



# Mayor and Common Council Borough of Flemington

November 18, 2013

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Council Meeting Room

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## I. Work Session Agenda 7:00 PM

### 1. DISCUSSION: SIGNAGE FOR BOROUGH PARKING LOTS (GREINER)

Councilman Greiner introduced Lee Roth, Chairman of the FBID Quality of Life Committee. Mr. Roth and members of the committee were present to give an overview of their proposed plan to install signage in the Borough indicating where public parking lots are located.

Mr. Roth informed there are currently four municipal lots in the Borough with a total of over 850 parking spaces available. Mr. Roth explained the plan to install color coded signs, two per lot. A larger sign would be placed on existing sign poles on Main Street, which would include the number of spaces in the lot, and a smaller sign would be placed at the entrance to the lot. Both signs would be situated for right turns. Mr. Roth noted the FBID did not pay a traffic engineer 10-20 thousand dollars for a study, explaining this is an effort by businessmen in town, with the signs being paid for by the FBID. Mr. Roth said he was coming before Council to get their blessing for installation prior to the upcoming Turkey Trot and holiday season.

Mr. Roth informed a map of these parking lots would be placed in the space outside the Union Hotel, incorporated into brochures by the Restaurant Association, and available on pertinent websites.

After an initial trial period, Mr. Roth would like recommendations from Council for any improvements - possibly an increase in size or number of signs displayed.

Councilman Greiner asked Council if they were all in agreement to allow the FBID to install the new signs, noting they are similar to those used in Somerville.

Council President Velella said this is a great idea, but noted it might not go far enough. Mr. Velella said businesses should be encouraged to reference the nearest lot on their website, and signs should also be displayed showing left turns into each lot. Mr. Velella said the signs might also need to be larger, but Council may need to discuss the current Ordinance concerning signage.

Council Vice President Swingle also suggested the parking spaces be color coded, as some lots are conjoined.

Councilwoman Fine suggested the sign colors should be very visible.

Mr. Novick said an interactive map on the Borough website identifying stores that match lots would also be a good idea.

Councilman Gorman noted the walk from your car to most stores in Bridgewater Commons is much farther than the walk from a parking lot in Flemington to a town shop.

Ms. Fine also noted some lots are hard to navigate, suggesting more visible exits.

Mr. Velella said he is very supportive of this plan, and feels it will work, asking if the signs should be made larger before the initial installation.

Mr. Greiner explained the signs should go up as soon as possible, with the Turkey Trot happening in the next week.

Karen Giffen, 9 Highland Avenue - said the signs are fantastic, adding Somerville also has smaller signs directing walkers back to the lots. Ms. Giffen suggested sprucing up the lots. Ms. Giffen also said there should be advertising that Flemington Borough parking lots are free of charge.

Mr. Velella asked that the public send to Council any other suggestions they may have to this plan.

Lois Stewart, 26 Spring Street - voiced concerns with placing the signs on existing sign poles, therefore having two on each. Ms. Stewart also suggested painting lot exits on the pavement, as there are already too many signs in town.

Mr. Greiner said the original sign would be removed from the poles.

Mr. Roth agreed there is a bit of "sign pollution" in the Borough, noting that many of these signs are necessary for traffic safety.

Ms. Stewart asked if Council is allowed take action and approve this plan during a work session.

Attorney Goodman stated that, as no vote is being taken, this is allowed.

Council thanked Mr. Roth and his committee for their time.

## 2. DISCUSSION: MAYOR AND COUNCIL REPORTS (EDWARDS)

Due to time constraints, this discussion was tabled until the next regular Council meeting on December 9, 2013.

Motion To: **Adjourn the Work Session 7:26 PM**

**AYES:** Swingle, Velella, Fine, Gorman, Novick, Greiner

Councilman Greiner stated that he supports this policy, but requested it not require an advisory committee be established. Mr. Greiner said he did not feel the need to spend additional dollars on professional fees.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Phil Greiner, Councilman
<b>SECONDER:</b>	Phil Velella, Council President
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

### **3. RESOLUTION 2013-181: ESTABLISHING A COMPLETE STREETS POLICY FOR THE BOROUGH OF FLEMINGTON**

Mayor Edwards explained that adopting this policy will encourage how the Borough looks at existing roads and upgrades concerning all users, not just cars. Ms. Edwards said that pedestrians, cyclists and the handicapped also use our roads.

Ms. Edwards said there are already four other municipalities in Hunterdon County that have adopted this policy, adding the Borough needs to state it's own support.

Tara Shepherd, of HART, has been aiding the Borough in the process of crafting this Resolution. Ms. Shepherd explained this policy is a holistic way of looking at the community and how we move about.

Council President Velella inquired if this policy will help the Borough when seeking grants.

Mayor Edwards said this is true.

Councilman Novick asked if we are tied to incorporating all aspects of the policy into the master plan.

Attorney Goodman stated adopting this Resolution will only place on record what Council wants.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Gorman, Councilman
<b>SECONDER:</b>	Phil Greiner, Councilman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

### **4. Public Comments -- Session I**

Elaine Gorman, 34 New York Avenue - Liaison to the County Tri Centennial Committee gave her report:

Tricentennial Report November 13, 2013

1. Website---www.hunterdon300th.org
2. Art in the Country---November 16, 2013, 3 to 6 p.m. \$50.00 per person, \$60.00 at the door. Cocktails and hors d'oeuvres and art for sale.
3. Choir School---open Saturday from 10:00a.m. to 2:00p.m.
4. Commemorative Magazine---need articles and photos
5. Gala---March 29, 2014 at the Grand Colonial \$150.00 per person, 250 people
6. December 7, 2013

Fun and Brushes---10:00a.m. to noon---for kids 6-12 years old--- County Complex, assembly room Students paint pictures to take home with Eileen Rafferty of Paint Party Studio on Main Street, Flemington

Wine and Brushes---5:00 to 9:00p.m.--- for adults Grape Finale and Soma Gallery Paint with artists, art for sale, silent auction, wine and food

7. Photography Contest---November 7, 2014-reception Subjects--- historic buildings and Tricentennial events---various age groups-winning photos go in Time Capsule
8. Parade---March 22, 2014---each municipality has been asked to do a float
9. February Events

February 1---Lecture "Slavery in Hunterdon County" Stephanie Stevens North Branch Library 2:00-4:00p.m.

February 8---Lecture "Slavery in Flemington" Lesley Leith Presbyterian Church 10:00a.m. Followed by a Cemetery Tour at noon  
---Lecture "Vought House" Mike Margulies Clinton Township Middle School 1:00p.m. Followed by a tour of the Vought House

February 12---Lecture "Abe Lincoln's Train Stop in Trenton" Dom Mazagetti Main Library 7:00p.m.

February 15---Lecture "Vought House and John Vought's Life" Don Sherblom North Branch 2:00-4:00p.m.

February 22---Lecture "Loyalists vs. Patriots" Chip Riddle North Branch 2:00-3:00p.m.

---Lecture "Paul Robeson" Presbyterian Church 7:00-9:00p.m.

Eric Hinline, 144 Main Street - stated that, in regard to Resolution 2013-185, he had no awareness of this until tonight. Mr. Hinline requested this be tabled until the next Council meeting, when his attorney could be present. Mr. Hinline stated he has owned this property for 30 years, and is asking for the respect of Council in this matter.

Mayor Edwards informed this matter has been ongoing for many years, with more than \$225,000 owed to the Borough in taxes and utilities. Ms. Edwards said the Borough has tried in the past to take action, such as trying to sell the lien and working with potential buyers, with no results. Ms. Edwards stated that the Borough cannot keep allowing these taxes and fees to mount. Ms. Edwards suggested moving forward with the Resolution and giving Mr. Hinline and his attorney the chance to speak at the next Council meeting.

Mr. Hinline said he appreciates anything that can be done.

Jay Makuch, 158 Broad Street - noted that the State has a huge lien on the property due to a DEP cleanup, asking if the Borough would then be responsible for this.

Mayor Edwards informed that there will be quite a bit of time between now and the sale of the property, giving the Borough the ability to speak with the DEP.

Attorney Goodman explained that this is secondary to stopping the accumulation of money owed to the Borough.

Mr. Makuch asked if it would be possible for the DEP to just make the lien go away.

Mr. Goodman said that is not necessarily the case, informing the DEP can go after Mr. Hinline personally for any money owed. Mr. Goodman informed that the State has the same rights as any other creditor.

Mr. Makuch said he believes Borough Attorney Beckelman said the DEP may forgive the lien if the area were determined to be in need of redevelopment.

Mr. Goodman said that he doesn't know the State's present position on this matter, and can't speak for Mr. Beckelman, either.

Mr. Makuch said he doesn't see the big deal in delaying the passage of this Resolution to give Mr. Hinline time to confer with his attorney. Mr. Makuch questioned why there was a Police Officer present at Council meetings.

Mayor Edwards explained that the Officer is on duty, and will leave the meeting if he gets a call.

Lois Stewart, 26 Spring Street - said she feels there are better ways to utilize our Police Officers' time. Ms. Stewart said she also agrees that waiting the additional two weeks to pass the foreclosure Resolution would be fine.

Mayor Edwards stated that Council does have compassion for Mr. Hineline, noting they have not moved as swiftly as they could have because they would have like to see this matter resolved in a manner other than foreclosure. Over the years nothing was resolved, with members of the community regularly asking when something would be done. Ms. Edwards stated that the Borough can't afford to wait any longer.

Council President Velella reiterated that taxes and utilities have not been paid in over a decade. Mr. Velella said business leaders have been talking about other uses for the property. Mr. Velella asked Attorney Goodman how long the foreclosure process actually takes.

Mr. Goodman informed that once the complaint is filed it may take 18 months to come to a resolution, adding this leaves time for the parties to work out a possible agreement.

Councilman Novick asked what another two weeks would matter, when the whole process could take 18 months.

Mayor Edwards informed that the foreclosure process is defined by law, but there would be time to hold additional conversation.

Ms. Stewart inquired about the status of other uncollected taxes, and actions being taken.

Mayor Edwards said that, historically, the Borough has a very good rate of collection. Ms. Edwards added that the Borough is moving to allowing credit card payments, which should close the gap; allowing residents to pay their taxes on time, even if they have a shortage of available funds. Ms. Edwards informed that the nominal credit card fee would be paid by the resident.

Mr. Velella noted that the DEP involvement in Mr. Hineline's property has made a tax sale harder to achieve.

Councilman Greiner informed the Borough collects approximately \$12 million in taxes per year, adding there was a 96.4% rate of collection last year.

Mayor Edwards added that , generally, a property will go to tax sale after one year of nonpayment.

Ms. Stewart asked for an update on signage at the corners of both Broad and East Main Streets.

Mayor Edwards said there will be information on the Broad Street signs early in the new year, adding changes at the corner of Church and Broad Streets have already been made. Concerning East Main Street, Ms. Edwards said the DOT is moving slowly, but she has gone above them, asking the Governor's office for help. Ms. Edwards said she hopes to hear from her liaison by the end of the week.

Steve Karpew, 32 Allen Street - asked about moving some flower pots, which are blocking foot traffic. Mr. Karpew also noted signs and outdoor seating on Main Street which are also in the way.

Mr. Velella informed some pots had already been moved, but added others were not at the request of the resident.

Mr. Greiner said he would speak with Zoning Official Klein concerning the issue on Main Street.

Mr. Karpew also voiced concerns with traffic between Capner Street and the middle school, noting there are many children who walk that route and it seems quite dangerous.

Council Vice President Swingle said it is chaotic during drop-off and pick-up, adding that he would look into a way to manage the traffic better.

## **5. Mayor's Report (up to approximately 3 minutes)**

Mayor Edwards gave an update concerning the larger apartment complexes in the Borough. Ms. Edwards said that members of Council and other Borough officials have been meeting with owner/manager teams from each complex. Ms. Edwards informed the Borough is actively dealing with overcrowding and criminal activity at these properties, noting the Borough will not tolerate the risk to residents' rights to live peacefully and safely. Due to a scheduling conflict, the Borough has not met with representatives from Regional Court, but there are plans to meet within the next two weeks. Ms. Edwards said it is interesting to learn how each owner/manager deals with problems at their complex. Ms. Edwards said she has also been getting information from sources who have reached out due to coverage in the press. Ms. Edwards informed the next step is to meet with apartment residents, to hear from them directly, in order to assess how the Borough can assist them with feeling safe and secure in their



homes. Ms. Edwards said she will continue to keep everyone posted throughout the process.

Mayor Edwards informed the modified Noise Ordinance is on the night's agenda for a first reading.

Mayor Edwards said she and Mr. Gorman had met with property owners in the vicinity of the North Main Street / Park Avenue intersection including the owners of Steve's Store. Ms. Edwards informed the meeting had been positive and productive, adding there are plans for a follow-up meeting to work on a cooperative, congenial relationship between all the neighbors concerning traffic in this area.

Mayor Edwards informed the Borough has come to an agreement with the Teamsters, with the vote on December 9, 2013.

Mayor Edwards met with JCP&L concerning the low level of lighting on the east side of Main and Mine Streets, adding this will be remedied with an adjustment to the cobra lighting.

Reminding that December 9th will be the last Council meeting of 2013, Mayor Edwards invited everyone to a pre-meeting Open House at 6:00 pm, to celebrate the holiday season and thank the community for its support throughout the last year.

## **6. Council Members' Reports**

### **Council Vice President Swingle**

Council Vice President Swingle informed he has been working on issues with the Borough website, adding there are plans to move it to a different platform. Mr. Swingle said a community volunteer with expertise in the area has offered to help. Mr. Swingle informed there should be a new site in the new year.

Mr. Swingle said he is still trying to secure a meeting with Schools Superintendent Nolan. Mr. Swingle informed Police Officer Rotella is at a School Board meeting this evening, stating he would touch base with Ofc. Rotella for an update on the school safety issue.

Mr. Swingle said he has met with Hunterdon Central Superintendent Steffner, noting they seem to be in pretty good shape concerning security.

Mr. Swingle informed the Fire Department continues to add members, with a candidate on tonight's agenda.

Mr. Swingle said he has been in contact with the Police Department concerning the modified Noise Ordinance and safety issues at the apartment complexes. Mr. Swingle said he will have more, expanded reports on the apartment complexes in the future as he is trying to compile and tie together all the data.

Mr. Swingle wanted to congratulate Marylou Soltis and Officer Lookner, of the Borough Police Department, who were commended by a resident of Frenchtown concerning how they handled a recent police situation.

Lastly, Mr. Swingle informed work is being done to move Borough communication equipment to a higher location.

### **Council President Velella**

Council President Velella informed he continues to attend meetings with the Shade Tree Commission and the FBID, adding they will be presenting their budget at the next Council meeting.

Mr. Velella informed Borough representatives and the RTMUA had met with their special attorneys concerning the permit renewal of the wet weather facility.

### **Councilwoman Fine**

Councilwoman Fine informed she had attended the recent Salsa Night, which was to benefit Hunterdon Helpline. Ms. Fine said it was a very nice evening.

Ms. Fine wished to congratulate Councilmen Gorman and Greiner on their re-election.

Ms. Fine informed the Environmental Commission will meet this coming Thursday, noting they are looking to replace a member who has resigned.

Mayor Edwards said this information can be added to the upcoming joint October/November newsletter.

Ms. Fine informed Facebook membership continues to increase.

Ms. Fine wished to inform that HART provides, free to residents, reflective vests and wrist bands.

Ms. Fine said handicap access to Borough Hall should be addressed, noting the ramp is in the front of the building (with no signage) and parking is in the back. Ms. Fine suggested all public buildings be assessed.

Mayor Edwards informed there is handicap access at the back of the building, but said she would speak with Buildings & Grounds to make sure access is appropriately marked.

Ms. Fine informed she had attended the recent FBID sponsored jazz concert, noting it was very lightly attended. Ms. Fine stated how important it is to support these types of events.

Ms. Fine informed Santa will visit the Stangl Factory on December 1st, prior to the holiday parade.

### **Councilman Gorman**

Councilman Gorman informed he had attended the County shred event behind the Courthouse, noting the Borough might consider doing this once or twice a year for it's residents.

Mr. Gorman informed he had attended the recent Public Works meeting on November 7th.

Mr. Gorman also attended a meeting on November 8th, concerning the Borough's roads/water/sewer infrastructure, adding that work is being done on the water system.

Mr. Gorman said he had attended the Memorial Day service on town.

Mr. Gorman had also attended the recent DPW meeting.

On the 14th, Mr. Gorman attended the meeting with residents of Park Avenue, North Main Street and the owner of Steve's Store.

Concerning Parks & Recreation, Mr. Gorman informed the Tri Centennial Committee has requested the Borough move their annual July 3rd fireworks event to Deer Path Park in 2014, with the Tri Centennial Committee providing fireworks in the Borough in March, commencing their Tri Centennial celebration parade.

Elaine Gorman, Borough Tri Centennial Committee Liaison - explained this request is to have the fireworks in conjunction with a Committee sponsored concert at the park. Ms. Gorman said this is a trade-off, as the Borough will get fireworks provided by the Committee at the parade in March.

Council President Velella said his first obligation is to the residents of Flemington, not the County, stating he would have to think about this.

Mayor Edwards agreed, saying this needed additional discussion.

**Councilman Novick**

Councilman Novick informed Mediatech would be sponsoring a concert at the Court House prior to the holiday parade on December 1st.

Mr. Novick said the FBID is sponsoring a free stand-up show on November 21st, featuring comedians from HBO and the Comedy Channel.

Mr. Novick informed he had attended the recent Samuel Fleming House meeting, where the discussion concerned attracting new volunteers. Mr. Novick asked that this request be included in the next Borough newsletter. Mr. Novick added that possible spring concerts and a storytelling festival were also topics.

Mr. Novick said he would be attending the upcoming NJ League of Municipalities convention, where he would be sitting in on a panel addressing humor in government.

**Councilman Greiner**

Councilman Greiner was delighted to inform that the burned out house at the corner of Church and Brown Streets has finally come down.

Mr. Greiner informed there are approximately 25 Historic District markers available for purchase at \$65 each.

Mr. Greiner informed the Flemington Cut Glass townhouse project is moving ahead, adding the Borough will get to name the street that will run through the development. Mr. Greiner asked the HPC to make suggestions, noting this is the first time in many years that a new street will be named in town.

Mr. Greiner said he had attended the recent meetings with Borough apartment complex owners/managers, adding overcrowding at Hunter Hills is being addressed.

Concerning the new Union Hotel roof, Mr. Greiner informed there have been issues acquiring the proper slates and structural support for scaffolding. Once this is remedied, the project will be moving forward.

Mr. Greiner wished to thank everyone for their support in his campaign for re-election to Council.

**7. Approval of Minutes**

**Motion To: Approve Minutes: October 28, 2013 Regular Council Meeting**

**RESULT:**       **APPROVED [UNANIMOUS]**  
**MOVER:**       Phil Greiner, Councilman  
**SECONDER:**   Dorothy Fine, Councilwoman  
**AYES:**        Swingle, Velella, Fine, Gorman, Novick, Greiner

**8. RESOLUTION 2013-182: APPROVING AN ON PREMISE RAFFLE FOR HUNTERDON PREVENTION RESOURCES TO BE HELD ON NOVEMBER 21, 2013**

**RESULT:**       **ADOPTED [5 TO 0]**  
**MOVER:**       Dorothy Fine, Councilwoman  
**SECONDER:**   Phil Greiner, Councilman  
**AYES:**        Velella, Fine, Gorman, Novick, Greiner  
**ABSTAIN:**     Brian Swingle

**9. RESOLUTION 2013-183: RESOLUTION APPROVING SUBMISSION OF AN APPLICATION FROM JEFFREY R. BOGART TO THE NJ FIREMAN'S ASSOCIATION**

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Brian Swingle, Council Vice President  
**SECONDER:**   John Gorman, Councilman  
**AYES:**        Swingle, Velella, Fine, Gorman, Novick, Greiner

**10. RESOLUTION 2013-184: AUTHORIZING THE MAYOR TO SIGN THE TREATMENT WORKS PERMIT APPLICATION FOR FLEMINGTON GLASS TOWNHOMES (BLOCK 38, LOTS 3.01, 5, 6, 7 AND 20; BLOCK 39, LOT 2)**

Mayor Edwards explained that, in order to provide sewer service to the new Flemington Cut Glass townhome development, the Borough is required to obtain a treatment works permit from the NJ Department of Environmental Protection.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       John Gorman, Councilman  
**SECONDER:**   Phil Velella, Council President  
**AYES:**        Swingle, Velella, Fine, Gorman, Novick, Greiner

**Motion To:     Table Resolution 2013-185**

COMMENTS - Current Meeting:

Councilman Novick requested this Resolution be tabled until the December 9th Council meeting, so that Mr. Hinehine's attorney could be present for discussion.

Council President Velella stated that no taxes or utilities have been paid on this property for over a decade. Mr. Velella gave the example of a person who cannot make their credit card payments, saying they will reach out to the company and make arrangements to pay. Mr. Velella said it is his understanding that Mr. Hinehine has never come to the Borough to make an overture to try and remedy this situation. Mr. Velella said he is not in favor of a delay, noting it is time the Borough look after all the other taxpayers and do the right thing for them.

Mayor Edwards informed the Borough had sold the lien years earlier, but the sale turned around on them as the buyer was concerned with the DEP cleanup. They have since tried to sell again, with no success. Ms. Edwards said the Borough has tried to take other steps to remedy the situation, such as seek redevelopment, also with no success. Ms. Edwards stated this foreclosure is necessary to stop the increase of the lien amount and get the property on to it's next life. Ms. Edwards informed that Mr. Hinehine is welcome to bring his attorney on December 9th, but reminded that the Borough is entitled by law to implement this remedy.

While this is all true, Mr. Novick reiterated his position on tabling the Resolution until the next meeting.

Councilwoman Fine said she is sensitive to the fact that Mr. Hinehine was not informed by the Borough.

Mayor Edwards explained this measure requires no obligation of notice, adding that Mr. Hinehine has been "on notice", since the beginning, that this could happen.

Councilman Greiner wished to commend the Mayor on the many attempts throughout the years to resolve this issue, but said he feels it's reasonable to wait the additional two weeks for a vote. Mr. Greiner added this would give time for the parties to meet, noting all would then be ready to address the issue by the 9th.

Mayor Edwards reminded that, even if action is taken tonight, Mr. Hinehine can still request a meeting with the Borough.

Council Vice President Swingle noted that, in Mr. Hinehine's appeal this evening, he never made any indication that he is willing to pay.

Councilman Gorman remembered, years ago, Mr. Hinehine coming before Council informing that Mr. Kalafer was going to back him, allowing his bills to be paid. Mr. Gorman said this fell through, and no other offers have been made since.

Mayor Edwards voted "no", to break the tie and defeat the motion.

<b>RESULT:</b>	<b>DEFEATED [3 TO 3]</b>
<b>MOVER:</b>	Joey Novick, Councilman
<b>SECONDER:</b>	Dorothy Fine, Councilwoman
<b>AYES:</b>	Dorothy Fine, Joey Novick, Phil Greiner
<b>NAYS:</b>	Brian Swingle, Phil Velella, John Gorman

**11. RESOLUTION 2013-185: INITIATING THE FORECLOSURE PROCESS TO BEGIN ON BLOCK 38 LOT 1.01, KNOWN AS 144 MAIN STREET**

<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	Phil Velella, Council President
<b>SECONDER:</b>	Brian Swingle, Council Vice President
<b>AYES:</b>	Brian Swingle, Phil Velella, John Gorman, Phil Greiner
<b>ABSTAIN:</b>	Dorothy Fine, Joey Novick

**12. RESOLUTION 2013-186: AWARDING A CONTRACT FOR CONFINED SPACE RESCUE EQUIPMENT FOR THE SEWER DEPARTMENT TO USA BLUEBOOK IN THE AMOUNT OF \$5,058.17 FROM SEWER DEPARTMENT CAPITAL FUNDS (MANHOLE REHABILITATION)**

Council President Velella informed this is a purchase of protective equipment for Borough water and sewer workers, noting it is a necessary expense.

Councilman Gorman added that this is an OSHA requirement.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Phil Velella, Council President
<b>SECONDER:</b>	Brian Swingle, Council Vice President
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

**13. RESOLUTION 2013-188: AUTHORIZING THE MAYOR AND CLERK TO SIGN A COMMON INTEREST AGREEMENT BETWEEN THE BOROUGH OF FLEMINGTON AND THE RARITAN TOWNSHIP MUNICIPAL UTILITIES AUTHORITY ("RTMUA")**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Phil Velella, Council President
<b>SECONDER:</b>	Brian Swingle, Council Vice President
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

**Motion To: Open Public Hearing Concerning Ordinance 2013-17**

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Phil Greiner, Councilman
<b>SECONDER:</b>	Phil Velella, Council President
<b>AYES:</b>	Swingle, Velella, Fine, Novick, Greiner
<b>AWAY:</b>	John Gorman

**Public Hearing**

Lois Stewart, 26 Spring Street - asked various questions relating to the ordinance.

The Borough attorney and Mayor responded that the ordinance already exists and that the proposed amendments are essentially "housekeeping" adjustments. Additionally they confirmed that the ordinance applies to both residential and commercial properties but that with respect to a residential property there is a \$25,000 maximum increase in assessed value that is eligible for exemption or abatement, while there is no maximum eligible amount in connection with a commercial property. The Mayor went on to state that the primary purpose of such an ordinance is to provide an incentive to commercial investment.

Mayor Edwards also informed this Ordinance was originally adopted over a decade ago, reminding much of the redevelopment going on right now is a result of owners knowing there is an ability to abate taxes.

Councilman Novick explained this is the "nature of the beast", stating there needs to be incentives to lure developers to town.

Council President Velella gave the example of the Flemington Cut Glass project, explaining that the property has an assessed value, with only the net increase being eligible for exemption.

Attorney Goodman said that, to be clear, this Ordinance is already on the books, stating it is only being cleaned up to be in full compliance with the State statute.

Chris Englehart, 180 Main Street - asked what homeowner improvements would qualify for an exemption.



Mayor Edwards informed these finer points are determined by the Tax Assessor and Construction Official.

Mr. Goodman reminded this is all based on increased property value, not cost of improvement, adding any exemption would be at the approval of the Tax Assessor.

Tony Previte, 35 North Main Street - suggested Tax Assessor Kerwin attend a meeting and speak to the public on this issue.

Mr. Goodman stated that Borough Attorney Beckelman, who has more expertise in this area, will be attending the next Council meeting on December 9th. Mr. Goodman suggested these questions be asked of him.

Motion To: **Close Public Hearing Concerning Ordinance 2013-17**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Phil Greiner, Councilman
<b>SECONDER:</b>	Brian Swingle, Council Vice President
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

#### **14. ORDINANCE 2013-17: SECOND READING: AN ORDINANCE AMENDING CHAPTER 27 "TAX ABATEMENTS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President
<b>SECONDER:</b>	Dorothy Fine, Councilwoman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

**Motion To: Open Public Hearing Concerning Ordinance 2013-18**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President
<b>SECONDER:</b>	John Gorman, Councilman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

#### **Public Hearing**

Lois Stewart, 26 Spring Street - asked why this amendment is necessary.

Council Vice President Swingle explained this is an attempt to rebuild the rank structure of the Police Department, which will make it more effective.

Councilman Novick asked how many Corporals and Squad Leader the Department has now.

Mr. Swingle informed there are no Corporals and two Squad Leaders, but noted that recommended promotions are upcoming.

Mr. Novick asked if this will have an impact on the budget.

Mr. Swingle said the impact is nominal, with a yearly salary increase of \$500 for a promotion and no increase for a lateral move.

Karen Giffen, 9 Highland Avenue - inquired if the number of Police Officers will increase.

Mr. Swingle said no.

**Motion To: Close Public Hearing Concerning Ordinance 2013-18**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President
<b>SECONDER:</b>	Joey Novick, Councilman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

**15. ORDINANCE 2013-18: SECOND READING: AN ORDINANCE AMENDING CHAPTER II ADMINISTRATION, SECTION 2-4.2 ENTITLED "COMPOSITION OF POLICE DEPARTMENT"**

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President
<b>SECONDER:</b>	Phil Greiner, Councilman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

**Motion To: Open Public Hearing Concerning Ordinance 2013-19**

COMMENTS - Current Meeting:

Mayor Edwards informed this amendment is just "housekeeping".

Councilman Novick asked if these changes will affect events such as setting up a political table in front of the Courthouse.

Mayor Edwards said those provisions are not changing.

Concerning protocol when a petition is filed to close a Borough street, Councilman Greiner asked if the Police Department presents it to Council for a vote.

Council President Velella said he believes this should be handled by the Police Department.

Mayor Edwards said the Clerk and Police Chief can work together to streamline the process.

Mr. Greiner reminded that the Borough office just got out of this type of system when dealing with banner approval.

Mayor Edwards informed closing a street should be planned more than 2-3 weeks in advance, so there would be no issue getting the permit application before Council for a vote well before the event.

Councilwoman Fine asked if Borough events are also included under the "special events" definition.

Mayor Edwards said this is correct.

Councilman Greiner stated that, technically, if this Ordinance is approved tonight, the holiday parade can't happen.

Mayor Edwards informed that permit had already been issued.

Attorney Goodman informed any pending permits will be affected.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President
<b>SECONDER:</b>	Phil Velella, Council President
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

### Public Hearing

Karen Giffen, 9 Highland Avenue - voiced concern regarding the minimum six day limit for requesting a street closure, saying this time frame should be longer.

Council President Velella informed this amendment is meant to make it easier for the event planner to get approval.

Mayor Edwards said she is willing to bet the Police Chief has never been asked to close a street six days prior to an event, but thanked Ms. Giffen for her suggestion.

Motion To: **Close Public Hearing Concerning Ordinance 2013-19**

**RESULT:**           **APPROVED [UNANIMOUS]**  
**MOVER:**           Brian Swingle, Council Vice President  
**SECONDER:**       Phil Velella, Council President  
**AYES:**            Swingle, Velella, Fine, Gorman, Novick, Greiner

**16. ORDINANCE 2013-19: SECOND READING: AN ORDINANCE AMENDING III POLICE REGULATIONS, SECTION 3-16.3 ENTITLED "APPLICATION FOR PERMIT"**

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Brian Swingle, Council Vice President  
**SECONDER:**       Phil Velella, Council President  
**AYES:**            Swingle, Velella, Fine, Gorman, Novick, Greiner

**17. ORDINANCE 2013-20: FIRST READING: ORDINANCE PROVIDING FOR GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$180,002 FOR UTILITY WORK ASSOCIATED WITH THE WILLIAMS STREET, SPRING STREET & MAPLE AVENUE ROAD IMPROVEMENT PROJECT**

**RESULT:**           **INTRODUCED [UNANIMOUS]**                      **Next: 12/9/2013 7:30 PM**  
**MOVER:**           John Gorman, Councilman  
**SECONDER:**       Phil Velella, Council President  
**AYES:**            Swingle, Velella, Fine, Gorman, Novick, Greiner

**18. ORDINANCE 2013-21: FIRST READING: ORDINANCE PROVIDING FOR GENERAL OBLIGATION BONDS IN THE AMOUNT \$855,000 FOR VARIOUS ROAD REPAIRS**

Mayor Edwards explained this is to cover the balance of road work on Williams St./Spring St./Maple Ave., as well as repairs to Walters Lane and Stangl Road..

Councilman Greiner requested a breakdown of the expenses for the next Council meeting.

**RESULT:**           **INTRODUCED [UNANIMOUS]**                      **Next: 12/9/2013 7:30 PM**  
**MOVER:**           John Gorman, Councilman  
**SECONDER:**       Phil Velella, Council President  
**AYES:**            Swingle, Velella, Fine, Gorman, Novick, Greiner

**19. ORDINANCE 2013-22: 2013-22: FIRST READING: ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, CHAPTER IV LICENSING, SECTION 3 RETAIL FOOD ESTABLISHMENTS**

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 12/9/2013 7:30 PM</b>
<b>MOVER:</b>	Joey Novick, Councilman	
<b>SECONDER:</b>	John Gorman, Councilman	
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner	

**20. ORDINANCE 2013-23: 2013-23: FIRST READING: ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, CHAPTER III POLICE REGULATIONS, SECTION 21 NOISE**

Councilwoman Fine questioned the inclusion of prohibiting construction noise on Sundays, stating she thought it was agreed to remove this provision.

Mayor Edwards informed this Ordinance comes from Frenchtown, noting it was unilaterally liked with minor changes.

Attorney Goodman added some municipalities still observe Blue Laws, which cite a State statute prohibiting shopping on Sundays.

Mayor Edwards explained certain changes were considered but not made because the committee wanted discussion during the upcoming Public Hearing. Ms. Edwards said the Ordinance was also distributed to each Council member, with none voicing any concerns.

Mayor Edwards noted that, upon reading the enclosed version of the modified Ordinance, it is not the final draft. Mayor Edwards said the correct version would be made available after the meeting.

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 12/9/2013 7:30 PM</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President	
<b>SECONDER:</b>	Joey Novick, Councilman	
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner	

**21. ORDINANCE 2013-24: 2013-24: FIRST READING: ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, CHAPTER XX TAXICABS, SECTION 20-16 REVOCATION AND SUSPENSION OF LICENSES AND 20-19 VIOLATIONS AND PENALTIES**

<b>RESULT:</b>	<b>INTRODUCED [UNANIMOUS]</b>	<b>Next: 12/9/2013 7:30 PM</b>
<b>MOVER:</b>	Brian Swingle, Council Vice President	
<b>SECONDER:</b>	Phil Greiner, Councilman	
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner	

## 22. Public Comments -- Session II

Steve Karpew, 32 Allen Street - inquired how many taxi licenses have been granted in the Borough.

Mayor Edwards said there were 10-12 granted this year.

Acting Deputy Clerk Hughes informed there are two types of licenses available - an owner/operator license for \$250 and additional operator licenses for \$100. Ms. Hughes said only 2-3 of the secondary licenses had been granted.

Lois Stewart, 26 Spring Street - asked a list of questions:

Where money for next year's flower pots will come from -

Mayor Edwards - from the Beautification budget.

Council President Velella - maintaining the pots is handled by the Borough, noting this is a fair way to allocate expenses.

When is the joint Council/Planning Board meeting -

Mayor Edwards - December 2nd

What was discussed at the Liberty Village meeting -

Mayor Edwards - what the future holds for the Village, adding their real estate executive informed this is not certain.

Does the Borough have a Pay to Play Ordinance, and, if not, why -

Mayor Edwards - it does not, and this should be discussed.

Is there an automatic defibrillator in Borough Hall, and, if not, why -

Mayor Edwards - there is not, adding she will look into this matter.

What is the status of shared electric service for the Borough -

Mayor Edwards - the Borough will be meeting with prospective companies at the beginning of the new year.

What is the status of 90-100 Main Street -

Mayor Edwards - it is now part of a study of an expanded area in possible need of redevelopment.

Mr. Velella - there is ongoing marketing, adding a resident had recently inquired about showing the building. Mr. Velella said Ginny Brennan, of the Downtown Performing Arts Center is still interested and is waiting for the results of the study.

Voiced concerns, again, about sign pollution -

Councilman Greiner - the Borough is picking up a ton of signs, adding it will never reach a point where there will be none. Mr. Greiner stated all unlawful signs are removed.

Tony Previte, 45 North Main Street - said the evening's agenda was much too long, causing the meeting to go on too late.

Karen Giffen, 9 Highland Avenue - referencing Councilman Novick's request to postpone a vote on the Hineline foreclosure, noted three members of both Council and the public were in favor of waiting the extra two weeks. Ms. Giffen said, as Mr. Hineline was not given fair warning, she is disappointed in Council's vote.

Councilman Gorman, addressing Ms. Giffen, stated she had not been in on this process for the past ten years, therefore she may not fully understand why this decision is being made.

Mayor Edwards noted that, even though a few members of Council and the present public are in favor of waiting, hundreds of residents have been approaching Council for over a decade asking that something be done with this property. Ms. Edwards, again, stated that the Borough needs to stop the mounting financial burden, adding there are also visual issues with the property that need to be addressed.

Councilman Novick said that the Mayor is correct that there is no legal obligation to notify the property owner, but he questions the consideration Council has given other residents, such as Don Shuman, Lee Roth, and the gentleman who sustained a large sewer overage. Mr. Novick said he feels Mr. Hineline should have been given the same.

Council President Velella said he could not understand equating a man, who was out of town caring for an ailing family member, with no knowledge that a pipe had broken in his home, with Mr. Hineline, who knowingly is not rectifying his non-payment situation.

Council Vice President Swingle added that these other issues were clear and finite, where Mr. Hineline made no inference that he would try to rectify his.

Mr. Gorman noted that Mr. Hineline had come in this evening, made his comments and left. Mr. Gorman also noted that Mr. Hineline's attorney was in Borough Hall just this morning.

Chris Englehart, 180 Main Street - noted the need for more stores on Main Street to have better handicap accessibility, saying there are many businesses she can't get into. Ms. Englehart also informed she was not able to attend the recent FBID jazz concert, as tickets were only available online, and she doesn't have a computer.

Mr. Novick informed Ms. Englehart that he would be at the next FBID event, saying she should see him and he would make sure she gets in.

Mr. Velella suggested Ms. Englehart visit the FBID office, where they can help her with this issue.

Mr. Gorman added tickets can be held at the door for those without computer access.

### **23. Attorney's Report**

There was no attorney report this evening.

### **24. Payment of the Bills**

#### **Motion To: Pay The Bills**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Joey Novick, Councilman
<b>SECONDER:</b>	John Gorman, Councilman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

### **Executive Session For Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)**

There were no matters for Executive Session this evening.

### **Adjournment**

#### **Motion To: Adjourn 10:40 PM**



<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Phil Greiner, Councilman
<b>SECONDER:</b>	Joey Novick, Councilman
<b>AYES:</b>	Swingle, Velella, Fine, Gorman, Novick, Greiner

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December 9, 2013

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Robin M. Hughes  
Acting Deputy Clerk  
Borough of Flemington