



# Mayor and Common Council Borough of Flemington

March 10, 2014

Council Meeting Room

## I. Work Session Agenda 6:45 PM

### 1. DISCUSSION: NOISE ORDINANCE (EDWARDS)

Mayor Edwards opened the discussion by stating she had taken the existing Borough ordinance, and working from Council member recommendations from the last meeting, made some deletions and additions. Ms. Edwards said the revisions focus on activities in the nighttime hours, and the types of noises which receive the most complaints. Ms. Edwards informed there is no intent to prohibit outdoor dining, etc. in the commercial district. Ms. Edwards asked Council for their thoughts.

Council Vice President Velella noted consideration should be made for those residents who work early and/or late hours, when it comes to auto or motorcycle noise.

Councilman Greiner said that it's more about noise that goes on for an extended period of time, which could be observed by the police after a complaint is made.

Mayor Edwards said, in most cases, it would be expected that neighbors resolve issues on their own. Ms. Edwards added the focus of this ordinance is to control excessive or loud noises between the hours of 10 pm and 7 am.

Councilman Novick questioned enforcement on commercial properties that are adjacent to residences.

Mayor Edwards said this is an additional issue that will be addressed, but added, if someone chooses to live in this type of area, they should assume there may be occurrences of loud or excessive noise.

Mr. Novick asked about keeping trash removal trucks from entering the Borough before 7 am.

Mr. Velella informed this is already covered in an ordinance concerning our current trash hauler.

Mr. Velella recommended having residents apply for permits when planning to hold a special event that may go on past 10 pm.

Council President Swingle said this is a good idea.

Mayor Edwards said the permit will also require notification to adjacent neighbors.

## **2. 1488 : AUCTION PROCEDURE FOR BLOCK 16 LOT 28 (EDWARDS)**

Mayor Edwards opened the discussion by stating the Borough had tried to sell the parcel of land known as Block 16, Lot 28 at the assessed value of \$100k, with no takers. Ms. Edwards informed the law now allows for the land to go to auction. Ms. Edwards said the next step is to calculate a starting price.

Council Greiner said that, if the Borough has no alternate use for the property, it should be sold at any price to get rid of it, and that past cost should not be a factor in setting a price

Council President Swingle reminded the parcel is too small for building.

Council Vice President Velella, noting his neighbor is a sculpture artist, suggested a sculpture garden.

Councilman Novick added the Borough could use Open Space monies to create a park.

Mayor Edwards said that the owner of the adjacent property, Mr. Karpew, was interested in acquiring the land, but not at such a high price.

Mr. Novick suggested seeking guidance from Tax Assessor Kerwin on pricing. Mr. Novick asked if selling the property for a very low amount could impact the values of other adjacent properties.

Mr. Greiner answered no.

Councilman Gorman informed that, no matter what price Mr. Kerwin suggests, the property should go to auction.

Mr. Swingle said he would like to make the property available to the adjacent owner first.

Mr. Velella said he would recommend setting the minimum bid at \$30k.

Mr. Greiner said he would do a little homework and come up with a number in the next week. He offered to look up and circulate the land values of the four adjacent properties.

Mr. Novick said he would rather see the land become a park.

Lois Stewart, 26 Spring Street - asked if acquiring this parcel would increase Mr. Karpew's property value.

Mayor Edwards said this is something Mr. Kerwin would have to answer.

On a related note, Mayor Edwards informed a judgment for foreclosure on the Global Ag site had been given. Ms. Edwards said the property will go to sheriff's sale in the near future, adding the Borough will be monitoring the situation carefully. Ms. Edwards reminded the Planning Board is working on a study of this property in regard to possibly declaring it an area in need of redevelopment, noting the report should be ready for the April 14th Council meeting.

Mayor Edwards closed the work session with a discussion concerning filling the Borough flower pots for the Bicentennial parade. Ms. Edwards said Ms. Pedrick, of the Beautification Committee, informed her it would cost \$35 per planter to fill them with winter azaleas, at a total cost of \$7,000.

Mr. Novick suggested asking residents and businesses to sponsor the planters.

Mayor Edwards said this is a fine idea for the future, but a decision concerning the parade must be made right away.

Councilwoman Fine asked if the spring planting could be moved up and done earlier for the parade.

Mayor Edwards informed the spring plants are not ready yet.

Mr. Vellella said he feels there is no need to fill the pots, but suggested righting them all for better presentation.

Michelle Oberst, 68 Broad Street - asked if only the pots lining the parade route could be filled.

Mayor Edwards informed this would be the bulk of the planters, which would be quite an expense.

Mr. Greiner thanked Ms. Pedrick and Flemington Floral for all their work.

Council decided to not fill the flower pots for the Tricentennial parade.

Mr. Vellella, noting the weather might prohibit the planned fireworks display during the parade, said the Borough needs a commitment from the county that there would then be fireworks in town at another date.

Mr. Greiner suggested Memorial Day.

Councilman Gorman said he would bring this request up at the next Parks and Recreation meeting.

### 3. Motion To: Close the Work Session at 6:20 PM

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

## II. Regular Meeting Agenda 7:34 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. Public Comments -- Session I (up to approximately 3 minutes each for a maximum of approximately 30 minutes)

Elaine Gorman, 34 New York Avenue, Tricentennial Liaison - encouraged residents to visit the Tricentennial website. Ms. Gorman said there are numerous free events planned, but reminded a ticket is still required. Ms. Gorman reminded that the parade will take place on March 22nd and there would be a Gala on March 29th.

Steve Karpew, 32 Allen Street - inquired about the 4-way stops on Park Avenue.

Mayor Edwards said a study had been done and a report would be brought to the public in the near future.

Mr. Karpew asked about taxis having multiple drivers when only registering one.

Council President Swingle said the police are on top of this issue.

Mr. Karpew asked if they would also look into the traffic caused by parents dropping off and picking up their children at the middle school.

Tony Previte, 45 North Main Street - informed that the Lindberg house straddled two counties, with the nursery window situated in Hunterdon. Mr. Previte said this is why

the trial took place in our county. Mr. Previte asked, since the Borough is the County Seat, will it retain any memorabilia from the Tricentennial.

Mrs. Gorman informed the town will keep all of the Gray's Watercolors that are on display in Borough Hall. Mrs. Gorman added there would be books, a magazine, blankets, and a walking tour brochure available. Mrs. Gorman said the HPC also hopes to make the Tricentennial historic tour an annual event. Mrs. Gorman added a time capsule is also being created to commemorate the anniversary.

Mr. Previte, suggested a Tricentennial fountain be built on the gateway property at the north end of town.

Mayor Edwards said she will ask the property owners when she meets with them.

Michelle Oberst, 68 Broad Street - informed of a Community Connect event on the subject of bullying, which will be held at St. Paul's Lutheran Church.

Lois Stewart, 26 Spring Street - inquired about the broken fire hydrant in front of her house.

Council Vice President Velella informed this hydrant will be replaced during the Williams Street project. Mr. Velella said he has spoken with Police and Fire, and both assured there is no issue, stating they would run from the next adjacent hydrant if there were a need.

Council President Swingle added there is more than enough water pressure at these hydrants.

Ms. Stewart asked that Music on Main be moved from Thursdays, as the County holds their concerts on the same day.

Mayor Edwards informed this has already been discussed.

Ms. Stewart asked about energy sharing.

Mayor Edwards informed a representative from an energy sharing company would speak at an upcoming Council meeting in the next 30 days.

Ms. Stewart asked about plans for Arbor Day.

Councilwoman Fine informed the Shade Tree Commission would be meeting on the 12th, when this would be discussed.

Ms. Stewart asked who she should speak with concerning a recycling issue.

Mayor Edwards said Public Works.

Ms. Stewart asked about the sign in front of Fleming Castle.

Mayor Edwards said the sign belongs to the State Preservation Society, and they will be taking it down.

Ms. Stewart asked if Dallas/Bellin had come before the Planning Board.

Mr. Greiner said they withdrew their request to appear at the last meeting and have not re-scheduled

Susan Lax, Hunterdon Helpline - informed she had done a survey of 75 residents in the Hunter Hills apartment complex.

Ms. Lax stated she would be providing a complete report to Council in the near future.

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

Mayor Edwards informed Council has finally scheduled a meeting with the owner of Hunter Hills. Ms. Edwards said the meeting will take place on March 25th, with Council providing an update of this ongoing situation at the April 14th meeting.

Mayor Edwards said it will take another couple of weeks to establish the new Borough Creative Team, as there has been much interest in the project. Ms. Edwards informed the team should be finalized by the April 24th Council meeting.

Mayor Edwards said the hiring of a part-time Communications Assistant will also be finalized by the 24th, noting Council is reviewing the many resumes they have received.

Mayor Edwards informed Assemblywoman Donna Simon is working with the DOT to help the Borough resolve the issue concerning the no right on red at the corner of Route 31 and East Main Street.

Mayor Edwards gave the dates for the upcoming budget meetings:

3/13 6 - 9pm  
3/22 8:30am - 12pm  
3/27 6 - 9pm  
4/5 8:30am - 12pm  
4/10 6 - 9pm

### **3. Council Members' Reports (up to approximately 3 minutes each)**

#### **Councilwoman Fine**

Councilwoman Fine said the Shade Tree Commission meeting was rescheduled due to the snow storm.

Ms. Fine informed the Environmental Commission will be meeting next week to work on the Sustainable Jersey application and to fill the Chairperson position on the Green Team.

#### **Councilman Gorman**

Councilman Gorman, referencing the many potholes in town, said work is being done to temporarily fill them until the hot patch can be applied, which should be in about 2 weeks.

Mr. Gorman informed Parks and Recreation would be meeting on the 11th, with Tricentennial Chair Marcia Karrow attending, to discuss the upcoming parade.

Mr. Gorman informed all Borough wells are working fine, noting the Union Hotel and Cut Glass projects would be needing water soon. Mr. Gorman said the water department is getting prepared for this.

#### **Councilman Greiner**

Councilman Greiner said he found the TerraNoble presentation to be very informative.

Mr. Greiner informed the March 3rd Planning Board meeting had been cancelled, noting the expanded Union Hotel redevelopment plan would be discussed at the March 25th meeting.

Mr. Greiner said the HPC had met on the 5th, with discussion of the upcoming historic house tour. Mr. Greiner said this should be a great success, as there are 6 homes and 3 public buildings on the tour.

Mr. Greiner said he had given much thought to the economics surrounding the TerraNoble plan. Mr. Greiner informed, as business valuations go up, residential taxes should go down, but with asset value up, school and county taxes will rise. Mr. Greiner said there is a distinct correlation between business valuations and property taxes.

#### **Councilman Novick**

Councilman Novick wished to commend Public Works on their efforts to fill the many potholes in town.

Mr. Novick said the TerraNoble plan is very creative, giving him a lot to think about.

Mr. Novick informed Mediatech would be coming before Council for a budget hearing.

### **Council President Swingle**

Council President Swingle informed he is in the process of finalizing the numbers concerning Hunter Hills emergency calls.

Mr. Swingle said, with the weather about to break, the Police Bike Patrols would soon begin again. Mr. Swingle added the speed monitoring equipment is already out.

Mr. Swingle said he found the TerraNoble presentation very interesting, noting he had attended a meeting with the FBID this morning, with this being the main topic of conversation.

Mr. Swingle informed there are 4 fire hydrants out of commission, with all having alternate coverage. Mr. Swingle said 3 will be repaired/replaced, with 1 slated for removal.

Mr. Swingle said he had recently spoken with a Raritan Township business owner, who expressed interest in moving to the Borough. Mr. Swingle said he had passed this information on to the Mayor and the FBID.

### **Council Vice President Velella**

Council Vice President Velella said he had missed the TerraNoble presentation, but is very aware of their recommendations. Mr. Velella said it is important for the public to understand this plan was sanctioned by the FBID, not Council. Mr. Velella said Council welcomes all ideas for bettering the Borough, but noted, the town is not footing the bill.

Mr. Velella informed the DPW now has enough salt for the rest of the season. Concerning snow removal, Mr. Velella said that, moving forward, the streets will be plowed as close to the curb as possible.

Mr. Velella informed that, when he receives the past year's sewer rate numbers from the CFO, he will work on recommendations to present at the March 24th Council meeting.

Mayor Edwards said she agrees with her colleagues concerning the TerraNoble presentation, noting she also wants to hear ideas for making the Borough a better place to live, work and visit. But Ms. Edwards informed she wants to be clear - Council has



the utmost respect for existing business owners concerning their rights and desires. Ms. Edwards stressed that Council supports them.

**4. Approval of Minutes**

**Motion To: Approve Minutes: February 10, 2014 Regular Council Meeting**

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

**Motion To: Approve Minutes: February 24, 2014 Regular Council Meeting**

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

**5. RESOLUTION 2014-50: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE #2013-018 HELD ON BLOCK 44 LOT 4, KNOWN AS 6-8 HIGHWAY 31**

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

**6. RESOLUTION 2014-51: AUTHORIZING A REFUND TO CORTEZ AND HAY FOR THE OVERPAYMENT OF A TAX SALE REDEMPTION ON BLOCK 44 LOT 4 IN THE AMOUNT OF \$3,931.39**

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

**7. RESOLUTION 2014-53: AUTHORIZING THE CLOSING OF BOROUGH STREETS FOR THE TRI CENTENNIAL BIRTHDAY PARADE TO BE HELD ON MARCH 22, 2014**

Council Vice President Velella voiced his concerns with the number of activities being held in the Borough, which are at a cost to the town.

Councilman Gorman informed he has a price of \$4,500.00 from Mike Campion, of the DPW, for their part in the Tricentennial parade. Mr. Gorman said he will be speaking with Marcia Karrow concerning this reimbursement.

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

**8. RESOLUTION 2014-54: AUTHORIZING THE CLOSING OF BOROUGH STREETS ON SUNDAY JUNE 1, 2014 FOR THE GIRLS ON THE RUN 5K**

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

**9. RESOLUTION 2014-55: AUTHORIZING THE MAYOR, COUNCIL PRESIDENT AND CLERK TO SIGN A FORM TO BE IN COMPLIANCE WITH THE GUIDELINES SET FORTH BY THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE MUNICIPAL ALLIANCE PROGRAM'S 2014-2019 GRANT CYCLE**

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

**10. RESOLUTION 2014-56: RECOGNIZING ANNE M. THOMAS FOR 41 YEARS OF VOLUNTEER SERVICE TO THE FLEMINGTON FREE PUBLIC LIBRARY**

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

**11. RESOLUTION 2014-57: APPROVING FIREWORKS FOR MARCH 22, 2014, WAIVING THE FEE OF \$331.00 AND APPROVING STREET CLOSURES**

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

**12. RESOLUTION 2014-58: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-014 HELD ON BLOCK 34 LOT 22, KNOWN AS 20 BONNELL STREET**

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

**13. RESOLUTION 2014-59: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-008 HELD ON BLOCK 12 LOT 2, KNOWN AS 5 HIGHLAND AVENUE**

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

**14. RESOLUTION 2014-60: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2012-022 HELD ON BLOCK 35 LOT 66, KNOWN AS 15 CHURCH STREET**

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

**15. RESOLUTION 2014-61: AWARDING A CONTRACT TO REIVAX CONTRACTING IN THE AMOUNT OF \$429,172.00 FOR THE WATER AND SEWER IMPROVEMENTS FOR WILLIAMS STREET, SPRING STREET AND MAPLE AVENUE**

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

**16. ORDINANCE 2014-2: 2014-2 : FIRST READING: ADOPTING THE REDEVELOPMENT FOR THE AREA SOUTH OF THE UNION HOTEL**

Council President Velella said it is important to establish a plan first, before any moves can be made concerning 90-100 Main Street.

Mayor Edwards informed a second reading would occur at the April 14th Council meeting, as the Planning Board will be discussing this ordinance, and making recommendations, at their meeting on March 25th.

**RESULT:** INTRODUCED [UNANIMOUS] **Next: 4/14/2014 7:30 PM**  
**MOVER:** Phil Velella, Council Vice President  
**SECONDER:** Phil Greiner, Councilman  
**AYES:** Fine, Gorman, Novick, Greiner, Velella, Swingle

**17. Public Comments -- Session II (up to approximately 3 minutes each for a maximum of approximately 30 minutes, or until 10:00 PM, whichever earlier occurs)**

Steve Karpew, 32 Allen Street - asked where the parade fireworks would be held.

Councilman Gorman informed they would be held at the middle school.

Lois Stewart, 26 Spring Street - asked if Ordinance 2014-2 would allow Council to determine acceptable uses of the included properties.

Mayor Edwards said yes, as in the Union Hotel plan.

Ms. Stewart asked that businesses be advised of street closures for events.

Mayor Edwards informed this is a condition of the permit, but said that she would reinforce it with the Police Department.

Council Vice President Vellella said the FBID has made businesses aware.

Ms. Stewart asked when the Williams/Spring/Maple work would begin.

Mr. Gorman said there will be pre-construction meetings first, with a possible start in 8 weeks.

Ms. Stewart asked if the tax sale resolutions approved this evening were a wash financially.

Councilman Greiner said yes.

Ms. Stewart, referencing the TerraNoble presentation, said she felt it was an urbanization of our small historic village.

Tony Previte, 45 North Main Street - brought the large amount of litter in the north end to Council's attention. Mr. Previte asked what will happen if no developer is interested in purchasing the Global Ag site.

Mayor Edwards informed the Borough has no intention of purchasing the property.

Mr. Previte asked that Council request the owners of Nilkanth attend a meeting to explain their plans to residents.

Mayor Edwards said Council is planning to have a meeting with the owners and will discuss their plans. Ms. Edwards informed, as they have approvals, the owners do not have to come to a meeting.

Mr. Gorman, referencing the litter on the north end, said the street sweepers will be running in the next 2 weeks.

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

Councilwoman Fine said there must have been a miscommunication, as she thought Mr. Brewer would be contacting Mr. Nolan. Ms. Fine said she would reach out and invite Mr. Nolan to an upcoming meeting.

Frank Banisch, 111 Main Street - stated he has a really good feeling when it comes to the work Council is doing, noting they are on the right track. Mr. Banisch said that Ms. Stewart's comments concerning the TerraNoble plan resonated with him.

Mr. Karpew asked if Allen Street will be closed for the parade fireworks.

Mr. Gorman said yes, like other parades. Mr. Gorman informed that it is predicted 6,000 people may attend the parade.

**18. Attorney's Report**

No attorney report.

**19. Payment of the Bills**

**Motion To: Pay The Bills**

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

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

No items for Executive Session.

**Adjournment**

**Motion To: Adjourn at 8:50 PM**

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

March 24 ,2014

\_\_\_\_\_  
Robin M. Hughes  
Acting Deputy Clerk  
Borough of Flemington