



Mayor and Common Council Borough of Flemington

February 24, 2014

Council Meeting Room

I. Work Session Agenda 6:45 PM

1. DISCUSSION: TAX APPEAL OF AMERICAN TIRE AND AUTO CARE, 78 CHURCH STREET, BLOCK 39 LOT 6 (ED KERWIN, ASSESSOR)

Borough Tax Assessor Ed Kerwin, via telephone, gave an explanation of Resolution 2014-46.

Mr. Kerwin explained that this Resolution is to settle a tax appeal brought by the owners of American Tire & Auto Care. Mr. Kerwin stated it was in the best interest of the Borough to settle, rather than go to trial, as the total reduction in tax revenue amounts to approximately \$5,000 on an annual basis. Legal fees, alone, would most likely be more than this amount.

Mr. Kerwin stated this reduction is based on a compromise, with many factors being considered, including the disparity in our assessment compared to that of other, similar businesses. Most tire service companies are assessed at \$120-\$150 per sq. ft. - our original assessment of American Tire & Auto was \$220 per sq. ft. Mr. Kerwin explained this lowered assessment is broken down over a 3 year period from 2012-2014. Mr. Kerwin informed that since we are an annual reassessing municipality he will be in a position to reassess the property in 2015.

Councilman Novick asked if this settlement will impact the tax base of other nearby properties.

Mr. Kerwin explained, as each property has a different usage, there is no impact.

Mr. Novick, noting while legal fees are static, a lower property assessment will carry over multiple years.

Mr. Kerwin stated he reassesses all properties yearly, adding business assessments are up 3.8% this year.

Councilman Greiner asked why two utilities are no longer on the tax rolls in the Borough.

Mr. Kerwin explained these are both telephone companies which are not required to pay taxes to a municipality if the land-line service level to that municipality falls below 51%. With many households disconnecting land-lines, this is the case in the Borough.

Mr. Kerwin noted there is a pending court case concerning this issue that has been filed by other towns, stating he would like the Borough to file an appeal so that back taxes may be recouped if the case is won.

Mr. Kerwin, noting his computer had a virus and was not usable, apologized to Councilman Greiner for not getting back to him quickly with information he had requested.

Mr. Greiner said he received the information this morning and thanked Mr. Kerwin.

With the time remaining, Mayor Edwards wished to address the pothole situation on Borough streets. Ms. Edwards said, due to the considerable amount of potholes to be repaired this spring, the Borough road plan will need to be re-evaluated.

Councilman Novick reminded of the plan used 12-15 years ago, where one company was hired to overlay every street in the Borough. Mr. Novick said the response from residents was overwhelmingly positive. Mr. Novick added the Borough needs to move on this issue quickly, as other towns may already be hiring paving companies.

Mayor Edwards informed that Councilman Gorman would be back in town on March 1st. Ms. Edwards said she would speak with him on this issue right away.

Chris Englehart, 180 Main Street - told of how New Hampshire repairs their highways.

The work session ended with a short discussion concerning how Council would be transported in the upcoming County Tricentennial parade.

All agreed that Council should walk, with Mr. Novick suggesting allowing Borough children to walk with them, signifying the future of Flemington.

Mayor Edwards, and Council, agreed with this idea.

2. Motion To: Close the Work Session

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Joey Novick, Councilman
SECONDER: Phil Greiner, Councilman
AYES: Dorothy Fine, Joey Novick, Phil Greiner, Brian Swingle
ABSENT: John Gorman, Phil Velel

II. Regular Meeting Agenda 7:30 PM

Flag Salute

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

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

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

2. PRESENTATION: CONCEPTUAL ART PROJECT BY JOHN SPEARS

John Spears, owner of 2D-3D Inc., gave a presentation to showcase a plan he has to bring a "Flash mob" performance to the Borough.

Councilman Novick asked Mr. Spears what he is asking of Council, and will he be looking for financial help from the Borough.

Mr. Spears stated he is looking to create a buzz and also wants Council to endorse the project. Mr. Spears informed he is seeking donations of services from local businesses, as well as sponsorships.

Mr. Novick asked that Council be kept abreast of his progress in procuring financial support.

Carla Tabussi, 8 Brown Street - suggested Mr. Spears reach out to fitness classes for participants in his project.

Mr. Spears informed the event is proposed to take place on the Liberty Village and Feed Mill properties, on October 19th, 2014 at dusk.

Mr. Novick asked who would be charged with liability in case of an incident.

Attorney Goodman informed the liability is between Mr. Spears and the property owners. Mr. Goodman also stated permits would need to be issued by Borough Police Chief Becker.

Council President Swingle asked that Mr. Spears come to Council again, closer to the event date, so he can be connected with the OEM in regard to security needs.

Councilwoman Fine said she was very impressed with the presentation and is excited about the event.

Ms. Tabussi - suggested advertising in conjunction with the Pumpkin Train Ride.

Mr. Spears said he is looking into a banner.

3. Public Comments -- Session I (up to approximately 3 minutes each for a maximum of approximately 30 minutes)

Mayor Edwards opened the session by asking for a moment of silence for Linda Hahn, who had recently passed. Ms. Hahn had been a long time member of the Borough Library staff.

Lois Stewart, 26 Spring Street - spoke of Ms. Hahn, noting she was one of the nicest people she had ever met. Ms. Stewart said Ms. Hahn was an exceptional person, adding the Borough was fortunate to have had her in its library.

Councilman Greiner, who is Council liaison to the Library, , noted how valuable Ms. Hahn was there. Mr. Greiner said he had attended the viewing that afternoon, informing Ms. Hahn's family asked that donations be made, in her name, to the Library. Mr. Greiner added that Library Director Shawn Armington would make sure these donations honor Ms. Hahn's memory.

Ms. Stewart voiced her concerns about the non-functioning fire hydrant in front of her house, asking when it would be fixed.

Council President Swingle informed there are a few hydrants that need repair, and with the recent weather it has been difficult to address them. Mr. Swingle said he would look into speeding up the process, adding that, in the meantime, alternative means of bringing water to those areas are in place.

Ms. Stewart asked about ways the Borough is using shared services.

Mayor Edwards informed Public Works occasionally shares staff and equipment with Raritan Township, adding the Borough has many other relationships in place for sharing services. Ms. Edwards also noted the grade school system and Parks & Recreation Committee are shared with Raritan Township. Ms. Edwards informed the Borough continues to evaluate options to share services.

Ms. Stewart inquired about Arbor Day activities.

Councilwoman Fine, noting the most recent Shade Tree Commission meeting had been snowed out, said it would be discussed at the upcoming meeting on the 1st Wednesday of March.

Richard Higgins, 21 Bloomfield Avenue - reminded of the FBID informational meeting to be held the next evening. Mr. Higgins spoke of his concern that the Borough and Raritan Township may not be on the same page with their Master Plans.

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

Mayor Edwards informed a study had been done and the results would be presented at an upcoming Council meeting.

Mr. Karpew - asked about the sale of the Borough-owned property adjacent to his.

Mayor Edwards said she would have the Borough Clerk call him with this information.

Mr. Karpew informed that, sidewalks had been cleared and plowing done at his corner, but the crossing bib had been plowed shut.

Tony Previte, 45 North Main Street - thanked the Borough for its snow removal effort, but voiced his concerns about the lack of sidewalk clearing done around Steve's Store. Mr. Previte showed Council an article in the Express Times concerning a pedestrian in another town being hit by a car because she was walking in the street due to the sidewalk not being cleared.

Council President Swingle informed the police are stepping up enforcement of the snow removal ordinance.

Borough Attorney Goodman asked that the governing body not comment on summonses that were issued.

Lois Stewart, 26 Spring Street - speaking of a 2008 contract to allow cellular equipment be installed on a Borough water tower, asked if the rent had been increased since.

Councilman Novick informed this is a multi-year contract.

CFO Hance informed the rent paid in 2013 was \$36,800.

Mr. Karpew informed the worst snow clearing effort he had seen in the Borough was in front of the post office.

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

Mayor Edwards informed that she, Councilman Swingle and Councilwoman Fine had met with residents of the Hunter Hills apartment complex, adding it was a good meeting. Ms. Edwards said Susan Lax, of Hunterdon Helpline and Rabbi Jaffe, of the Flemington Jewish Community Center, were co-organizers of and present at the meeting. Ms. Edwards said the meeting was to discuss with the residents the Borough's concerns in connection with Hunter Hills and to offer them any assistance in that regard that they might need. Ms. Edwards informed she plans to meet with the complex owners, hopefully before the March 10th Council meeting.

Mayor Edwards said she has been receiving input from Council and the community concerning the establishment of a Borough Creative Team. Ms. Edwards plans to have a team in place by the March 10th Council meeting.

Mayor Edwards spoke of the tremendous response for the new part-time administrative position. Ms. Edwards informed the interview process is about to start, with plans to have a new hire in place by March 24th at the latest.

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

Councilwoman Fine

Councilwoman Fine informed that, due to the snowstorm, the Shade Tree Commission did not meet.

Ms. Fine informed the Environmental Commission is in the process of applying for recertification of the Borough's Bronze status with Sustainable Jersey. Ms. Fine also informed some members had left, and new ones had come on board at the Commission.

Ms. Fine said her recent focus has been advising the Mayor in the establishment of a Borough Creative Team, as she is very active in the arts, and knows many people who would be a good fit for the team.

Ms. Fine informed she had also sat in on the meeting with residents of the Hunter Hills apartment complex.

Councilman Gorman

Councilman Gorman was not present.

Councilman Greiner

Councilman Greiner wished to acknowledge the passing of Borough employee Linda Hahn, saying she had been a great asset to the library.

Mr. Greiner informed he had attended the February 19th presentation of the county's Comprehensive Economic Development Study (CEDS) concerning how to deal with negative economic trends. Mr. Greiner said the County will eventually develop a plan in response to the study. The mayor and the Planning Board Chair, Todd Cook, were also in attendance.

Speaking about the FBID, Mr. Greiner said he likes that their consultant TerraNoble, advocates for smart growth. Mr. Greiner said he believes Council and the Borough are key components in making this plan happen.

Mr. Greiner informed the HPC had approved one application on February 19th - very nice improvements to 19 Grant Avenue.

Mr. Greiner attended the Library Board meeting earlier in the day.

Mr. Greiner informed of the joint Council/Planning Board meeting on the 25th, at the old Courthouse. Mr. Greiner said this will be the second and final presentation by TerraNoble.

Mr. Greiner informed there will be a Planning Board meeting on Monday, March 3rd to hear from Dallas/Bellin, who are asking for demolition consideration at the Flemington Cut Glass site.

Councilman Novick

Councilman Novick informed he had attended the recent performance by a Paul Robeson re-enactor, which was sponsored by the County Tricentennial Committee. Mr. Novick said the turnout was great. Mr. Novick reminded all these events are free, but a ticket obtained from the hunterdon300th website is required. Mr. Novick wished to thank resident Richard Higgins for providing transportation for Mr. McQueen, the re-enactor.

Mr. Novick informed of plans for events at the Samuel Fleming House, including acoustic music, storytelling in the garden, and visits by 5th graders from all the local schools.

Mr. Novick informed Mediatech did not meet.

Mr. Novick informed the Chamber of Commerce will be meeting to discuss whether or not to support two issues effecting small businesses in the County - payment of sick leave and Obamacare.

Council President Swingle

Council President Swingle gave the results of his research into issues at the Hunter Hills apartment complex. Mr. Swingle presented the following facts:

1. The striking quantity of emergency response calls to the complex
 - in 2009 7% of emergency calls in the Borough were from Hunter Hills
 - increasing each year to 12.8% by the end of November, 2013
2. Other complexes of similar size only comprised 1-3% of calls
3. From 2009-2013, after deducting taxes paid by Hunter Hills, there was an over consumption of \$391,600 in Borough resources, due to these calls.

Mr. Swingle spoke of meeting with residents of Hunter Hills, saying it went very well. Mr. Swingle said the residents were provided info to report crimes anonymously.

Councilman Novick asked the 7% of calls from Hunter Hills was based on all Borough calls.

Mr. Swingle said yes, adding that in 2009 there were 232 calls, and 332 in 2013.

Mr. Novick asked for a breakdown of types of call made.

Mr. Swingle stated he had sent an excel sheet to Mr. Novick with this information, but said it should be noted that the numbers, regardless of type of call, have not climbed at the significant rate those in Hunter Hills have.

Mr. Novick said he is just trying to understand if a change in nature of tenants will reflect in a lower volume of emergency calls.

Council Vice President Velella

Council Vice President Velella was not present.

6. RESOLUTION 2014-47: 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 **AMENDED**

Councilman Greiner noted this version of the Resolution contains a corrected list of Borough lots, which now corresponds with the Resolution the Planning Board passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Phil Greiner, Councilman
SECONDER:	Joey Novick, Councilman
AYES:	Dorothy Fine, Joey Novick, Phil Greiner, Brian Swingle
ABSENT:	John Gorman, Phil Velella

7. RESOLUTION 2014-48: AUTHORIZING THE MAYOR AND CLERK TO SIGN AN AMENDED CONTRACT BETWEEN THE BOROUGH OF FLEMINGTON AND CENTRAL JERSEY WASTE

Councilman Greiner asked for clarification of the 90 day out-clause.

Mayor Edwards informed this clause helps to ensure that the hauler will provide good service on a weekly basis. Ms. Edwards said the hauler's service had improved considerably in recent weeks. Additionally, the hauler made clear to the Borough that the hauler would not forego bidding on a new contract if the Borough issued a Request for Proposal. The Mayor went on to confirm that this hauler, Central Jersey Waste, had been the lowest bidder the last two times the service went out for bid. Under the circumstances, it was deemed to be in the best interest of the Borough to modify the most recent contract with a 90-day termination clause to be exercised at the Borough's discretion in the event of persistent poor service by the hauler.

Mayor Edwards said the new contract was determined based on improved service and the 90 day out-clause.

Attorney Goodman added, time would be needed to put out a bid for a new hauler which is where the 90 days would come into play.

Lois Stewart, 26 Spring Street - asked if this is the same company as last year.

Mayor Edwards said yes, but they are relying on one of their other teams for better service.

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

8. RESOLUTION 2014-49: AUTHORIZING THE PAYMENT OF ACCUMULATED SICK LEAVE

Councilman Novick said the notion of paying unused sick time needs to be addressed in Trenton.

Councilman Greiner spoke of the corporate model, where sick time is not carried over and there are attendance policies to deal with any absenteeism that is considered excessive.

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

9. RESOLUTION 2014-50: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-008 HELD ON BLOCK 44 LOT 4, KNOWN AS 6-8 HIGHWAY 31

As she had questions about the figures in the resolution, Councilwoman Fine asked that it be tabled.

RESULT:	TABLED [UNANIMOUS]	Next: 3/10/2014 7:30 PM
MOVER:	Dorothy Fine, Councilwoman	
SECONDER:	Brian Swingle, Council President	
AYES:	Dorothy Fine, Joey Novick, Phil Greiner, Brian Swingle	
ABSENT:	John Gorman, Phil Velella	

10. 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

As she had questions about the figures in the resolution, Councilwoman Fine asked that it be tabled.

RESULT:	TABLED [UNANIMOUS]	Next: 3/10/2014 7:30 PM
MOVER:	Dorothy Fine, Councilwoman	
SECONDER:	Brian Swingle, Council President	
AYES:	Dorothy Fine, Joey Novick, Phil Greiner, Brian Swingle	
ABSENT:	John Gorman, Phil Velella	

11. RESOLUTION 2014-52: DECLARING POLICE CAR 49-11 SURPLUS AND AUTHORIZING THE DONATION TO POLYTECH

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

Motion To: Open Hearing Concerning Ordinance 2014-1

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

Public Hearing

Lois Stewart, 26 Spring Street - asked who was added to the list of employees.

Councilman Greiner informed the Acting Deputy Clerk had been added.

Motion To: Close the Public Hearing Concerning Ordinance 2014-1

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

12. ORDINANCE 2014-1: SECOND READING: SALARY ORDINANCE

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

13. 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)

Lois Stewart, 26 Spring Street - inquired when the budget meetings would take place.

Mayor Edwards informed the Clerk will have those dates later in the week.

Tony Previte, 45 North Main Street- thanked Council President Swingle for his work in compiling a statistical observation of the issues with Hunter Hills. Mr. Previte said his visual observations show agreement with the large number of police calls to the complex. Mr. Previte asked Councilman Novick for a clarification why there is no loitering at the WaWa compared to Steve's Store.

Mr. Novick informed both properties are privately owned, and noted there is loitering at both locations.

Mr. Previte said he believes the items sold at Steve's Store attract a clientele that does not promote the quality and integrity of the neighborhood. Mr. Previte said he wishes the Borough would act on this.

Attorney Goodman informed the Borough does not have an anti-loitering ordinance, as that would be illegal.

14. Attorney's Report

No Report

15. Payment of the Bills**Motion To: Pay The Bills**

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

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 9:20 PM**

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