation. He determined that the only real for cause removal was for absenteeism or criminal conviction. This includes expiration of term, death, resignation, abandonment of office, incapacity, declaration of insanity or a move from municipal residency. In terms of how a court would view this, statements made prior to an appointment, and the social media factor, probably would not constitute removal by cause. Council Member Parker and Council Member Engelhardt shared comments about the use of Social Media and asking for accountability. Administrator Humphrey summarized the Borough policies on social media use and suggested a 2-3 year review of the policy.

Council Vice President Tilly shared a weather-related message from the Office of Emergency Management. In the event of a snow accumulation it is good practice to always move your vehicle off the roadway into driveways or into the open county parking lots to allow the DPW crews to safely and effectively clear the road. There is no parking on streets when the roads are covered with snow. The HPC Historic House Tour Saturday, June 3. If you're interested in volunteering please send an email to HPC@historicflemington.com.

Council Member Parker talked about his meeting with the President of the NAACP of Hunterdon County and suggested having them do a presentation at a future Council meeting. Mr. Parker shared the strategy meeting with the FCP Board and the phenomenal job the Director did to in running the meeting. He met with a company to help publish a Borough-wide 12-page advertising-based quarterly newsletter, which will incur no cost to the Borough. The "living wall" at Flemington Circle will install a static billboard while they wait for the manufacture to deliver the digital billboard in late March. They are scheduled to have this project completed in May with the repair of the landscaping and the water-filtration system.

Council Member Engelhardt announced the Planning Board for February 27 at 7:00 pm, and shared the agenda for the meeting. Parks and Recreation is working on a community energy planning grant. Sustainable Jersey is impressed with former Council Member Jessica Hand's work and have asked us to speak with them at their June meeting. Ms. Engelhardt shared that

her conversation with the local baseball non-profit as well as Girls on the Run program has received a \$1,000 grant. She attended two grand openings or re-openings in the last two weeks for Main Street businesses.

Ms. Tilly shared that the Borough Yard Sale day is May 6-7, with a rain date of May 13-14. Bulk trash pick up is schedule for the following week. The Fall dates are October 28-29, with rain dates on November 4-5, followed by a bulk pickup on the 17th of November. Again, bulk trash pick up is schedule for the following week.

Council Member Rosetti shared that s new online form for the Shade Tree Commission's Adopt-a-Tree program is now available.

VIII. Administrator's Report

Administrator Humphrey discussed the NJ "Daniels Law", which may expand to not only cover judges, prosecutors, law enforcement officials, and their families, but may expand to also include elected officials and government staff members. The Office of Information Privacy with the DCA is overseeing this program. Mr. Humphrey attended the Hunterdon County Clerks Association meeting where the complexities and uncertainties where discussed for more than an hour. the Borough has applied for a County Grant for more than \$300,000 to cover specific items for the new Police Station. Statewide insurance is also offering a safety grant in the \$25,000 range, with our Director of of Office of Emergency Management is working on that. Mr. Humphrey reported the highlights of the receipt Liquor License Reform Meeting in the Town of Clinton with the Governor and members of the Assembly and Senate, with some hope that we will see some meaningful reform soon.

IX. Public Comments - Session I

Caitlyn Giles-McCormick of Felmington Borough asked why the Council's Special Session was cancelled for February 28th. Mayor Karrow responded that the redevelopers attorney did not provide the documents we needed for the meeting until last Friday night. Ms. Giles-McCormick shared comments regarding free speech and the abuses thereof for government leaders.

Adrienne Fusaro of Flemington Borough shared comments about Borough management decisions to enforce Daniel's Law. She also expressed concern about the shift of polling location to the Chamber of Commerce. Mr. Humphrey responded that the Board of Elections is concerned about having a backup machine ready, and having a consolidated polling location will alleviate those concerns. The Borough had expressed opposition to consolidating the polling places, resulting in the Presbyterian Church and Borough Hall being kept in place. The third location was shifted from the Flemington Free Library to the Chamber of Commerce for this year to explore the utility of the new location. The Borough has expressed substantial concerns about traffic and parking at the Chamber property.

X. Approval of Minutes

Approval of Minutes for January 23, 2023

XI. Consent Agenda

Ms. Engelhardt requested the addition to the agenda for a resolution of censure for Council Member Malik Johnston. After Council discussion, it was agreed that the Borough Attorney

would draft a resolution of censure, which would be brought up for Council approval after the Executive Session.

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

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

Public Hearing: No comments from the public

Council Discussion: Brief discussion about the Police determination of need.

Motion To: Open Public Comments

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

Motion To: Close Public Comments

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

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
ABSENT: Malik Johnston

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

Public Hearing: No comments from the public

Motion To: **Open Public Comments**

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

Motion To: **Close Public Comments**

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

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
ABSENT: Malik Johnston

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

Public Hearing: No comments from the public

Appointment: After the approval of Ordinance 2023-07, Mayor Karrow appointed Jane Cannon as a Member of the Shade Tree Commission.

Motion To: **Open Public Comments**

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

Motion To: **Close Public Comments**

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

Motion To: **Adopt**

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

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

Motion To: **Introduce**

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

5. **Introduction**

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

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

6. **Introduction:**

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

Motion To: **Introduce**

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

7. **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

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

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

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

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

Motion To: **Adopt**

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

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.

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

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

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

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
[Flemington Hotel Redevelopment Area Water and Sewer inspection proposal.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
ABSENT: Malik Johnston

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

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
ABSENT: Malik Johnston

14. RESOLUTION 2023-73: AWARDING CONTRACT FOR A FIRE DETECTION SYSTEM FOR 200 MAIN STREET
[ltr - 2.25..23 - Fire detection system.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
ABSENT:	Malik Johnston

XIII. Work Session

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

Borough Engineer Terence Vogt discussed the Environmental Protection Agency's administrative court order designation. He spent time explaining the storm water management issues for the Borough, the circumstances leading up to the EPA ruling, and the options moving forward. He answer questions from the Mayor and Council exploring the issues in greater detail.

Mayor Driver opened up conversation with the Council about reducing the number of committee and liaison assignments for Mr. Johnston. Mr. long is taking over as the liaison for the municipal court. Other appoints were left as is.

XIV. Public Comments - Session II

No comments from the public.

XV. Payment of the Bills

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

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

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

Motion To: **Adopt**

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

XVII Supplementary Agenda

1. RESOLUTION 2023-77: CENSURING FLEMINGTON BOROUGH COUNCIL MEMBER MALIK JOHNSTON

Motion To: **Adopt**

RESULT: **Passed [2 - 0]**
MOVER: Susan Engelhardt, Member
SECONDER: Elizabeth Rosetti, Member
AYES: Jeremy Long, Tony Parker
ABSTAIN: Kimberly Tilly
ABSENT: Malik Johnston

XVIII Adjournment

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

Attest: _____
Michael Humphrey, Acting
Borough Clerk