



Mayor and Common Council Borough of Flemington

September 9, 2019

Council Meeting Room

7:00 PM Meeting called to order on September 9, 2019 at Council Meeting Room, Borough Hall, Flemington, N.J.

Executive Session (7:00 PM)

1. RESOLUTION 2019-180: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF LEGAL ADVICE: PENDING LITIGATION

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	Caitlin Giles-McCormick, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

Attorney Whittlesey announced that the pending litigation involves the Union Hotel and the Construction Board of Appeals. Session started at 7:00 p.m., with all members present, along with Construction Official Jeff Klein and Borough Attorney Frank Whittlesey. Executive Session minutes kept separately. Session ended at 7:30 p.m.

Regular Meeting Agenda (7:30 PM)

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

Flag Salute

Roll Call:

Attendee Name	Title	Status	Arrived
Jeffrey Doshna	Council Member	Present	
Caitlin Giles-McCormick	Council Member	Present	
John Gorman	Council Member	Present	
Michael Harris	Council President	Present	
Susan Peterson	Council Member	Present	
Christopher Runion	Council Vice President	Present	
Betsy Driver	Mayor	Present	

I. Budget Update from Chief Financial Officer William Hance

Mr. Hance reviewed the status of the 2019 budget, 2/3 through the year. Most of the departments are in good shape. Spending for DPW is higher than 75%, but that's expected because a lot of money is spent early in the year, for snow removal expenses. The legal budget is at 77% of the budget spent, excluding escrow. Escrow isn't addressed in the budget. He said that when a resolution is

passed to spend money, that encumbers the money from being used elsewhere, as long as the spending is kept within the limit set.

Lois Stewart, 26 Spring St., asked about the borough's level of current debt and anticipated debt. Mayor Driver said that at some point, a home for the Police Department must be considered.

Steve Karpew, 32 Allen St., asked about the potential for trailers for Police.

Al Brewer, I Coppermine Village, asked about funding for redevelopment legal expenses.

Mr. Harris discussed legal expenses, saying the amount spent so far for the redevelopment attorney was \$59,000, above the \$45,000 limit authorized.

Robert Shore, 47 Broad St., asked about water and sewer surpluses. He also asked for a progress update on the water tower project. Mayor Driver said site plans have to go before the Raritan Township planning board.

II. Mayor's Report

Matt Henley resigned from the Parks and Recreation Committee.

She is removing Mr. Harris from the Redevelopment Committee for the Union Hotel project, due to our attorney's findings about Mr. Harris's potential conflict.

She gave an update on Streetscape project progress and noted two underground storage tanks were discovered and removed. They ended up having water in them; no contamination was found. There's an emergency change order on the agenda for the cost.

The state DOT is finishing up work on Route 12 over the next 8 weeks.

She and the Police Chief met with the woman's club about parking issues.

She spoke of a 9/11 ceremony planned for the courthouse steps.

III. Council Members' Reports

Council Member Doshna

Library- He updated the library interior project, and discussed access to the library's garden.

Redevelopment Committee - They met to discuss options for the police headquarters. He cannot comment on questions about a potential lease amount, if police want to stay in the building past the December date the sale becomes final.

DPW - On Sept. 4 the council's negotiating team met with the Teamsters, and had a very good discussion of wages and non-wage compensation. Another session was set for Sept. 18.

Police negotiations - there's no new date yet set for PBA talks.

Amplification - He met with Grammco about audio needs for the Borough, and personal amplification systems. He'll discuss that more later in the meeting.

Council Member Giles-McCormick

HPC- They're hoping to schedule a special Planning Board meeting in October for presentation of proposed changes to the historic district map. Also, they need another member, and people are welcome to join.

Ms. Giles-McCormick discussed events planned by the HPC and by the Samuel Fleming House museum.

Council Member Gorman

Mr. Gorman said a Flemington-Raritan Parks and Recreation Committee meeting will be held at Borough Hall, concerning possible continuation of the joint committee.

DPW - Sewer work is done on Elwood and Highland Avenues; bids were opened recently for the road work portion of the project.

Contract negotiations are starting with the Teamsters' union. He, Mayor Driver and Mr. Doshna are negotiating for the Borough.

Council President Harris

Mr. Harris discussed the State-Local cooperative housing inspection program. He met recently with the Borough Fire Marshal, and said the current inspector can't finish all the inspections, and council may be asked to authorize adding another inspector.

Bills - He viewed bills for the year from the redevelopment attorney, and said they were \$59,000; above the \$45,000 set in the resolution hiring that firm. He urged council to carefully review the bills.

Council Member Peterson

Ms. Peterson asked about progress on the financial impact study.

She has ideas about how to address the parking issues on Park Avenue than what's included in Ordinance 2019-20.

She discussed options for the Police Department and said she's spoken with Sheriff Brown about county-owned buildings. The old sheriff's office and the Dept. of Ed. building behind it are options; the county jail is not.

Council Vice President Runion

The Environmental Commission is supposed to meet next Monday, 9/16, and review addenda to the Flemington Outdoor LLC application, but he will be unable to attend and is unsure if there will be a quorum.

Schools - There are two referenda on the November ballot.

Shared Services - He discussed the two options for energy aggregation with the county co-op.

Planning Board - Ord. 2019-21, introduced at the Aug. 26 meeting, has to go to the Planning Board for review before a public hearing can be held, so the public hearing on tonight's agenda will have to be tabled.

Motion To: **Amend Agenda to Include Resolution 2019-181**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	John Gorman, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

Resolution 2019-181 was added to the end of the regular agenda.

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

Al Brewer, 1 Coppermine Village, discussed safety during the streetscape project and asked if there was a way to ensure safety without running empty police cruisers with lights flashing.

Robert Shore, 47 Broad St., asked council to send his Old Egg Auction project to the Planning Board to see if it qualifies as an area in need of redevelopment. A PILOT would be needed there, he said. He also spoke about shared services resolution on the agenda. He also said he hopes the Borough accepts his letter of intent to rent the Filling Station property from the Borough. Mayor Driver said the state DEP has to indicate whether it will accept a lease on the property or not.

Lois Stewart, 26 Spring St., discussed the shared services resolution on the agenda, and asked about redevelopment fees being charged to escrow. She asked what the pending litigation was that the executive session was held for; Attorney Whittlesey said it was relating to the Union Hotel and existing issues with the owner, maintenance, and litigation issues.

Elaine Gorman, 34 New York Ave., asked about commenting on Ord. 2019-21.

Steve Tuccio, 61 Elwood Ave., asked about the next Environmental Commission meeting, and said he looked forward to Mr. Harris' dissection of legal fees.

Steve Karpew, 32 Allen St., asked for council's support to slow traffic by the school on Allen Street.

Brian McNally, president of the PBA, took issue with Mr. Brewer's comments about safety at the Streetscape project, and said officers were present throughout the day, directing lane shifts, crossing people, allowing for deliveries, etc.

Joanne Solomon, 31 Grandin Drive, Raritan Twp., urged people to support our veterans.

Joe Abraham, 101 George Wilson Blvd., said veterans should have a real preference when it comes to parking.

Bill Carboy, 8 Steinmetz Rd., West Amwell, said former Mayor Bill Martin was very concerned that veterans have a place to gather, and restricting their access to the VFW wouldn't be a credit to the office of the mayor or council. Enhancing parking for those with disabilities would be great. He added that for the past 70 years the veterans have been there; it's the number of cars per household that's increased.

Gianna Serat, 27 Park Ave., said it's a Borough issue, parking as a whole, and residents are being slighted.

Jacquelyn Bush, 43 E. Main St, said she's a member of the VFW, and Ms. Serat exaggerated the parking issue.

Al Brewer, 1 Coppermine Village, took issue with Mr. McNally's interpretation of his earlier comments and said he didn't mean that officers weren't doing their jobs.

V. Approval of Minutes

Motion To: **Approve Minutes: August 12, 2019 Regular Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Christopher Runion, Council Vice President
SECONDER:	Jeffrey Doshna, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

Motion To: **Table Approval of Minutes: August 12, 2019 Executive Session**

RESULT:	TABLED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	Christopher Runion, Council Vice President
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

Motion To: **Approve Minutes: August 26, 2019 Regular Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	John Gorman, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

Consent Agenda

Resolution 2019-167 was pulled from the Consent Agenda.

Moved: Doshna Second: Harris Vote: All yes to approve Consent Agenda

1. RESOLUTION 2019-178: AUTHORIZING APPLICATION FOR THE NJ ECONOMIC DEVELOPMENT AUTHORITY OPPORTUNITY ZONE CHALLENGE PROGRAM AND EXECUTION OF GRANT AND PARTNERSHIP DOCUMENTS
2. RESOLUTION 2019-179: AUTHORIZING A REFUND OF WATER AND SEWER CHARGES FOR FLEMINGTON RARITAN BASEBALL IN THE AMOUNT OF \$1,788.25

Regular Agenda

1. RESOLUTION 2019-167: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2018-001 HELD ON BLOCK 30 LOT 3.01 QUALIFIER C0001; 42 SPRING STREET

RESULT:	ADOPTED [5 TO 0]
MOVER:	Jeffrey Doshna, Council Member
SECONDER:	Michael Harris, Council President
AYES:	Doshna, Gorman, Harris, Peterson, Runion
ABSTAIN:	Caitlin Giles-McCormick

2. Motion To: **Change the Order of Agenda Items**

Change order to start: Ord. 22, Ord. 20, then Ord. 21. Then continue with original order, starting with Res. 172.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	Susan Peterson, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

3. ORDINANCE 2019-22: FIRST READING: AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS, BY ADDING A SPOT ON PARK AVENUE

Ms. Peterson suggested designating several parking spaces by the VFW as veteran-only parking. Mayor Driver said she's checked and there's no legally enforceable way to reserve spots for veterans.

Ms. Giles-McCormick said more discussion would be valuable, including looking at Bonnell Street, too. Mr. Gorman said there are other things in the ordinance that wouldn't seem to work. Mr Harris said we had a parking ordinance that addressed one end of Park Ave., but missed the other part. Now we have the hard work of addressing that part. Mr. Doshna called the question.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Susan Peterson, Council Member
SECONDER:	Caitlin Giles-McCormick, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

4. ORDINANCE 2019-20: SECOND READING: AMENDING CHAPTER 7 TRAFFIC OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, SECTION 7-4.11 PARKING BY PERMIT, AND SCHEDULE XV PERMIT PARKING AND SCHEDULE XVII CHANGES

Motion to open public hearing: Doshna, seconded by Giles-McCormick. All voted yes to open hearing.

Robert Shore, 47 Broad St., supported extending permit parking down Park Avenue; the VFW issue regarding veterans' parking can be addressed later. Elaine Gorman, 34 New York Ave., said the VFW isn't the only issue and rather than rushing this through, council should incorporate some of the suggestions. Steve Tuccio, 61 Elwood Ave., urged tabling the ordinance.

Council asked Attorney Whittlesey about tabling after a public hearing, and notice requirements.

Camille Miller, 66 Bonnell St., said there's ample parking all day long on her street and on her corner. If this were really an issue, more people from Park Avenue and Bonnell Street would be here.

Ms. Peterson asked in general if veterans knew of any other VFWs in residential areas, and how they handle parking.

Al Brewer, 1 Coppermine Village, suggested the problem stemmed from people moving into homes without off-street parking, and having multiple cars. He said several people seem concerned, but he doesn't see it as a big problem.

Robert Shore, 47 Broad St., suggested following Cape May's example and giving residents the option of buying 1 parking unit in front of their building.

Gianna Serat, 27 Park Ave., asked about where residents should park.

Catherine Eckel, 53 Church St., suggested amending the ordinance to exclude the area between Court Street and Bonnell St. She said she'd gathered comments from area residents calling for respect for veterans.

Phil Keyes, 10 Isaac Graham Road and a trustee at the VFW, said the Borough should be careful about what message a change would send. There used to be an American Legion and a VFW - now they're both at the VFW hall.

Dana Pajunas, 31 Park Ave., said the other end of Park Ave. was granted residential permit parking; this end should get it too.

William Lavash, a veteran from 9 Harvest Hill Drive in Ringoes, discussed the need for a gathering place for veterans.

Motion to close public hearing: Giles-McCormick, seconded by Gorman. All voted yes to close hearing.

Ms. Giles-McCormick moved and Mr. Runion seconded adoption of the ordinance.

Council Discussion: Mr. Runion said there are 4 spaces on the block, with 2 duplexes on one side and the VFW on the other; we need to try to find a reasonable solution and be resident-friendly. He wants to work with other council members to get to a better solution.

Ms. Giles-McCormick said we should look at actual rates of usage; we don't have the numbers yet. Mr. Doshna said we've heard conflicting stories; we need an actual traffic study to do this right. He also said we haven't had a chance yet to judge the impact of changing the parking down by the justice center. He suggested organizing volunteers to do a traffic count.

Mr. Gorman said enforcing two-hour time limits on streets would be a problem for police. He also said there wasn't any problem when everyone had horses. Now, we want people to come to Flemington, but we have streets marked off for no parking.

Mayor Driver said the permit parking only goes to 6 p.m. She said the justice center end of Park Ave. is a different situation than the VFW end, because of the previous disuse of the county parking lot by court employees.

Mr. Runion withdrew his second on adopting the ordinance. Mr. Doshna seconded the motion to adopt the ordinance. Mr. Harris noted that everyone is looking for solutions.

RESULT:	DEFEATED [0 TO 6]
MOVER:	Caitlin Giles-McCormick, Council Member
SECONDER:	Jeffrey Doshna, Council Member
NAYS:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

5. ORDINANCE 2019-21: SECOND READING: AMENDING CHAPTER XIV PLANNING BOARD AND HISTORIC PRESERVATION COMMISSION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, SECTION 1415 APPEALS FROM PLANNING BOARD DECISIONS TO THE GOVERNING BODY

RESULT:	TABLED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	Jeffrey Doshna, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

6. RESOLUTION 2019-172: EMERGENCY CHANGE ORDER, STREETScape PROJECT
Mr. Harris asked Mr. Gorman for more detail. Mr. Gorman said the amount is for a worst-case scenario, and the situation didn't turn out to be that bad. Mayor Driver said the contractor holds the bond on the project. The Borough will be looking for alternative methods of payment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Gorman, Council Member
SECONDER:	Michael Harris, Council President
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

7. RESOLUTION 2019-173: AUTHORIZING FORMAL INQUIRIES TO RARITAN TOWNSHIP OFFICIALS REGARDING POSSIBLE SHARED SERVICES

Mayor Driver said to get a response from Raritan Township about whether they're interested in pursuing shared services, we have to file a formal request with them. She said shared services have to be with an adjoining municipality, and the issue has to go to referendum. It all has to happen quickly, because the borough has to decide what to do with its police department. Mr. Harris said this is politically motivated. He asked the Mayor, as police liaison, for a progress report on collection of data from the Police Department, and suggested alternatives for who should approach Raritan Township. Motion to amend to include wording from Res. 2019-148, and specify Mayor, Council President and Council Vice President to make the approach: Moved by Gorman, seconded by Giles-McCormick; all voted yes to amend resolution.

RESULT: **TABLED [4 TO 2]**
MOVER: Michael Harris, Council President
SECONDER: Susan Peterson, Council Member
AYES: John Gorman, Michael Harris, Susan Peterson, Christopher Runion
NAYS: Jeffrey Doshna, Caitlin Giles-McCormick

8. RESOLUTION 2019-174: ENFORCING THE BOROUGH'S PROPERTY MAINTENANCE CODE IN RELATION TO THE UNION HOTEL PROPERTY

RESULT: **TABLED [UNANIMOUS]**
MOVER: Susan Peterson, Council Member
SECONDER: Michael Harris, Council President
AYES: Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

9. RESOLUTION 2019-175: HIRING NICOLE IZZO AS AN OFFICE STAFF PERSON FOR THE TAX ASSESSOR DEPARTMENT

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: John Gorman, Council Member
SECONDER: Michael Harris, Council President
AYES: Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

10. RESOLUTION 2019-176: A RESOLUTION AWARDDING A CONTRACT TO MIDAMERICAN ENERGY SERVICES, LLC, FOR ELECTRIC GENERATION SUPPLY

Mr. Gorman withdrew his original motion to adopt, and Mr. Harris withdrew his second on that motion. This resolution failed for lack of a motion to adopt.

RESULT: **DEFEATED for lack of a motion to adopt.**
MOVER:
NAYS:

11. RESOLUTION 2019-177: A RESOLUTION AWARDDING A CONTRACT TO MIDAMERICAN ENERGY SERVICES, LLC, FOR ELECTRIC GENERATION SUPPLY

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Michael Harris, Christopher Runion
SECONDER: John Gorman, Council Member
AYES: Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

12. RESOLUTION 2019-181: REFERRING ORDINANCE 2019-21 TO THE FLEMINGTON BOROUGH PLANNING BOARD FOR COMMENT AND REVIEW

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Christopher Runion
SECONDER:	John Gorman, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

VI. Public Comments - Session II (up to 3 minutes each, for a maximum of 30 minutes)

Elaine Gorman, 34 New York Ave., asked why anyone should spend time and money collecting data for a shared services study if we don't know if we have a partner. Mr. Harris said salaried employees have collected the data as part of their responsibilities, at no direct cost to the Borough. He said it's a contract year, and we need data for those discussions as well. He said it's hard to seek a partner when you haven't collected data on your own.

Robert Shore, 47 Broad St., said the mayor should recuse herself from the shared services issue.

Lois Stewart, 26 Spring St., asked about who pays for the change order on the Streetscape project. Mayor Driver said it will come from the bond for overage, but we'll seek repayment from the state.

Steve Tuccio, 61 Elwood Ave., asked about maintenance fines for the Union Hotel, and rabid animals in the Borough.

Robert Shore, 47 Broad St., discussed the Old Egg Auction project and his offer on the Filling Station property.

Steve Tuccio, 61 Elwood Ave., discussed the sign project planned at the Route 202-31 traffic circle.

VII. Attorney's Report

None.

VIII. Council Discussion

Mr. Doshna discussed options for providing amplification at meetings in Borough Hall, and how the Borough might approach this expense. Discussion covered amending this year's capital budget or including the expense in next year's capital budget.

Mr. Harris discussed the need for a comprehensive traffic study for the whole borough, and said the FCP might be interested in that too. He spoke about the bill lists, and urged Council members to examine all the bills.

He proposed a resolution requiring authorization by Borough Council for legal expenditures over \$250. Discussion ensued with Attorney Whittlesey addressing how often council members call him about issues and noting that there are 2 budgets for legal expenses - Borough Attorney and Redevelopment Attorney. Mr. Whittlesey said regarding this year's billings, the amount for his office as Borough Attorney is below budget. Mr. Whittlesey said he didn't know how the resolution would be practically enforced. Mayor Driver asked how much has been spent on the conflict issue. Mr. Harris said the conflict issue should have

been referred to the Local Government Ethics Council, not our lawyers. Mr. Doshna asked about potential impacts of the resolution; Ms. Giles-McCormick asked for more clarity. No action was taken on the proposed resolution. Ms. Peterson thanked Mr. Shore for his ideas about the Filling Station. She said she had concerns about the future for the police station, and asked why we haven't seen the Beacon financial impact report yet. Mr. Doshna said the last bit they're working on is data from water/sewer about proposals for connections. Mr. Runion asked about approaching the Planning Board about the Old Egg Auction proposal. Mr. Doshna said if we're designating an area in need of redevelopment, it shouldn't be seen as doing it for a particular project. How the area is drawn up is up to Council. Mr. Runion asked about the first step. Mayor Driver suggested sitting at a work session with a map, and asking the Borough Council's planner for advice.

Mr. Runion also asked for volunteers to help him with the parking issues on Park Ave.; Ms. Giles-McCormick and Mr. Gorman said they'd help.

IX. Payment of the Bills

Motion To: **Pay the Bills in Bill List A, Totaling \$17,214.29**

Mayor Driver broke the 3-3 tie, voting yes. Passed 4-3.

RESULT:	APPROVED [4 TO 3]
MOVER:	Jeffrey Doshna, Council Member
SECONDER:	Caitlin Giles-McCormick, Council Member
AYES:	Jeffrey Doshna, Caitlin Giles-McCormick, John Gorman, Betsy Driver
NAYS:	Michael Harris, Susan Peterson, Christopher Runion

Motion To: **Pay the Bills in Bill List B, Totaling \$316,791.17**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Council President
SECONDER:	Caitlin Giles-McCormick, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

X. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

None needed.

XI. Adjournment: Mayor Driver declared the meeting adjourned at 11:25 p.m.

Attest: _____

Sallie Graziano, RMC, Borough Clerk