



BOROUGH OF FLEMINGTON
REGULAR COUNCIL MEETING
OCTOBER 23, 2023

Mayor Karrow called the meeting to order at 7:03 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:

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

Also Present:

Carla Conner, Borough Clerk
Chris Corsini, Borough Attorney

PRESENTATION: Ken McCormick, Fire Marshall, discussing increases for plumbing and mechanical, electrical and Sub code fees

Fire Marshall, Ken McCormick discussed all the new plumbing and mechanical, electrical and Sub code fees for the Ordinances that will be introduced in the next few weeks and he also went over the Ordinance for tonight's introduction on amending Chapter 8.

Councilman Parker asked Mr. McCormick to clarify his statement that the Borough does not know when new businesses come in. Mr. McCormick stated that was correct and there is no cross communications with other departments or FCP. Councilman Parker would like to form a committee with the Fire Marshall, Construction Official and Robin Lapidus from the FCP to discuss a process for new businesses coming in to the Borough.

Council President Long questioned the fees and if they were too high for new businesses. Mr. McCormick went over the fee structure.

MAYOR'S REPORT: Discussion on changing November meeting dates

Mayor Karrow made a formal appointment for the Alternate #3 seat on the Planning Board to Rose DeMario.

Mayor Karrow asked for a moment of silence for the people of Israel and for peace in the Middle East.

Mayor Karrow reported Coffee with a Cop will be held October 26, 2023 at the Flemington McDonalds. Mayor Karrow also reported that Main Street is paved now and looks beautiful due to a road Ordinance that was adopted in the Spring of 2023. Mayor Karrow also reported that the November 13, 2023 meeting has to be rescheduled to November 6, 2023 and November 27, 2023 due to the Borough Clerk having other commitments and the Bloomfield Ave. bid opening is October 26, 2023. The Police Department bid doc for the processing center, bathroom and HVAC system is with the Department of Corrections and once they sign off on the bid they can be advertised. Mayor Karrow stated the CFO, Bill Hance was attending the meeting online tonight to discuss the two proposals from PS&S on Bid Management and the Construction Management.

COUNCIL MEMBER REPORTS

COUNCIL PRESIDENT LONG:

Council President Long reported he attended a Hunterdon County Economic Summit which will benefit Flemington Borough as far as tourism and bringing people to Flemington and Robin Lapidus, from FCP was given an award at the Economic Summit for the wine train. Council President Long read a statement urging Councilman Johnston to resign.

COUNCIL VICE PRESIDENT TILLY:

Council Vice President Tilly reported the Halloween costume parade is October 26, 2023 and the Fire Department's hot dog cart will also be at the parade and October 29, 2023 at Borough Hall will be the Halloween candy distribution and the Witch's walk will be held on October 27, 2023.

COUNCILWOMAN ROSETTI:

Councilwoman Rosetti thanked Dave Guilliani for Code Enforcement and Councilman Rosetti reminded residents they are responsible for their own sidewalks and to obtain a permit to take down a tree. Councilwoman Rosetti urged Councilman Johnston to resign.

COUNCILMAN PARKER:

Councilman Parker asked the Council to approve spending \$5,000 for the snowflakes that are put up during the holidays on Main Street. The FCP will pay the other \$5,000. The Borough Attorney, Chris Corsini stated a Purchase Order is the only thing needed to order the snowflakes.

COUNCILWOMAN ENGELHARDT:

Councilwoman Englehardt reported that the Halloween decorating contest for homes and businesses deadline is October 29, 2023 and results will be available November 1, 2023. Councilwoman Englehardt also reported the Samuel Fleming House held their annual pumpkin decorating event on October 14, 2023 and it was well attended. Councilwoman Englehardt thanked the Borough employees for their hard work during the paving process. Councilwoman Englehardt also urged Councilman Johnston to resign.

PUBLIC COMMENTS – SESSION I:

Maureen Keelen from Flemington thanked the Democrat Council members for urging Malik Johnston to step down. Ms. Keelen also handed out a copy of what Ms. Johnston posted on his Facebook page and she wanted to know if he still lived in the Borough since he never shows up to Council meetings but still is getting paid for them.

APPROVAL OF MINUTES:

July 24, 2023

Regular Session

A **MOTION** was made by Council Vice President Tilly to approve the minutes, seconded by Councilwoman Englehardt, with a vote of ayes with Council President Long abstaining.

July 24, 2023

Executive Session

A **MOTION** was made by Council Vice President Long to approve the minutes, seconded by Councilwoman Englehardt, with a vote of all ayes with Council President Long abstaining.

CONSENT AGENDA:

1. RESOLUTION 2023-182 – RESOLUTION APPROVING DOUGLAS FABRIZIO INTO THE NJ STATE FIREMEN’S ASSOCIATION

WHEREAS, Douglas Fabrizio has applied to be a member of the NJ. State Firemen’s Association, and

WHEREAS, the applicant has undergone the required physical examination,

NOW, THEREFORE, BE IT REOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey that the applicant be admitted to active membership in the NJ State Firemen's Association.

3. RESOLUTION 2023-184 - RESOLUTION AUTHORIZING A CONTRACT WITH R & S LANDSCAPE TO ABATE PUBLIC SAFETY HAZARDS AT 35 N, MAIN STREET, BLOCK 5 LOT 1, AND AUTHORIZING THE TAX COLLECTOR TO LIEN THE PROPERTY

WHEREAS, 35 N Main Street,Block 5 Lot 1 is vacant and in disrepair; and

WHEREAS, there are many hazards on the property that are impacting the public safety of the Borough of Flemington; and

WHEREAS, there are piles of debris, dangerous tree branches, extremely high grass and the sidewalks are overgrown; and

WHEREAS, letters have been sent to the property owner of record by the property maintenance officer but have been returned undelivered; and

WHEREAS, the safety hazards need to be abated; and

WHEREAS, a quote was received from R & S Landscape in the amount of \$200.00 to abate current hazards a one-time lawn mowing; and

WHEREAS, future mowing may be needed; and

WHEREAS, pursuant to State Statutes a municipality can abate safety hazards on private property and authorize the tax collector to place a lien on the property to recover the costs.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that a contract be awarded to R & S Landscaping in the amount of \$200.00 to abate the current hazards on block 5 lot 1, known as 35 N. Main Street.

BE IT FURTHER RESOLVED, that the property maintenance officer is authorized to have the lawn mowed and future safety hazards abated in the future if necessary for an additional amount not to exceed \$1,500.00.

BE IT FURTHER RESOLVED, that the tax collector is authorized to place a tax lien on the property for any Borough funds expended not to exceed \$3,550.00 in total, to maintain the property and abate hazards.

4. RESOLUTION 2023-185 – RESOLUTION AUTHORIZING THE RENEWAL OF A TAXI LICENSE FOR COSMOS TAX SERVICE

WHEREAS, Ordinance 2017-3 sets eligibility criteria for obtaining a Taxi Owner's License in Flemington Borough, including vehicle insurance and registration, vehicle inspection, criminal background checks, and driver's license history and provides for 10 licenses to be issued; and

WHEREAS, Ordinance 2018-21 describes the renewal process for Taxi Owner's Licenses; and

WHEREAS, the following company have met the renewal criteria and submitted all necessary fees for renewal of Taxi Owner's Licenses in 2023:

Cosmos Taxi Service, License 23-30

WHEREAS, the Flemington Borough Police Department has inspected the vehicles used by these services and determined that they are in satisfactory condition to safely carry passengers;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby approve the renewal of the above-listed Taxi Owner's Licenses, which will be effective from January 1, 2023 through December 31, 2023.

5. RESOLUTION 2023-186 - RESOLUTION AUTHORIZING THE PURCHASE OF A VEHICLE FOR THE FIRE MARSHALL FROM LANCE WARD, NTE \$13,000

WHEREAS, the Borough of Flemington has received a quote from Royll, LLC for the purchase of a 2019 Ford Interceptor Utility AWD, and

WHEREAS, it has been determined by the Fire Marshal that the quote meets the needs of the Department.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Flemington authorize the Chief Financial Officer to process a purchase order in the amount of \$13,000 to Royll, LLC for the purchase of the SUV.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funds are available.

A **MOTION** was made by Council Present Long to approve Resolutions 1, 3, 4 & 5 on the Consent Agenda, seconded by Councilwoman Englehardt and on Roll Call the following was recorded:

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

Motion carried.

2. RESOLUTION 2023-183 – RESOLUTION APPROVING KIM TILLY AS A SOCIAL MEMBER OF THE FLEMINGTON BOROUGH DEPARTMENT

WHEREAS, Kim Tilly has applied to be a social member of the Flemington Borough Fire Department, and

WHEREAS, Ms. Tilly has provided the required application,

NOW, THEREFORE, BE IT REOLVED by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon and the State of New Jersey that Ms. Tilly is approved to be a social member of the Flemington Borough Fire Department.

A **MOTION** was made by Council Present Long to approve Resolution 2 on the Consent Agenda, seconded by Councilwoman Englehardt and on Roll Call the following was recorded:

Councilman Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Abstain
Council President Jeremy Long	Yes

Motion carried.

PUBLIC HEARING:

ORDINANCE 2023-27 - AMENDING CHAPTER VII TRAFFIC, SCHEDULE I NO PARKING,
BY MODIFYING THE NO PARKING LOCATIONS ON MINE STREET

A **MOTION** was made by Council President Long to open the Public Hearing, second by Council Vice President Tilly.

There being no one from the public who wished to speak, Mayor Karrow closed the public hearing.

A **MOTION** was made by Council President Long to close the Public Hearing, second by Council Vice President Tilly.

Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

A **MOTION** was made by Council President Long to adopt the Ordinance, second by Council Vice President Tilly.

Councilman Parker	Yes
Councilwoman Rosetti	Yes
Councilwoman Engelhardt	Yes
Council Vice President Tilly	Yes
Council President Long	Yes

Motion carried.

REGULAR AGENDA:

6. RESOLUTION 2023-187 – APPROVING THE HIRING OF CHRISTOPHER WILT AS A PER DIEM FIRE INSPECTOR

WHEREAS, the Borough of Flemington is in need of a per diem Fire Inspector; and

WHEREAS, Mr. Wilt is the most qualified to perform the duties of the per diem Fire Inspector; and

WHEREAS, Mr. Wilt will be compensated a salary of \$25.00 an hour; and

WHEREAS, Mr. Wilt will work as needed.

NOW THEREFORE IT BE RESOLVED, by the Mayor and Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that Christopher Wilt is hired effective immediately as the per diem Fire Inspector with a salary of \$25.00 an hour and will adhere to the above requirements.

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

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

Motion carried.

7. RESOLUTION 2023-188 – RESOLUTION TO APPLY FOR A GRANT FOR THE POLICE DEPARTMENT

RESOLUTION

Whereas, the Borough of Flemington

(formal name of organization)

desires to apply for and obtain a grant from the New Jersey Department of Community Affairs

for approximately \$^{250,000}_____ to carry out a project to ^{renovate 200 Main Street}_____
(dollar amount of request)

Police Headquarters

(briefly describe the project)

Be it therefore RESOLVED,

1) that the Borough of Flemington

(formal name of organization)

does hereby authorize the application for such a grant; and,

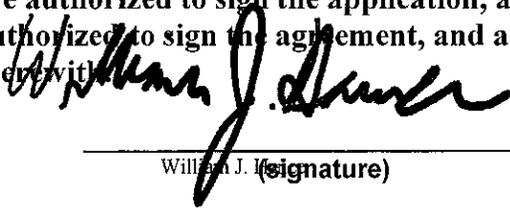
2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between

Borough of Flemington

(formal name of organization)

and the New Jersey Department of Community Affairs.

Be it further **RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.



William J. Lerner
(signature)

Marcia Karrow

(signature)

(type or print name)

Chief Financial Officer

(title)

(type or print name)

Mayor

(title)

CERTIFICATION:

I, Carla Conner, the Borough Clerk,
(name of Board Secretary / Government Clerk) (title of position - Board Secretary or Government Clerk)

of Flemington Borough

(formal name of organization)

hereby certify that at a meeting of the Board of Directors / Governing Body held on _____
(meeting date)

the above **RESOLUTION** was duly adopted.

**AFFIX GOV'T,
CORPORATE OR
NOTARY SEAL**

(Signature of Secretary of the Board of Directors or Government Clerk)

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

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

Motion carried.

8. RESOLUTION 2023-189 – RESOLUTION 2023-189 - RESOLUTION RECOGNIZING THE MONTH OF NOVEMBER 2023 AS FAMILY COURT AWARENESS MONTH IN THE BOROUGH OF FLEMINGTON

WHEREAS, the Borough of Flemington and County Seat of Hunterdon County, New Jersey is host and county-wide headquarters to multiple non-for-profit family support and advocacy organizations; and

WHEREAS, the Borough Flemington values the importance of the work of domestic violence advocates, family court professionals and survivors of post separation abuse and domestic violence; and

WHEREAS, the Borough of Flemington encourages the work of advocates who dedicate their time and efforts to the children of our community, and recognizes the impact these advocates and professionals have on our community; and a conservative estimate is that 58,000 children nationally are ordered into unsupervised contact with mentally, physically or sexually abusive parents following divorce according to the Leadership Council on Child Abuse and Interpersonal Violence; and

WHEREAS, the Borough of Flemington recognizes the importance to highlight the impacts this abuse presents, and for survivors to amplify their voices with the encouragement, safety and support of their fellow residents, business owners and employees of Flemington to raise awareness of how post separation domestic violence, abuse and trauma escalates and translates into the family court system; and

WHEREAS, The Borough of Flemington intends to solidify our commitment to child safety in the family court system;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that in recognition of Family Court Awareness Month (FACM), Mayor and Council hereby proclaim the month of November as "Family Court Awareness Month" in the Borough of Flemington.

A **MOTION** was made by Council President Long to approve the resolution. This Motion was seconded by Councilwoman Engelhardt on Roll Call vote the following was recorded:

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

Motion carried.

9. ORDINANCE 2023-28 – - AN ORDINANCE AMENDING CHAPTER 4 ENTITLED “LICENSING - GENERAL” TO REFORMAT AND AMEND THE SCHEDULE OF VARIOUS LICENSING FEES WITHIN THE BOROUGH OF FLEMINGTON

WHEREAS, The Borough of Flemington Code currently imposes a fee schedule applicable to various applications, permits, licenses, etc.; and

WHEREAS, a municipality maintains the ability to amend its own fee schedules as it sees fit from time to time; and

WHEREAS, the Borough seeks to amend Chapter 4 to adjust the fee amounts to accurately cover the costs incurred by the municipality associated with same.

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 Chapter 4 entitled “Licensing – General” of the Municipal Code of the Borough of Flemington be amended as follows (deletions are written ~~thusly~~; additions are written **thusly**):

Section I

Section 4-2 entitled “Peddlers, Solicitors, and Transient Vendors” shall be amended as follows:

§ 4-2.8 License Fees.

Fees for licensee on this section shall accompany the application and shall be as follows:

- a. For one month or part thereof \$25.00
- b. For one year or any part thereof ~~\$40.00~~ **\$50.00**

Section II

Section 4-3 entitled "Retail Food Establishments" shall be amended as follows:

§ 4-3.2. Fees.

The fees for licensure of retail food establishments are hereby fixed as follows:

a. Category 1. Newsstands, pharmacies, liquor stores, video stores and other establishments handling commercially prepared, prepackaged, nonpotentially hazardous foods as an incidental part of their business will pay ~~\$135.00~~ **\$155.00**.

b. Category 2. B&B's which serve full breakfasts; agricultural markets, (where there is no food preparation) where potentially hazardous foods are offered for sale or where grocery food items account for 50 percent or more of the sales will pay \$135.00. B&B's which serve continental breakfasts are exempt from licensing and inspection, as are agricultural markets offering for sale only raw agricultural products with only an incidental amount of grocery items.

c. Category 3. All other retail food establishments, including mobile food units, will pay ~~\$235~~ **\$275** per year. The license period will be from January 1 through December 31.

d. Temporary retail food establishments shall be assessed fees as follows:

1. Vendors operating for three consecutive days or fewer:

(a) For-profit vendors: \$100.

(b) Non-profit vendors (Flemington residents or business owners): \$25.

(c) Non-profit vendors (not Flemington residents or business owners): \$75.

2. Vendors operating for four consecutive days up to 14 consecutive days shall pay \$135.

e. If a mobile food unit is using an open flame to prepare foods the vendor must obtain a Class I Fire Permit from the Fire Marshal each time the vehicle parks for an event.

f. Farm markets will pay an annual blanket fee of \$240.00 to cover the following types of vendors: baked goods-prepared in a licensed and inspected kitchen, whole uncut fruits and vegetables, including mushrooms, jarred foods for example: jellies, jams, pickles, honey, maple syrup, cider etc., refrigerated foods for example: eggs, cheese etc., frozen meats, coffees, teas, plants soaps, olive oils and vinegars. The license period

will be from January 1 through December 31. An applicant must make application at least 2 weeks prior to the event.

g. Farm markets offering food for immediate consumption will pay an additional fee of \$150.00 annually for foods that are prepared for immediate consumption that are not packaged. If these vendors are utilizing an open flame to prepare or to keep food at safe temperature as specified by the Hunterdon County Health Department the vendor must obtain a Class I Fire Permit from the fire marshal each time the vendor sets up their preparation area. The license period will be from January 1 through December 31. An applicant must make application at least 2 weeks prior to the event.

h. Annual licenses must be renewed for the upcoming year by January 31st to avoid the imposition on the applicant of a \$30.00 late fee in the case of a category 1 or 2 license, and a \$50.00 late fee in the case of a category 3 license.

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.

A **MOTION** was made by Council Vice President Tilly to introduce the Ordinance. This Motion was seconded by Council President Long on Roll Call vote the following was recorded:

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

Motion carried.

The Public Hearing will be held November 27, 2023.

10. ORDINANCE 29 – AN ORDINANCE AMENDING CHAPTER 6 ENTITLED “ANIMALS” TO AMEND THE SCHEDULE OF CAT AND DOG LICENSING FEES WITHIN THE BOROUGH OF FLEMINGTON

WHEREAS, The Borough of Flemington Code currently imposes a fee schedule applicable to animal licensing; and

WHEREAS, a municipality maintains the ability to amend its own fee schedules as it sees fit from time to time; and

WHEREAS, the Borough seeks to amend Chapter 6 to adjust the fee amounts to accurately cover the costs incurred by the municipality associated with same.

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 Chapter 6 entitled “Animals” of the Municipal Code of the Borough of Flemington be amended as follows (deletions are written ~~thusly~~; additions are written thusly):

Section I

Section 6-2.2 entitled “Fees; Renewals; Expiration Date” shall be amended as follows:

a. The person applying for the license shall pay a State registration fee of \$1.20 for State Pilot Program for a one-year registration tag for each dog and cat; and for each renewal, the fee for the license and for the registration/pilot program tag shall be the same as for the original license and tag; and said licenses, registration tag and renewal(s) thereof shall expire no later than January 31 following the year stated on the license.

b. Dogs used as guides for blind persons and commonly known as "seeing eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs" or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs here and above provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

c. License forms and uniform metal registration tags shall be furnished by the municipality.

d. In addition to the fees charged pursuant to Subsection a of §§ 6-2.2 and 6-5, any person applying for the license and registration tag pursuant to § 6-2.1 shall pay a fee of \$3 for any dog or cat of reproductive age which has not had its reproductive capacity permanently altered through sterilization.

e. The owner of any dog or cat that is applying for a license after January 31 of the issuing year, will be charged a late fee of ~~\$10~~ **\$15** per animal.

Section II

Section 6.5.1 entitled “Annual Fee” shall be amended as follows:

The fee for an annual dog or cat license and each renewal thereof as required by 6-2.2 of this chapter is as follows:

Neutered dog:	\$6.80 \$12.00	Neutered cat:	\$6.80 \$12.00
Not neutered dog:	\$11.80 \$15.00	Not neutered cat:	\$8.80 \$15.00

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.

A **MOTION** was made by Council Vice President Tilly to introduce the Ordinance. This Motion was seconded by Councilwoman Engelhardt on Roll Call vote the following was recorded:

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

Motion carried.

The Public Hearing will be held November 27, 2023

11. ORDINANCE 2023-30 – AN ORDINANCE AMENDING CHAPTER VII TRAFFIC, SCHEDULE I NO PARKING, AND SCHEDULE XV, PARKING PERMITS BY ADDING A RESIDENT PARKING PERMITTED AREA DURING CERTAIN HOURS ON THE NORTH SIDE OF CAPNER STREET

WHEREAS, the Borough of Flemington currently prohibits parking on the north side of Capner Street from Main Street to Park Avenue; and

WHEREAS, the Borough of Flemington desires to allow residents of Capner Street to utilize the parking spots on the north side of Capner Street from Main Street to Park Avenue during weekends and from 5 PM to 8 AM on weekdays.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey as follows:

1. Section 7A-1, Schedule I of the Code of the Borough of Flemington entitled, “No Parking,” is amended as follows (deletions noted in strikethrough ~~thusly~~ and additions noted in bold underlined **thusly**):

Name of Street	Sides	Location
Capner Street	North	From the westerly curb line of Main Street to the easterly curb line of Park Avenue. a point 222 feet east thereof.

2. Section 7A-15, Schedule XV of the Code of the Borough of Flemington entitled, “Permit Parking,” is amended as follows (deletions noted in strikethrough ~~thusly~~ and additions noted in bold underlined **thusly**):

Name of Street	Sides	Hours	Location
<u>Capner Street</u>	<u>North</u>	<u>Weekends and Monday through Friday, 5 PM to 8 AM</u>	<u>From a point 222 feet east of the easterly curbline of Park Avenue to a point 222 feet west of the westerly curbline of Main Street.</u>

3. The Borough Police Department is authorized to install the appropriate signage consistent with this ordinance.
4. In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.
5. All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.
6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

A **MOTION** was made by Council President Long to introduce the Ordinance. This Motion was seconded by Councilwoman Engelhardt on Roll Call vote the following was recorded:

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

Motion carried.

The Public Hearing will be held November 27, 2023

12. ORDINANCE 2023-31 – AN ORDINANCE AMENDING CHAPTER 8 OF THE BOROUGH CODE FOR THE ESTABLISHMENT OF NEW FEES

§ 8-8 REGISTRATIONS REQUIRED FOR NON-LIFE HAZARD USES.

All owners of buildings, premises, structures, or uses within a structure which are required to be registered as a life hazard use or requires registration as a non-life hazard use by the Flemington Bureau of Fire Safety and except single-family and two-family dwellings occupied by the holder of title to the property shall register and annually obtain a certificate from the Fire Marshal.

It shall also be the responsibility of the owners of the building, premises, structure or use to ensure that each individual tenant in their owned property has registered with the Bureau of Fire Safety.

Failure to comply with the registration requirements, or failure to ensure a tenant has registered, may result in penalties being issued. Penalties shall not exceed \$500.00 per individual occurrence.

§ 8-11 AMOUNT OF FEE FOR NON-LIFE HAZARD USE REGISTRATIONS.

The fee for certificates, permits and inspections for non-life hazard use registrations shall be:

a. Mercantile businesses shall be inspected yearly with a fee schedule of:

1. A-1: \$70 for the first 1,000 square feet.
2. A-2: \$10 for each additional 1,000 square feet.

b. Factories and warehouses shall be inspected yearly with a fee schedule of:

1. B-1: \$75 for the first 1,000 square feet.
2. B-2: \$100 for 1,001 to 3,500 square feet.
3. B-3: \$150 for 3,501 to 6,000 square feet.
4. B-4: \$200 for 6,001 to 11,999 square feet.
5. B-5: \$400 for 12,000 square feet to unlimited.

c. Repair shops (excluding automotive repair) and service businesses shall be inspected yearly with same fee as mercantile.

1. C-1: \$75 for the first 1,000 square feet.
2. C-2: \$10 for each additional 1,000 square feet.

d. Business offices (lawyers, doctors and other professional offices, insurance offices, etc.) and each commercial structure (structures with common connected attics or basements shall be registered as a single building), shall be inspected yearly with fee schedule of:

1. D-1: \$75 for each individual business or structure.

e. Residential apartment complexes shall be inspected yearly and pay an annual fee of:

1. E-1: \$70 per building in the complex.

f. All residential rental properties, except apartment complexes, not occupied by the structure owner shall pay an annual fee of:

1. F-1: \$70 per structure.

g. All other structures and facilities not described shall be inspected yearly with the same fee as that pertaining to a mercantile business.

§ 8-14 EXISTING STRUCTURES.

Before any residential property is sold, leased, or otherwise made subject to a change of occupancy for residential purposes, the owner shall obtain a certificate of smoke alarm, carbon monoxide alarm, portable fire extinguisher compliance (CSACMAPFEC). The application fees for CSACMAPFEC, as required by N.J.A.C. 5:70-2.3, shall be based upon the amount of time remaining before the change of occupancy is expected as follows:

§ 8-15 CSACMAPFEC FEES.

a. Requests for CSACMAPFEC received more than 10 business days prior to change of occupancy or closing shall be \$65.

b. Requests for CSACMAPFEC received four to nine business days prior to the change of occupancy or closing shall be \$100.

c. Requests for CSACMAPFEC received fewer than four business days prior to the change of occupancy or closing shall be \$200.

1. Re-inspection fee: If an inspection fails its initial inspection, a re-inspection of the unit shall be included in the initial fee. If any additional re-inspections are required there shall be a \$30 fee for each inspection. The re-inspection fee shall be paid prior to another inspection being scheduled.

§ 8-15.1 Failure to Show for Inspection.

a. A no-show for a scheduled inspection shall be subject to a re-inspection fee equivalent to the fee paid for the original inspection request. A no-show inspection means:

1. The owner/agent fails to meet inspector within 10 minutes of the appointed time for inspection or reinspection;

2. The owner/agent does not have a key or is unable to gain access for the Fire Marshal or designee access to the premises for the scheduled inspection or reinspection; or

3. Electrical power to a premises is disconnected and smoke alarm(s) to be tested are powered by electrical current from the building wiring system.

NEW SECTION:

Fees. The Bureau of Fire Safety shall also collect fees for permits issued under the Uniform Fire Code.

(1) Permit fees.

Type of Permit	Fee
Type 1	\$70
Type 2	\$250
Type 3	\$450
Type 4	\$700
Type 5	Reserved

Miscellaneous fees.

A. Pursuant to the Uniform Fire Code, upon the request of the owner or bona fide purchaser of a building or structure, the Fire Marshal shall issue a certificate either enumerating the violations indicated by its records to be abated and the penalties or fees indicated to be unpaid or stating its records indicate that no violations remain unabated and no penalties or fees remain unpaid. Such request shall be in writing and accompanied by a fee of \$75.

B. Any person who purchases a property without having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties.

A **MOTION** was made by Council Vice President Tilly to introduce the Ordinance. This Motion was seconded by Council President Long on Roll Call vote the following was recorded:

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

Motion carried.

The Public Hearing will be held November 27, 2023

PULIC COMMENTS – SESSION II:

There was no public comment.

APPROVAL TO PAY THE BILLS:

AUTHORIZING PAYMENT OF THE BILLS IN THE AMOUNT OF \$3,240,835.73

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

Councilman Parker	Yes
Councilwoman Elizabeth Rosetti	Yes
Councilwoman Susan Engelhardt	Yes
Council Vice President Kim Tilly	Yes
Council President Jeremy Long	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. Legal – DEP Shields Settlement Agreement
2. Contract Negotiation – Liberty Village’s Pilot with NW Financial and Jim Fearon
3. Contract Negotiation – Update on Liberty Village, Cardinal, Captiva and Well 12

- 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 and a **MOTION** was made by Council Vice President Tilly, seconded by Council President Long with a vote of all ayes.

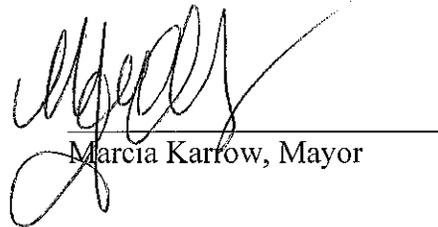
ADJOURNMENT

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

ATTEST:



Carla Conner, Borough Clerk



Marcia Karrow, Mayor

Adopted: January 22, 2024