



Mayor and Common Council Borough of Flemington

February 10, 2014

Council Meeting Room

I. Work Session Agenda 6:45 pm

1. DRAFT NOISE ORDINANCE (ALL)

Council Vice President Vellella opened the discussion by stating he has concerns with a few aspects of the new noise ordinance Council is considering. Mr. Vellella questioned how "unreasonable noise" would be defined, and if sounds would need to be metered in order to enforce the ordinance. Mr. Vellella said he is uncomfortable trying to legislate everything, as this ordinance contains way too much definition.

Mayor Edwards informed the committee had looked at samples of ordinances from other municipalities and county seats, noting those of Clinton and Frenchtown were favored. Ms. Edwards said these ordinances are being utilized in other municipalities, presumably enforced by police, at the common sense of the officers.

Attorney Goodman, citing the High Bridge ordinance, which has more concrete standards, said he is not aware of any complaints since its adoption.

Councilman Greiner said he shares Mr. Vellella's concerns, adding he had spoken with Zoning Official Klein concerning the purchase and use of noise metering equipment. Mr. Klein, who has had experience with this equipment, had informed that after an initial purchase of approximately \$5,000, training was then necessary.

Councilwoman Fine said she had looked at the NJ Noise Control Act, and believes Flemington should follow their model. Ms. Fine also noted she looked into prices for ANSI approved metering equipment, informing it could be purchased for approximately \$100.

Council President Swingle said he feels it's too onerous to be testing decibel levels, adding the police are too busy for this anyway.

Councilman Novick said it should be expected that residents be courteous of their neighbors.

Councilman Gorman added that, by the time police arrive the noise has usually been quieted.

Ms. Fine noted that the state act was put in place for the safety, health and welfare of citizens, noting the Environmental Committee might want to get involved to raise awareness on this subject.

Mr. Velella said that, looking at the current ordinance, it seems to just need some refinement. Mr. Velella said the most important issue is maintaining the limit of excessive noise between the hours of 10pm and 8am.

Mayor Edwards added the ordinance should be straight forward, which would be easier to administer.

Mr. Novick spoke of complaints he has gotten concerning the fire department alarm.

Mr. Swingle said the department is looking into updating the system.

Mr. Greiner said he still is not sure why the ordinance needs to be changed.

Mayor Edwards explained there is a need to broaden it to prohibit certain types of noises in the 10pm to 8am time frame.

Mr. Greiner asked if there is any data that shows records of noise complaints.

Mr. Swingle informed there is no official report, but he is working from information given by the police and residents.

Mr. Novick said there should be empirical data that shows a need to change the ordinance.

Some Council members questioned the issue of taxis honking in the early hours.

Mr. Greiner suggested this be added to the taxi ordinance.

Mr. Swingle noted that the police need the tools to resolve noise complaint calls.

Mayor Edwards brought up an additional issue - residents complaining about activity in the commercial district, i.e. congregating at night. Ms. Edwards noted this could be addressed in an updated noise ordinance.

Mr. Velella questioned policing this.

Mayor Edwards suggested the subcommittee get back together and re-look at the original ordinance.

Robert Shore, 47 Broad Street - asked that Council consider the business district, as there is work being done to promote more restaurants and more al fresco dining.

Mayor Edwards informed Council does not want to interfere with these activities.

Alice Schwade, 12 Park Avenue - noted that a neighbor, just to be spiteful, can cause a lot of trouble by lodging noise complaints.

Elaine Gorman, 34 New York Avenue - said it seems to be logical to review ordinances on a routine basis.

Mayor Edwards said that this is true sometimes, but not always, informing there is a reason to look at the current noise ordinance, as it is very narrowly drawn.

2. ESTABLISHMENT OF CREATIVE TEAM TO WRITE ARTS PLAN (EDWARDS)

Mayor Edwards, referring to the speech she gave at the Reorganization Dinner, reiterated her goal of creating a Borough arts district. Ms. Edwards said she would like to establish a creative team, which would write an arts plan. Ms. Edwards spoke of how Sustainable Jersey states the arts have potential to enhance the sustainability of a community. Ms. Edwards recommended going on their website and reading about establishing a creative team. Ms. Edwards said she would like to adopt this as part of the Master Plan. Ms. Edwards said her focus is to put together a list of those in the community who would be ideal members. Ms. Edwards asked Council for their input - whether to serve themselves or to recommend someone they think would be a good fit.

Councilman Novick, noting the very exciting possibilities of this plan, referenced a report from Rutgers which stated that for every dollar invested, 3-4 dollars comes back to the community.

Mayor Edwards informed the team would have 12-16 members, appointed by her. Ms. Edwards said she has spoken with the FBID about their participation, noting they would be an essential partner. Ms. Edwards said she would like them to have a representative on the team. Ms. Edwards informed the latest she would have a list of potential members would be at the March 10th meeting, noting it could be sooner. Ms. Edwards added that she is looking for members who have creative talent as well as business acumen.

Council Vice President Velella agreed that business acumen is very important to a plan such as this.

Noelle O'Donnell, 20 Bonnell Street - asked if the plan would include the Somi Gallery and cultural activities, such as Salsa Night.

Mayor Edwards informed Somi would be a focal point, and agreed that the cultural climate should be factored into the plan.

3. Motion To: Adjourn the Work Session 7:30 pm

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

II. Regular Meeting Agenda 7:30 pm

Flag Salute

Attendee Name	Title	Status	Arrived
Dorothy Fine	Councilwoman	Present	
John Gorman	Councilman	Present	
Joey Novick	Councilman	Present	
Phil Greiner	Councilman	Present	
Phil Velella	Council Vice President	Present	
Brian Swingle	Council President	Present	
Erica Edwards	Mayor	Present	

1. UPDATE: FLEMINGTON BUSINESS IMPROVEMENT DISTRICT (MEGAN JONES-HOLT, EXECUTIVE DIRECTOR)

Megan Jones Holt, Executive Director, FBID, was present to give an update to the most recent FBID activities. Ms. Holt informed she would attend Council meetings more frequently moving forward.

Ms. Holt spoke on activities in these four main categories:

Administration -

1. streamlining of internal controls
2. new Assistant to the Director will be in the FBID office Mon - Thurs.
3. intern Alison is doing door to door surveys
4. website revisions are almost finalized:
 - more consumer friendly
 - renamed Downtown Flemington
 - documents, minutes, resolutions available online
 - mobile version coming soon

Planning & Recruitment -

1. presenting at joint Planning Board, Council meeting on 2/25/2014, Old Courthouse
2. working on next stage of data support
3. recruiting - focus of 2014

Marketing & Events -

1. more digital information to reach a wider audience
2. marketing support and events
3. banner program
4. address the banner hanging system
5. replace sign in front of Union Hotel and post quarterly events calendars there and in other locations (Liberty Village, Shoppes at Flemington, etc.)
6. car show and two cultural series already scheduled
7. working to bring the Central Jersey Jazzfest to town in the fall
8. meeting with Borough and professionals on ways to streamline events
9. purchased a mobile message board

Beautification & Safety Committee:

1. working with the Green Team
2. community shred day
3. business support system - quarterly education work shops on customer service, etc.
4. obtained the video library system by Roger Brooks
5. working with police to determine areas in need of safety improvements
6. working with Council on fee schedules

Lois Stewart, 26 Spring Street - asked if the public can access minutes, etc. on the website.

Ms. Holt said yes.

Council thanked Ms. Holt for attending.

2. RESOLUTION 2014-44: DESIGNATING AN AREA OF THE DOWNTOWN SOUTH OF THE UNION HOTEL, AS MORE PARTICULARLY DESCRIBED HEREIN, AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

Councilman Greiner relayed that the Planning Board would like Council to designate the Union Hotel not be subject to eminent domain, which would give all areas in the resolution the same designation. Mr. Greiner said Attorney Beckelman may have to be consulted on whether this can be done.

Attorney Goodman informed it could not be changed within this resolution.

Councilwoman Fine noted there seemed to be a discrepancy between the properties listed on this resolution and the one originally presented to Council.

Mayor Edwards informed this resolution was written by Borough Attorney Beckelman and Borough Planner Hintz, noting the addressed could be verified with Mr. Beckelman this evening.

Ms. Fine voiced concern that there was no "supportive documentation" presented, adding she had missed the Planning Board meeting and does not feel well informed.

Mayor Edwards said this documentation was referenced at the last Council meeting, but was held off, waiting for the Planning Board meeting.

Mr. Greiner noted 110 Main Street, the Cortez & Hay building, is included on this list, stating he, personally, does not believe it belongs there. Mr. Greiner said the building looks good and is occupied. Mr. Greiner said he still voted for the proposal, as this was not enough of a concern to vote against it.

Council Vice President Velella said the study looked at the area as a whole, noting this doesn't mean anything will necessarily be done with that property.

Elaine Gorman, 34 New York Avenue - noted this is an important issue concerning the entire Borough, adding the Planning Board thoroughly looked at the entire area, with Mr. Hintz giving a succinct argument and his support of the proposal.

Lois Stewart, 26 Spring Street - said she feels the Team Capital Bank building looks acceptable and voiced concerns that Council will have the final say as to what is done with the properties.

Council President Swingle again reminded the resolution looks at the area as a whole, noting inclusion in the resolution could create better interest to developers. Mr. Swingle also stated that Council believes in free market and owner property rights, adding that Ms. Stewart needs to have faith in the system.

Mayor Edwards informed that, if this resolution is adopted, the next step would be to craft a redevelopment plan for the area.

Mr. Velella reminded that the Borough does not own any of the property and is just creating a vision for the community when it comes to usage.

Mayor Edwards added that this vision will be broad enough to accommodate a wide array of usages.

Mr. Velella asked the Mayor and Mr. Greiner if they had heard any concerns from the property owners pertaining to this proposal.

Both answered no, with Mayor Edwards informing the Planning Board has been very attentive to owner reaction.

Councilman Novick echoed Mr. Swingle's faith in a market based system, adding developers want to see the interest that the town has in redeveloping.

Jay Makuch, 58 Broad Street - inquired if Mr. Banisch would be receiving any tax abatements.

Mr. Banisch informed he does not own any properties within the area being considered.

Mr. Makuch - asked if a developer could be allowed an abatement period longer than 5 years.

Mayor Edwards said yes, as the State allows for up to 20 years, where the Borough ordinance allows for up to 5 years. Ms. Edwards informed Council could decide to raise the time period up to that 20 year limit.

Councilman Novick informed this is a program that every town in the State takes advantage of, adding it's a race to provide the best incentive to developers in order to bring them to your town.

Attorney Goodman informed the Borough ordinance is 5 years and it cannot be increased unless the property is designated as an area in need of redevelopment.

Mr. Velella stated that redevelopment and new ideas will increase the value of the whole town, as well as of individual homes.

Mr. Makuch said he believes the tax abatement program is just a paperwork operation, with Council deciding what type of abatement to give each developer. Mr. Makuch added he doesn't believe the current areas being considered fit the criteria.

Mr. Banisch - referencing 111 Main Street and the Stangl building, noted these are the best examples of what the tax abatement program can do, by creating activity now and tax dollars later.

Tony Previte, 45 North Main Street - asked if there would be demolition of these areas being considered.

Mr. Velella said nothing has been discussed, adding a redeveloper with a plan would be needed first.

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

3. Public Comments -- Session I

Lois Stewart, 26 Spring Street -

-Reminded that the fire hydrant at Spring St. and Maple Ave. is out of service.

Mayor Edwards said it would be taken care of right away.

-Asked for the newest tax assessments

Mayor Edwards said to see the tax collector or the tax assessor, who would be in office on Friday, the 14, from 12-3.

-Asked if Attorney Beckelman was being paid to stand by in case he was needed this evening by phone.

Mayor Edwards informed he is not.

-Asked if snow removal was costing the Borough overtime.

Mayor Edwards said the Borough is paying overtime in compliance with the law, adding she is also concerned about cost to the Borough due to all the snowfall this season.

-Asked about the changes concerning the Borough's 4th of July fireworks display.

Councilman Gorman informed those fireworks are being moved to March 22, during the Tricentennial parade, with the County paying all costs. Mr. Gorman also informed there would be a 4th of July fireworks display on July 2nd, at Deer Path Park this year, and only this year.

-Said she read that COAH compliance paperwork is due.

Mayor Edwards informed that Beth McManus, of Clark Caton Hintz, who handles these matters for the Borough, said the Borough is not at risk.

-Concerning the noise ordinance, asked if snow blower usage at 2:30 am could be regulated.

Mayor Edwards said this should be considered.

-Asked if Council knew that heavy equipment was now available through shared services.

Councilman Gorman informed he will look into this, reminded the Borough already shares equipment with Raritan Township.

Mayor Edwards added that the Borough is always looking at opportunities to share services.

Tony Previte, 45 North Main Street, Michelle Oberst, 68 Broad Street and Chris Englehart of 180 Main Street - asked about resident responsibilities concerning snow removal after a storm.

Mayor Edwards and Council explained what is expected of residents, but stated that they understand, with the overwhelming amount of snowfall these past weeks, how difficult it is to keep up with removal. Members of the governing body and the FBID are also working together to devise a plan to deal with this type of situation in the future.

Al Brewer, 1 Coppermine Village - suggested speaking with the County about a possible jail work release program to aid in clearing the sidewalks.

Councilman Greiner said this is a good idea.

4. Mayor's Report (up to approximately 3 minutes)

Concerning the Hunter Hills apartment complex, Mayor Edwards said the Borough is continuing work on the situation, and by next week will have met with residents and heard their issues. Mayor Edwards informed that certain members of not for profit and faith based groups will also attend, noting this should be very helpful.

Mayor Edwards reiterated her plans to put together a creative team that will write an arts plan for the Borough, stating she will present a list of members at the March 10th Council meeting.

Mayor Edwards spoke of the ad that was placed in the Hunterdon County Democrat and on the League website seeking a Communications Assistant to work on the Borough website, Facebook page, and newsletter. Ms. Edwards said she is impressed with the

number of people who have shown interest and submitted resumes. Ms. Edwards informed plans are to fill the position with a resolution on the March 10th agenda.

5. Council Members' Reports

Councilwoman Fine

Councilwoman Fine informed the Shade Tree Commission meeting had been cancelled due to the snow.

Ms. Fine informed there had not been an Environmental Commission meeting in the past two weeks.

Ms. Fine said she has been working on the noise ordinance revisions since the last Council meeting.

Ms. Fine said she will be looking into the non-profit group, Snow Angels, which matches teens with elderly residents to help with snow removal.

Councilman Gorman

Councilman Gorman spoke of the Borough Reorganization Dinner, saying it was a nice evening.

Mr. Gorman informed the public posting of Council meeting dates contained an incorrect date.

Acting Deputy Clerk Hughes said she would look into the matter.

Councilman Greiner

Councilman Greiner informed that on January 28th, the Planning Board had voted on a resolution to recommend expanding the Union Hotel area in need of redevelopment, which is on tonight's agenda.

Mr. Greiner said the Fire Marshal is continuing to work on the issues within Borough apartment complexes, such as overcrowding, businesses being run out of garages, etc.

Mr. Greiner gave Council a list of names suggested for the new street which will be within the Cut Glass project, asking that they let him know of any they don't like. Mr. Greiner said he will send the revised list to the architect.

Councilman Novick

Councilman Novick wished to thank Elaine Gorman for organizing the first meeting with the new members of the Samuel Fleming House Committee. Mr. Novick informed the first public meeting will take place at Borough Hall on February 13th.

Mr. Novick said the Reorganization Dinner was a very nice event.

Mr. Novick reminded of the February 22nd presentation, sponsored by the Tricentennial Committee, of a Paul Robeson re-enactor.

Council Vice President Velella

Council Vice President Velella stated he had attended a number of meetings in the past two weeks, but has no actionable items to report on.

Council President Swingle

Council President Swingle asked that all residents please help their neighbors when the next snow storm comes.

Mr. Swingle said he had met with representatives of a non-profit and a faith based group concerning the issues at Hunter Hills.

Mr. Swingle said the police department would like to donate an old squad car to Hunterdon County Polytech, adding he will have more details at the next meeting.

Concerning the upcoming Tricentennial parade, Mr. Swingle informed Betsy, the antique fire truck, would not be usable for Council, as elderly members of the community will be riding in it. Mr. Swingle told Council they would have to walk, as only two vehicles per municipality will be allowed in the parade.

Mr. Swingle informed the OEM is continuing to outfit the new Emergency Operations Center.

6. Approval of Minutes

Motion To: Approve Minutes: December 09, 2013 Regular Council Meeting

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dorothy Fine, Councilwoman
SECONDER:	Brian Swingle, Council President
AYES:	Fine, Gorman, Novick, Greiner, Velella, Swingle

Motion To: Approve Minutes: January 2, 2014 Reorganization Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dorothy Fine, Councilwoman
SECONDER:	Brian Swingle, Council President
AYES:	Fine, Gorman, Novick, Greiner, Velella, Swingle

Motion To: Approve Minutes: January 27, 2014 Regular Council Meeting

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

7. RESOLUTION 2014-45: RECOGNIZING BLACK HISTORY MONTH

Mayor Edwards informed she had attended two recent Tricentennial events, The History of Slavery in Hunterdon County and The History of Slavery in Flemington, saying they were both phenomenal presentations. Ms. Edwards said this is an important time for every one of us to remember, noting it feels even more important to her this year after attending these events. Ms. Edwards said it is very sobering to know this terrible time was not that long ago.

Councilman Greiner stated he respectfully declines, and will vote "no" on the basis that this is not Borough Business. Mr. Greiner was in full support of recognizing Black History Month, but felt a resolution was not appropriate.

Mayor Edwards stated she feels this is a local issue, with a local connection, which makes for an important reason to celebrate those who worked so hard to abolish slavery.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Joey Novick, Councilman
SECONDER:	Dorothy Fine, Councilwoman
AYES:	Fine, Gorman, Novick, Velella, Swingle
NAYS:	Phil Greiner

8. RESOLUTION 2014-46: AUTHORIZING THE TAX ASSESSOR AND BOROUGH ATTORNEY TO SETTLE THE TAX APPEAL FILED BY AMERICAN TIRE & AUTO CARE, INC., LOCTED AT 78 CHURCH STREET, BLOCK 39 LOT 6

Council President Swingle questioned the overall impact on revenue to the Borough if this resolution is passed.

CFO Hance said he would have to do a projection.

Mr. Swingle moved to table the resolution until more information was presented to support passage.

Council Vice President Velella said he would like to ask the Borough Tax Assessor his reason for this judgment .

Mayor Edwards informed Tax Assessor Kerwin will attend the next meeting to answer all questions.

RESULT:	TABLED [UNANIMOUS]	Next: 2/24/2014 7:30 PM
MOVER:	Brian Swingle, Council President	
SECONDER:	Phil Velella, Council Vice President	
AYES:	Fine, Gorman, Novick, Greiner, Velella, Swingle	

9. ORDINANCE 2014-1: FIRST READING: SALARY ORDINANCE

Mayor Edwards explained this ordinance puts in place a 2% salary increase for non-contract workers, full and part-time. Ms. Edwards informed this does not include the governing body.

Councilman Greiner noted he did not see a line item for the Acting Deputy Clerk or the Assistant to the Property Maintenance Officer.

CFO Hance informed a property maintenance assistant is considered a casual employee, much like a crossing guard. Mr. Hance said he would redo the list for the next meeting.

Attorney Goodman advised Council to amend the ordinance now so that the new list would be included for the next meeting.

Mr. Greiner agreed to move the introduction with a line item added to include the Acting Deputy Clerk.

Mr. Goodman reminded the ordinance must be published as amended.

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

10. Public Comments -- Session II

Lois Stewart, 26 Spring Street - inquired about the current debt for the end of 2013, and how much would be retired in 2014.

CFO Hance informed there was \$8,001,000 at the end of 2013, with approximately \$300,000 being retired.

Lois Stewart thanked the police for coming to her rescue in the recent storm. Ms. Stewart recommended a Tuccamirgan re-enactor for the Tricentennial parade. Ms. Stewart voiced her displeasure with the resolution concerning American Tire.

Rick Epstein, Hunterdon County Democrat - questioned 78 Main Street not being included in the current list of properties to be redeveloped.

Mayor Edwards said Council will look into that and make the necessary adjustment.

Al Brewer, 1 Coppermine Village - inquired when Schools Superintendent Nolan would be attending a Council meeting.

Mayor Edwards informed Ms. Fine is reaching out to him and he should be attending in the next 30 days.

Tony Previte, 45 North Main Street - informed of an unpleasant encounter he had with a police officer concerning his call about snow removal on the sidewalks by his residence.

Council Vice President Velella said he will have the police look into his complaint about the sidewalks.

Mayor Edwards asked that he make an appointment with her to discuss the matter.

Noelle O'Donnell, 20 Bonnell Street - suggested a contest in the schools to name the new street.

Councilman Greiner said he already has a list of names but will look into her suggestion.

Councilman Gorman stated that was how Tuccamirgan Park was named.

Attorney Goodman informed that clearing your sidewalk goes beyond being ticketed, noting it could become a liability if someone were to fall.

11. Attorney's Report

No Attorney Report

12. Payment of the Bills

Motion To: Pay The Bills

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

Regular Meeting (Action May Be Taken)

No Items for Executive Session

Adjournment

Motion To: Adjourn 9:40 pm

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

February 24, 2014

Robin M. Hughes
Acting Deputy Clerk
Borough of Flemington