

The Flemington Borough Common Council held their regular council meeting on April 14, 2008 in the meeting room of Borough Hall, 38 Park Avenue, Flemington New Jersey. Mayor Robert B. Hauck called the meeting to order at

This meeting is being held in conformance with the Open Public Meetings Act.

Mayor Hauck led the flag salute.

**ROLL CALL: LEGATO, GORMAN, BORUCKI, HAUCK, EDWARDS,  
MASTELLONE, ATTORNEY GOODMAN  
ABSENT: LIEBOWITZ**

MAYOR'S REPORT:

March 25 attended Raritan Township Climate Control meeting and shared Services meeting with School Rep. Stephanie Hope. Very informative.

March 26 attended Chamber Shared Services meeting.

March 28 attended the South Branch Watershed dinner.

April 2 attended Municipal Clerk's breakfast meeting.

April 2 attended FEMA Flood Delineation meeting up at the Hunterdon County Planning Board.

April 5 attended Flemington Fire Department dinner. Very nice affair.

April 9 attended County State of the County meeting. Was very informative and held at the Polytech building.

April 10 attended Hunterdon Land Trust Alliance Grants received announcement for the Dvoor Farm. Brooke was also there.

April 13 performed ribbon cutting for Multiple Sclerosis Mid Jersey Chapter Walk. Talked to Karen Walsh who has been doing this for 10 years and another person from Park Avenue who has done this for 20 years.

April 15 is School Elections. Our Borough tax portion is going down.

April 17 will participate on the Steering and Stakeholder Committees for the "Routes 202 Corridor Assessment and Multimodal Mobility Plan Study" at Branchburg. Erica, Todd Cook, Jeff Doshna and Mark were also present.

April 18 will attend the Scenic Byway Route 78 Corridor billboard discussion meeting at Lebanon. Will support it.

April 23 will speak to the Hunterdon Central High School in Political Science Class and Erica is also going.

April 23 will attend the FRBA dinner.

April 24 will attend the Flemington-Raritan School Green Initiative meeting and the Raritan Township Climate Control meeting.

April 26 will attend the Flemington Raritan Senior Luncheon. My wife was also invited.

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## **COUNCIL MEMBER REPORTS:**

### **COUNCILWOMAN LINDA MASTELLONE**

On April 9<sup>th</sup> I attended the monthly FRBA meeting. My first one. Everyone excited about the car shows. They purchased a special radio for all the announcements on Main Street. They will be able to listen on their car radios. Fun to meet them.

### **COUNCILWOMAN ERICA EDWARDS**

Finance: Governor has proposed to cut virtually all State Aid to municipalities with fewer than of 5,000, which means us. Marcia Karrow has told us evolving situation but has not heard anything firm. Appears State Aid to be up for grabs.

Had a Special Council meeting on April 2<sup>nd</sup> to discuss the proposal cut to our State Aid. Pleased with our 2008 budget process but now worried due to proposed cut to State Aid. The meeting was well received by taxpayers based on feedback we heard – glad that they were able to hear what is going on. Productive meeting. Based on what we heard from the taxpayers, we need to have another budget workshop meeting and come up with Plan B. Likely to lose some State Aid and need a plan in place.

Shared Services – March 26<sup>th</sup> at Readington. Productive meeting. Looking at Hunterdon County Gas. Mayor has been more involved in this particular proposal.

EDC meetings are proceeding. On 28<sup>th</sup> of March attended a heritage tourism workshop in Trenton. Have a lot of material I received. Shows what we can do ourselves.

Meeting with the Beautification Team on Thursday the 17<sup>th</sup>. on placing the planters.

Contemplating hiring a consultant for plan endorsement

Community Events: meetings on the Bike Race. Tight time frame. Bike Race opportunity came after we did the budget and we knew we needed to raise additional monies. It is safe to say it will be an 09 race. Businesses and organizations have praised and support the bike race concept. Told by the Hall of Fame that it would be tough to get sponsorship now. So really facing uphill battle. We did get some commitments but not where we needed to be to move forward for 08. Budget was \$19,000 and needed \$7,500 in commitments before we could give ok for this year. We had close to \$3,000. Reluctant to extend the deadline for obtaining funding because if we did we would risk not having sufficient time to produce and promote the event adequately. Frankly concerned time is too tight. Frankly concerned time is too tight.

Linda Mastellone stated this is something we did want to do for 08, But aside from one definite commitment we could not get anyone else. The FRBA was also excited but have not heard from them regarding sponsorship. Wish we didn't have to wait for 09, but we have a year to reach out to the community at large to get support.

Events for 2008: I did give list to Council and Police. We will distribute that list, but somewhat reluctant to give out now due to budget issues and fact that

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Council talking again about the budget. The list is tentative as we might have to cut again.

DPW – April 2<sup>nd</sup> meeting. Environmental Resolution on.

Receiving a Clean Communities Grant for \$4,760.86.

Mayor Hauck asked Shade Tree about a letter from Shaun VanDoren going to distribute seedlings to the public.

Mrs. Pedrick stated she has requested every year for seedlings.

Mrs. Pedrick said on the 27<sup>th</sup> having a Community Clean Up. Hoping to get a lot of volunteers. I am going to sit in a chair this year. Maybe in the Fall in will be able to help.

Mayor Hauck stated he read in the newspaper a man was 102 and drank beer and smoked 14 cigarettes and ran in a marathon.

Mrs. Pedrick said will be having a Beautification meeting at 6 pm on Thursday and hope we have some new members. I have been in contact in replacing the planters that were broken on Main Street - one due to vandalism. In touch with company - they said it takes two weeks and have to order them. I spoke to County; (Bob Bush) and they are ordering 10 planters. When people see them at the Court House they are not the Borough's. They are purchasing them. County did offer to pick up our 4 to save us \$75.00 in freight. I am calling tomorrow to try and get a better price.

Mrs. Borucki said maybe talk to County and get planters through them.

Mrs. Pedrick said she would call to see if we can get a better price. County flowers will be the same as ours as they ordered from the same company.

Mrs. Borucki asked when are we getting ours?

Mrs. Pedrick said for Memorial Day.

COAH: have first reading tonight on a new a new Development Fee Ordinance.

### **COUNCILWOMAN SANDRA BORUCKI**

Talking about COAH, you have received a resolution from East Amwell.

Erica Edwards stated we already gave our comments on this.

Gave Police Department reports – patrolmen's hours and what they did.

Received a Resolution from the County on Animal Control.

Mayor Hauck said we have Bill Hrynyk and be a good idea to join them. Should answer them that we are interested.

Mrs. Borucki said should do a resolution for it.

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Also received a Resolution from East Amwell not to support the elimination of the Agriculture Department.

Hunterdon County Transfer Station price going up, \$1.00 per ton.

Also received a resolution on closure of State Parks. Also do that resolution.

Becker and LaMothe agree handicapped parking for Flemington Medical Group.

Applications are now being accepted for the DOT Bikeway.

Mayor Hauck stated we are already filing for that. Mostly in Raritan Township.

Went to the Firemen's dinner at Copperhill County Club. Very nice.

Mayor Hauck said those that did not go to the Municipal Officers Dinner should pay the Borough \$20.00. People signed up and did not go. Want the other Council members to pay.

Bob and I had discussion on the Union Contracts up for negotiations this year. Would like to start with just the Council Members and contracts have been in place for several years. Start out with just Council and Mayor will appoint Council for the negotiations.

Mayor Hauck stated for the Teamsters: Mark, John and Erica and Police: Brooke, Sandy and Linda.

### **COUNCILMAN JOHN GORMAN**

The some good news. Water test results from the high school taken due to them shutting off their water, came back stating nothing in the water.

Mrs. Borucki said the same with Fleming Raritan School. They also tested the water and their water is fine.

Mayor Hauck said he asked the Courier News to place a notice in the paper and also spoke to Matt about this.

Also went to Recreation Committee and they will sponsor the refurbishing of the trails at Tuccamirgan Park. Recreation is going to help by sharing their equipment. Already clearing the dead trees. Have one contractor to take down some large trees. Our DPW will be doing most of the work but we are not qualified to take down those large trees.

Mrs. Borucki said also wanted to thank the DPW for fixing the back steps. Were under budget.

### **COUNCILMAN MARK LEGATO**

Need to go into Executive Session on Hinline property.

Gave Property Maintenance Report for the month.

Also attended the Firemen's dinner. Had a great time.

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EDC met last week. Have page on the website. Meeting notes and things discussed. Can leave messages, open forum.

At last meeting had 3 people help me: Jim Hill, Joey Novick and Frank Banisch. They will help me run the meetings.

April 17<sup>th</sup> having meeting about the placement of pots on Main Street.

Sue Peterson from Teaberry's is working on walking maps.

Received a Report from Subcommittee on getting Rails back to Flemington. At some points we have a lot of people taking transit. Already have rail to Three Bridges that goes to Bound Brook. Also have tracks that have to be rebuilt. Gives reasons for having the rails back. Spoke about places to have the station in town.

Meeting with Dave Tynan at 7 am about budget items and grants he wants to apply for.

Thanked everyone who came out on April 2<sup>nd</sup> meeting.

Mayor Hauck asked Council to take up Donna and Ken Arold sign they spoke about during the Worksession. They want to put sign up directing people to their designation on Main Street.

Offered: Sandy Borucki  
Second: Mark Legato

Mr. Legato stated it's a one-time thing, not for all the businesses.

Mayor Hauck stated sign is going to be on Main Street, right across from Mine Street.

Ms. Edwards said echo something, as this is only until the Way Finding ultimately develops for a comprehensive signs.

Approved: All Ayes

Mayor Hauck stated at the Worksession there is a Resolution opposing Bill 1880 – against that.

**PUBLIC COMMENTS:**

Lois Stewart said wondering how I can get information on the proposed budget. If people are informed, can ask intelligent questions.

Erica Edwards said will get a copy to her.

Ms. Stewart said if I can come, would want a copy.

Ms. Stewart asked what is Flemington doing for Arbor Day?

Mrs. Pedrick said we have not had a meeting with Shade Tree. I have applied for the seedlings, we have been planting the last three years at the Middle School and children take part. The clubs have to plant a tree. Best of my knowledge, that is what we are going to do. If they don't, will find a new location.

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Ms Stewart asked can you ask the State and do one at the circle?

Mrs. Pedrick said she has been trying to find out who to talk to about the circles.

Ms. Stewart said the canopy shade trees they planted, died.

The Route 12 Circle and Main Street Circle is not going to be changed. Only circle changed is Route 31.

Mayor Hauck stated Timothy Herlihy at Walters Lane, he works for DOT, maybe he can help you.

Mrs. Pedrick said she wants to talk to him about the daffodils.

Ms. Stewart asked how do we get involved in the signage group?

Ms. Edwards said she will put her on the list.

Ms. Stewart said with Shared Services, what are we investigating to save money?

Mayor Hauck said we buy our salt from the County.

Ms. Stewart said she sees the gas, what else are we going to do?

Mayor Hauck said he is working on some things with Raritan Township, but could not say right now what.

Mr. Gorman said Recreation is Flemington and Raritan and they are willing to share their equipment.

Mayor Hauck said we also share with the Middle School. They have a licensed electrician and if we use him would pay their hourly fee. We also use our street sweeper twice a year to do the High School parking lots and they pay the man-hours. By going to these meetings, a lot of discussion, there are many possibilities. We are looking at it at this time.

Ms. Stewart asked how much did the holiday lights cost?

Ms. Edwards said she has all the documentation and will pull it for you.

Mr. Arold said he appreciated your time.

Mayor Hauck said let us know when you are doing it.

### **Approval of March 24, 2008 Regular Meeting Minutes**

Offered: Mrs. Borucki

Second: Mr. Legato

Approved: All Ayes

### **Approval of April 2, 2008 Special Meeting Minutes**

Mr. Gorman said the approval for Clerico was to do survey work to make sure they are on the right spot, not to do the wells.

Offered: Mr. Gorman

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Second: Mrs. Borucki

Mr. Legato stated votes yes with the change, as did the rest.

Approved: All Present

**Approval of content of Executive Meeting Minutes of March 24, 2008**

Offered: Mrs. Borucki

Second: Ms. Mastellone

Approved: All Ayes

**Approval for the Mayor to sign Memorandum of Agreement between the Federal Highway Administration, Borough of Flemington and the New Jersey State Historic Preservation Office Regarding Park Avenue Drainage and Realignment**

Mayor Hauck stated this was done in January and sent to Clerico but State never received it. This has already been done in January.

Offered: Ms. Mastellone

Second: Mr. Gorman

Approved: All Ayes

**Approval for the Mayor and Clerk to sign Sewer Easement Agreement with CPG Partners LLP, (Liberty Village) and the Borough of Flemington**

Offered: Mrs. Borucki

Second: Mr. Gorman

Approved: All Ayes

**Approval for Penelope Althoff, Phase II: Construct 6-in diameter Observation Well 100 feet away from the proposed TW#2A with 80 feet of casting to depth of 500 feet. Evaluate test wells at the cost of \$23,000 (\$12,000 P. Althoff fees and other costs of \$11,000)**

Offered: Mr. Gorman

Second: Ms. Edwards

Approved: All Ayes

**Award bid to Cello Partnership d/b/a Verizon Wireless for use of Water Department Water Tower on Shields Avenue in the amount of \$23,614 per year**

Barry Goodman only received one bid. Ask if Council going to approve, was conforming to the bid, they did ask for minor changes to the lease. Nothing substantial. Recommend it can be rewarded.

Council requested it wait until next meeting.

**PROCLAMATION – May is Older American’s Month (See Page 75A)**

**PROCLAMATION – April is National Autism Awareness Month (See Page 75 B)**

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**Mayor's Appointment to the Environmental Commission: Jeff Doshna, Karen Walsh, David Cohn, Brooke Liebowitz, Wendy Richardson, Michael DeGenova, Jim Hill, Erica Edwards**

Mayor Hauck stated that Brooke worked very hard on this. They also will review plans from planning board.

**RESOLUTION 2008-51: Resolution Binding the Borough of Flemington to Purchase Natural Gas Supply Services through the Hunterdon County Natural Gas Group Purchasing Program (See Page 76 B)**

Mayor Hauck stated Mike Capabianco from the Chamber of Commerce stated could get a good price from several people participating in this. All our buildings are heated by gas.

Offered: Ms. Edwards  
Second: Mr. Legato  
Approved: All Ayes

**RESOLUTION 2008-53: Filing a Counterclaim with the Tax Court on Block 7, Lot 1; Wayne & Sandra Van Fleet/Quick Chek (See Page 76 B)**

Offered: Mr. Legato  
Second: Ms. Edwards  
Approved: All Ayes

**RESOLUTION 2008-54: Filing a Counterclaim with the Tax Court on Block 47, Lot 8, Sun National Bank (See Page 76 C)**

Offered: Mr. Legato  
Second: Mrs. Borucki  
Approved: All Ayes

**RESOLUTION 2008-55: A Resolution Approving Participation with the State of New Jersey in a Safe and Secure Communities Program Administered by the Division of Criminal Justice, Department of Law and Public Safety (See Page 76 D)**

Offered: Ms. Mastellone  
Second: Mrs. Borucki  
Approved: All Ayes

**RESOLUTION 2008-56: Resolution to Create the Plan Endorsement Citizens' Advisory Committee/Select Plan Endorsement Consultant (See Page 76 E-H)**

Mr. Legato said hiring subject to our expectations for Banisch and Associates. He is local, has a history with the community. Practical approach to everything. Linda Mastellone also agreed.

Mr. Gorman said roughly \$42,000 difference between them.

Sandy Borucki said she also agrees to Banisch.

Erica Edwards said do you want to put a number on it for 08?

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Mrs. Borucki said do we know how long the phases would take?

Erica Edwards said one through three should be completed.

Mark Legato said to hire him tonight and sit down with him and get hard lines from him and what we are spending this year.

Mr. Gorman said this looks like it is a three-year project.

Ms. Edwards said only difference on these two proposals maybe some has assumptions that they are doing some of the master plan elements.

Lois Stewart asked why are you hiring someone before the interview process?

Mrs. Borucki said we know both of the men and worked with them. This is not the first time.

Ms. Edwards said we are retaining someone for our choice of consultants. No commitment to a dollar figure or scope of service. One mandated by the State to do this process.

Mark Legato stated we need to sit down with him and ask what we are going to be doing for this year. Need to sit down and say ok, you are the Planner we want to go with, and get hard figures and put items in place.

**Motion was made for Banisch and Associates**

Offered: Mr. Legato  
Second: Ms. Edwards  
Approved: All Ayes

**Motion to adopt Ordinance to Create the Plan Endorsement Citizens' Advisory Committee**

Offered: Ms. Mastellone  
Second: Ms. Edwards  
Approved: All Ayes

**RESOLUTION 2008-57: Resolution Opposing the Assembly Bill 1880 requiring Bond Ordinances be approved during General Elections (See Page 77 A-B)**

Offered: Ms. Mastellone  
Second: Mrs. Borucki  
Approved: All Ayes

**ORDINANCE 2008-5: 2<sup>ND</sup> READING: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIIA "PARKING AREAS" SECTION 7A-3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, 1975**

Mrs. Borucki reviewed Ordinance

Public hearing opened.

Mrs. Stewart asked did you always sell 73 stickers?

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Public hearing closed.

Offered: Mrs. Borucki  
Second: Mr. Gorman  
Approved: All Ayes

**Motion to adopt Ordinance 2008-5**

Offered: Mrs. Borucki  
Second: Mr. Gorman  
Approved: All Ayes

**ORDINANCE 2008-7: 1<sup>ST</sup> READING: AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN PARKING REGULATIONS IN THE BOROUGH OF FLEMINGTON SET FORTH IN 7-4.9, SCHEDULE XXII TITLED "PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS" IN "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON", 1975 (See Page 78 A)**

Mrs. Borucki reviewed this Ordinance.

Offered: Mrs. Borucki  
Second: Ms. Mastellone  
Approved: All Ayes

**ORDINANCE 2008-8: 1<sup>ST</sup> READING: BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WELL NUMBERS 1, 4, 5, AND 7, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY, APPROPRIATING \$2,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,250,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF (See Page 78 B-G)**

Mr. Gorman reviewed the Ordinance

Offered: Mr. Gorman  
Second: Mrs. Borucki  
Approved: All Ayes

**RESOLUTION 2008-52: Resolution of the Borough of Flemington, in the County of Hunterdon, State of New Jersey, Authorizing Certain Matters in Connection with the Borough's Participation in the Year 2008 New Jersey Environmental Infrastructure Trust Financing Program to Finance the Costs of Improvements to Well Numbers 1,4,5, and 7 in and for the Borough of Flemington (See Page 78 H-J)**

Offered: Mr. Gorman  
Second: Mr. Legato  
Approved: All Ayes

**ORDINANCE 2008-9: 1<sup>ST</sup> READING: AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2005-22 THE "DEVELOPMENT FEE ORDINANCE" OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON (See Page K-P)**

Ms. Edwards reviewed the Ordinance

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Mayor Hauck stated this is necessary because applicants such as Walgreen's the way the Ordinance was written, we could not collect any money.

Jay Makuch asked how do you do the process.

Mr. Legato gave him a copy of this Ordinance.

Offered: Ms. Edwards  
Second: Ms. Mastellone  
Approved: All Ayes

**Attorney Report: No report**

Ms. Edwards said we need to have another budget meeting, need to set a date and time.

Barry Goodman said really need to plan to do this.

Ms. Edwards said Council should sit down at this time. I don't know that we want department heads back at this time. Need to talk about what we did hear and what are we going to do.

Mayor Hauck said do Monday the 21<sup>st</sup> at 7 PM

Ms. Edwards wanted input from Council on request to use Borough equipment, stage and tent by outside groups.

**RESOLUTION 2008-58: Executive session on Real estate, potential litigation and legal advise on Borough Equipment. Action may be taken (See Page 79 A)**

Offered: Mrs. Borucki  
Second: Mr. Gorman  
Approved: All Ayes

9:03 pm went into Executive Session.

9:27 p.m. reconvened to regular meeting.

Mayor Hauck stated we were asked if we would lend out our tents, stage etc. We do not have a policy and will not start.

9:30 p.m. the meeting was adjourned.

Offered: Mrs. Borucki  
Second: Ms. Mastellone  
Approved: All Ayes

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Diane L. Schottman, RMC/CMC  
Municipal Clerk

Attest:

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Robert B. Hauck, Mayor