

BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
APRIL 24, 2023

Mayor Karrow called the meeting to order at 7:00 p.m. announcing that all laws governing Open Public Meetings Act have been met and that this meeting has been duly advertised.

SALUTE TO THE FLAG

Mayor Karrow stated a notice was provided as required. The annual meeting notice is on file in the Office of the Municipal Clerk for public inspection.

ATTENDANCE ROLL CALL:

Councilwoman Susan Engelhardt	Present
Councilman Malik Johnston	Absent
Council President Jeremy Long	Absent
Councilman Tony Parker	Present
Councilwoman Elizabeth Rosetti	Present
Council Vice President Kim Tilly	Present
Mayor Marcia Karrow	Present

Also Present:

Michael Humphrey, Acting Borough Clerk
Chris Corsini, Borough Attorney

MAYOR'S REPORT:

Mayor Karrow reported that Senator Booker has added Flemington Borough to be earmarked for two million plus dollars to finish the new Police building, now Flemington Borough is in the Congressional budget thanks to Congressman Kean and the Senate budget thanks to Senator Booker. The Mayor also reported that she received an email from a resident regarding parking space striping between 33-37 Mine Street, The Mayor reported the strips were not authorized by Ordinance on Mine Street nor was there a traffic study done to justify the stripes by the former Mayor. The Mayor has directed DPW to eliminate the striping since that is a major lawsuit if someone got hurt and the Mayor is also looking at the traffic study on Corcoran Street and North Place.

COUNCIL MEMBER REPORTS:

COUNCIL VICE PRESIDENT TILLY:

Council Vice President Tilly reported that on April 18, 2023 a DPW meeting was held and they discussed the requirements for lead & galvanized water pipes and the flooding issues for residents near 5 Academy Street and the town wide yard sale is May 6 & 7, 2023

COUNCILMAN PARKER:

Councilman Parker reported that the NJEDA is posting a grant outreach tomorrow and Councilman Parker is encouraging the Spanish and Latinos to be more involved and organizing an outreach with the Mayor and Council with the Spanish and Latino communities.

COUNCILWOMAN ENGLEHARDT:

Councilwoman Englehardt reported that the two school districts are having their Board meetings tonight and there will be tax increases for both schools.

Councilwoman Englehardt also reported the Community Garden held a meeting on April 2, 2023 and discussed the GoFundMe page to raise money and volunteer work days on the 5th & 6th

COUNCILWOMAN ROSETTI:

Councilwoman Rosetti reported the Shade Tree Commission meeting was held April 12, 2023 and wanted to remind residents can apply to the adopt a tree program by going on the Borough website or paper copies will be available at the Borough Hall and they will be celebrating Arbor Day on April 28, 2023 and will be planting a tree at RFIS and the next meeting will be held May 10, 2023.

ADMINISTRATOR'S REPORT:

Borough Administrator, Michael Humphrey reported that Financial Disclosure Statements are due by April 30, 2023, outstanding notices for Business Insurance Registrations will be sent out and Cannabis applications deadline is April 28, 2023.

PUBLIC COMMENTS – SESSION I:

Robin Lapidus from Flemington Community Partnership reported on the Sip and Stroll and the sidewalk sales.

Todd Cook from Flemington Borough praised the Sip and Stroll and sidewalk sale. Mr. Cook also explained why Council should table #3 on the agenda “Repealing Ordinance 202-2 concerning Section 2610, 2611 and 2641 to the Municipal Code of the Borough of Flemington related to the mixed-use multi-family overlay district.”

Caitlin Giles-McCormick from Flemington Borough reported she enjoyed seeing the town wide yard sale signs around the Borough and stated since Michael Humphrey is resigning as Borough Administrator/Clerk Ms. Giles-McCormack thinks this is a very important role and hopefully the Council can hire someone in the dual role once Michael Humphrey leaves his position.

CONSENT AGENDA:

1. RESOLUTION 2023-100: AUTHORIZING THE FLEMINGTON BOROUGH YARD SALE FOR MAY 6-7, 2023 AND FOR OCTOBER 28-29, 2023

WHEREAS the residents find benefits to the annual Flemington Borough Yard Sales; and

WHEREAS, the Borough has designated the first Borough yard sale to be held on May 6-7, 2023 with rain dates on May 13-14, 2023, and the second yard sale to be held on October 28-29, 2023, with rain dates November 4-5, 2023; and

WHEREAS, for these events, the Borough will waive all fees and permit as required in section § 4-11 "GARAGE SALES" of the Borough Code.

THEREFORE BE IT RESOLVED that the Mayor and Council for the Borough of Flemington approve two Borough yards sales to be held Borough yard sale to be held on May 6-7, 2023 (rain dates May 13-14, 2023) and on October 28-29, 2023 (rain dates November 4-5, 2023), with all fees and permitting requirements waived for these events.

A **MOTION** was made by Council Vice Present Tilly to approve the Resolution, seconded by Councilwoman Englehardt and on Roll Call the following was recorded:

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

PUBLIC HEARING:

The Regular Meeting was adjourned to hold a Public Hearing

1. ORDINANCE 2023-14: AMENDING THE SECTION OF 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 FEE DEFINITIONS ASSESSED FOR TEMPORARY RETAIL FOOD ESTABLISHMENTS IN ORDINANCE 2023-12

A **MOTION** was made by Council Vice Present Tilly to open the Public Hearing, seconded by Councilwoman Englehardt with a vote of all ayes.

Mayor Karrow asked if there were any comments from the Governing Body or the public.

Robin Lapidus from Flemington Community Partnership questioned the fees for a temporary food license for events in the Borough. She asked for the fee to be \$50.

Susan Lax from Flemington Helpline stated the \$75 fee for a temporary food license is a hardship for Flemington Helpline and asked for a \$25 reduction to make it \$50.

Randy McNeill a board member from Flemington Helpline asked for the fee to be reduced to \$50.

A **MOTION** was made by Council Vice Present Tilly to close the Public Hearing, seconded by Councilman Parker with a vote of all ayes.

A **MOTION** was made by Council Vice Present Tilly to adopt the Ordinance, seconded by Councilman Parker and on Roll Call the following was recorded:

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

2. ORDINANCE 2023-15: APPROVAL TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40A:4-45.14), 2023

A **MOTION** was made by Council Vice Present Tilly to open the Public Hearing, seconded by Councilwoman Englehardt with a vote of all ayes.

Mayor Karrow asked if there were any comments from the Governing Body or the public.

There were no public comments.

A **MOTION** was made by Council Vice Present Tilly to close the Public Hearing, seconded by Councilwoman Englehardt with a vote of all ayes.

A **MOTION** was made by Council Vice Present Tilly to adopt the Ordinance, seconded by Councilman Parker and on Roll Call the following was recorded:

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

REGULAR AGENDA:

3. ORDINANCE 2023-16: REPEALING ORDINANCE 2020-2 CONCERNING SECTION 2610, 2611, AND 2641 OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON RELATED TO THE MIXED-USE MULTI-FAMILY OVERLAY DISTRICT

WHEREAS, the Borough Council of the Borough of Flemington approved Ordinance No. 2020-2 on July 13, 2020 concerning the mixed-use multi-family overlay district as found in Sections 2610, 2611, and 2641 of the Municipal Code of the Borough of Flemington; and

WHEREAS, the Borough Council now seeks to repeal that ordinance and restore the prior language.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, that Ordinance No. 2020-2 is hereby repealed and the language contained in Section 2610, 2611, and 2641 of the Municipal Code of the Borough of Flemington shall be restored to the language contained therein prior to the adoption of Ordinance No. 2020-2.

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

A **MOTION** was made by Councilman Parker to introduce the Ordinance, seconded by Council Vice President Tilly and on Roll Call the following was recorded:

Councilwoman Susan Engelhardt	No
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

The public hearing will be held on May 8, 2023

4. RESOLUTION 2023-101: AMENDING RESOLUTION 2023-84 BY RESCINDING THE PARTIAL CLOSING OF STANGL ROAD AND AUTHORIZING THE PARTIAL ROAD CLOSURE OF FULPER ROAD ON SEPTEMBER 23, 2023 FROM 4:00 PM TO 10:00 PM FOR SALSA NIGHT

WHEREAS, on March 13, 2023 had adopted Resolution 2023-84 approving the partial closure of Stangl Road on September 23, 2023 from 4:00 PM to 10:00 PM for Salsa Night; and

WHEREAS Hunterdon Helpline has requested moving the Salsa Night event from Stangl Road to Fulper Road from Central Avenue to Main Street for September 23, 2023, from 4:00 PM to 10:00 PM for Salsa Night; and

WHEREAS, the Flemington Borough Police Department has reviewed this request and has approved the road closure as requested.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the road closure be rescinded for Stangl Road on September 23, 2023, from 4:00 PM to 10:00 PM.

BE IT FURTHER RESOLVED that the requested road closure as outlined above on Fulper Road is approved for the Hunterdon Helpline Salsa Night being held on September 23, 2023.

BE IT FURTHER RESOLVED, that this approval is contingent on agreed security arrangements and costs.

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

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

5. RESOLUTION 2023-102: AUTHORIZING THE PURCHASE OF AN EMERGENCY VEHICLE FOR \$8,750

WHEREAS, the Office of Emergency Management’s (OEM) 2004 Dodge Durango sustained damage during a vehicular accident; and

WHEREAS, the Borough’s insurance company declared the vehicle a total loss and paid the Borough \$3,900.00 for the vehicle; and

WHEREAS, the loss of this vehicle creates an emergent need to acquire a new one to replace it; and

WHEREAS, the OEM will share a replacement vehicle with the Office of Code Enforcement and Property Maintenance; and

WHEREAS, the OEM solicited multiple vendors for quotes for a replacement vehicle with the necessary specifications; and

WHEREAS, Royll Emergency Vehicles provided a quote for a 2014 Ford Explorer for \$8,750.00, which was the only quote for a vehicle that met all necessary specifications; and

WHEREAS, the Chief Financial Officer certifies that funds are available for this purchase in the 2023 Borough budget and from the money the insurance company refunded the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to issue a purchase order to Royll Emergency Vehicles in the amount of \$8,750 for the purchase of a 2014 Ford Explorer.

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

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

6. RESOLUTION 2023-103: SUPPORTING THE FLEMINGTON COMMUNITY PARTNERSHIP NEIGHBORHOOD PRESERVATION PROGRAM GRANT AND IMPLEMENTATION PLAN, 2023

WHEREAS the Flemington Community Partnership (FCP) in the Borough of Flemington was designated a Neighborhood Preservation Program district and awarded a grant in 2021 from the New Jersey Department of Community Affairs, Neighborhood Preservation Program (NPP); and

WHEREAS the FCP has taken public input including resident and business feedback sessions, and input from a community Stakeholder Committee comprised of Flemington Borough residents, business owners, property owners and select municipal officials; and

WHEREAS the FCP has taken public feedback and desired objectives as noted in the application and combined them with the recommendations to provide a 2023 Implementation Plan related to the grant; and

WHEREAS, the Borough of Flemington wishes to continue receiving technical assistance and funding through the NPP program for the FCP and continue the partnership with the programs administered by the FCP.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Flemington, Hunterdon County, New Jersey:

- authorizes an NPP application for grant funding in the amount of \$125,000 and will contribute a municipal match of \$25,000 in 2023; and
- recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize advance of such funds to the Flemington Community Partnership and the expenditure of funds pursuant to the terms of the agreement; and

- Authorizes the acceptance of the Flemington Community Partnership 2023 Implementation Plan.

BE IT FURTHER RESOLVED that Mayor and Acting Borough Clerk are authorized to sign the application on behalf of the Borough of Flemington, and any other documents necessary in connection therewith.

Robin Lapidus from Flemington Community Partnership gave a brief synopsis of the resolution.

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

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

WORK SESSION: BOROUGH ENGINEER WILL DISCUSS THE NJ REQUIREMENTS FOR LEAD & GALVANIZED WATER PIPES AND THE FLOODING ISSUES FOR RESIDENTS AT ACADEMY STREET

THE NJ REQUIREMENTS FOR LEAD & GALVANIZED WATER PIPES

Terry Vogt, Borough Engineer from Remington & Vernick discussed the new law that came out that all NJ Municipalities as of July 2021 who has a public community water system has to inventory and replace lead service lines within ten years or approximately summer of 2031. An inventory and certification is required by summer of 2023 certifying that there was an inventory and a plan to have the work done.

Mayor Karrow stated the residents who signed up for emails from the Borough are periodically receiving emails from the Borough asking to do a pipe inventory and identify and let the town know what our water lines are and very few people have responded to the survey. Mayor Karrow stated the NJDEP is telling the water department that they need to know who has lead & galvanized water pipes even though the water department cannot go onto private property, can the water department find out what residents who have not responded to the survey have without going on private property. Mr. Vogt stated that would be hard to find out without using some form of technology to find out. Mayor Karrow asked how to the Borough get guidance on this. Mr. Vogt's recommendation is to make the best assessment that the Borough can based on the information they have received.

FLOODING ISSUES FOR RESIDENTS AT ACADEMY STREET

Mayor Karrow stated the Borough has \$1.7 million dollars sitting in NJDOT iBank to complete work of Academy Street and paving of Bloomfield Avenue and the Borough will not use the money until the budget is passed.

Mayor Karrow explained the flooding on Academy Street.

Councilwoman Engelhardt suggested a tour of the area with the DPW Director, Mike Campion.

Borough Engineer, Terry Vogt explained the improvements that needs to be done on Academy Street to address the flooding.

PUBLIC COMMENTS – SESSION II:

Maureen Keelen from Flemington Borough is asking why Councilman Malik Johnston has a high-profile Attorney and she cannot get one.

Caitlin Giles-McCormick from Flemington Borough wanted to understand the commitment level of the Borough to participant in the complete street project on Academy Street. Mayor Karrow explained the Grant the Borough received. Ms. Giles-McCormick stated she wants justification when having the Public Hearing for the budget. Mayor Karrow stated the CFO has been to every meeting when the Council is discussing the budget.

Ms. Giovanni from Flemington Borough stated she did not receive an email regarding replacing the lead pipes in their homes. Administrator Humphrey stated the emails went out to targeted roads.

Todd Cook from Flemington Borough hoped the Council all sat down together and went over the budget. Mr. Cook stated the Borough needs to be redeveloped instead of the taxpayers paying the taxes for empty lots.

APPROVAL TO PAY THE BILLS:

Approval to pay bills in the amount of \$970,935.46

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

Councilwoman Susan Engelhardt	Yes
Councilman Tony Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Council Vice President Kim Tilly	Yes

Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED that the Mayor and Council will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

The general nature of the subject to be discussed in this session is as follows:

1. To discuss potential employment matters, potential ACO litigation and redevelopment negotiations with Liberty Village
 - It is unknown precisely when the matters discussed in this session will be disclosed to the public.
 - Matters concerning litigation may be announced upon the conclusion of any trial or settlement of the litigation. Other matters may be made public when the need for confidentiality no longer exists.

The Mayor and Council entered into Executive Session at 9:04 p.m. and a **MOTION** was made by Council Vice President Tilly, seconded by Councilman Parker with a vote of all ayes.

ADJOURNMENT

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

ATTEST:


Carla Conner, Borough Clerk


Marcia Karrow, Mayor

Adopted: September 11, 2023