



Mayor and Common Council Borough of Flemington

November 9, 2020

Online during COVID-19 Emergency

Work Session (Canceled)

Regular Meeting (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
Caitlin Giles-McCormick	Council President	Present	
Jessica Hand	Council Member	Present	
Michael Harris	Council Member	Present	
Jeremy Long	Council Member	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Vice President	Present	
Betsy Driver	Mayor	Absent	

I. OEM Report

OEM Coordinator McNally said the Borough's state of emergency was extended on Nov. 6 for another 30 days. The number of COVID-19 cases is on the increase. There were no issues during Halloween trick-or-treating; the candy assistance program was very successful.

Starting Thursday, more restrictions are going into effect due to the pandemic - they address indoor dining, bar service, sports tournaments and sports travel. Indoor dining remains at 25% capacity; restaurateurs can put up partitions to separate tables to allow for closer proximity, and outdoor "dining bubbles" will be allowed. Tonight's agenda includes authorizing an application to the DCA for reimbursement of COVID-related expenses.

II. Mayor's Report

Ms. Giles-McCormick related the Mayor's congratulations to the winners of last week's election, and her notice that the Courthouse Square team is ready to start stabilizing the Union Hotel. Also, the USDA has approved putting the water tower project out to bid.

III. Council Members' Reports

Council President Giles-McCormick

She suggested a quick recess around 8:45 or 9 p.m., if the meeting is running long.

FCP - They will be picking up the planters for planting; they've changed suppliers. Also, the FCP budget for 2021 is being introduced tonight. We'll get details at the public hearing on 12/14.

Opp. Zone - The hired consultant has met with residents, Council members and in small groups. Larger meetings with residents and an online tool for submitting suggestions are in the works.

She complimented the Police and OEM on how well Halloween went.

Council Member Runion

The Environmental Commission will meet Monday online. He'll be talking with members about the possibility of pursuing a Radon outreach grant and if there's enough manpower to implement such a program.

Council Member Harris

He was glad to hear about the planters being refurbished. Regarding COVID, he gave best wishes to families affected, and noted there have been some reports of cases in the intermediate and high schools.

Purchasing - Mr. Harris did some research about purchasing manuals, and CFO Hance sent him information about how the Borough purchasing operates. He read from a mission statement and made note of its reference to procedures set forth in a manual. He asked Council to review the information provided for action at the next meeting.

By-laws - He discussed bylaws, and referenced discussion at the last meeting that Council members' votes on zoning appeals, a multi-family mixed-use overlay and the mayor's censure need explanation. He discussed a notice the FCP sent to stakeholders about respecting diversity and asking leaders to conduct themselves with dignity, saying it lumped all government officials in the same pool. He said it's an example of the FCP becoming involved in local politics.

Shade Tree - A tree fell and caused property damage. There was a bad link on the borough website for reaching the commission; the tree situation is being followed up on.

Council Member Hand

The Citizens' Working Group met two weeks ago for more insightful discussion. The Community Garden committee will meet Thursday. She thanked the OEM and Police for helping to make Halloween a wonderful experience.

Council Vice President Tilly

She thanked everyone who participated in trick-or-treating, saying it gave children a sense of normalcy.

Reopening Committee - We're stuck at Stage 2, due to the limitation on indoor meeting space.

Fire - there was a fire call 5 minutes before the most recent department meeting was planned, so she didn't end up attending that.

Resident Paul Huffman, who died in May 2019, left bequests to many groups in Flemington, including the Police Department. They plan to purchase a Polaris small utility vehicle with the money he left them, so no taxpayer money will be spent on the vehicle's purchase.

Council Member Long

By-laws - He and Ms. Hand haven't heard anything from other Council members regarding the bylaws sample they sent around for consideration and review. If Council members have suggestions or see something missing, they should let Mr. Long or Ms. Hand know before the next meeting.

Planning Board - They met on Oct. 27 and did a consistency review. Historic district map revisions were also discussed.

Citizens' Working Group - They've had great conversations with people holding varied perspectives. They listened to a podcast about cases where things went wrong, and heard Police Chief Rotella dissect things based on his own knowledge and experience, which was very enlightening.

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

Robert Shore, 47 Broad St., said Flemington mimics the national scene. He said he holds Council members responsible for not seeking the Mayor's censure over recent social media comments.

He noted the fence behind the Filling Station was removed due to disrepair, and he wants it replaced in kind. He called on Mr. Long to stand up for residents. He acknowledged Mr. Huffman's contributions to Flemington.

Tim Bebout, 194 Main St., discussed the FCP's projected 2021 budget. He said the pandemic has been challenging, but they're looking forward to discussions about where they should be spending money from their budget. They're particularly looking forward to the Opportunity Zone discussions, which may produce some community-based ideas.

V. Approval of Minutes

Motion To: **Approve Minutes: October 26, 2020 Regular Council Meeting**

Mr. Harris commented that some strategic details were omitted from the minutes and said in the past, if there was not a direct quote, then there was an indication of the context of the discussion. He asked about how recordings of meetings are being archived. The Clerk noted a resolution passed a few years ago that has recordings being archived for 2 years after the date of a meeting. He suggested holding onto the recordings for a longer period.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Jessica Hand, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Consent Agenda

Ms. Giles-McCormick asked that Resolutions 2020-190 and 2020-1-91 be removed from the consent agenda, thereby eliminating the consent agenda.

Regular Agenda

1. RESOLUTION 2020-190: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2020-006 HELD ON BLOCK 50 LOT 5, 85 REAVILLE AVE

Ms. Giles-McCormick asked CFO Hance to describe the process of how liens are handled on properties, and he explained that when taxes are not paid, the delinquencies are sold at a tax sale and a lien is placed on the property. To release the lien, the property owners pay the Borough, and the Borough uses that money to pay off the lien holder.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Michael Harris, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

2. RESOLUTION 2020-191: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2020-003 HELD ON BLOCK 33 LOT 12, 73 MINE STREET

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

3. ORDINANCE 2020-18: PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,672,550 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,591,952 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Motion to open public hearing: Tilly, seconded by Hand. All voted yes to open the hearing. There were no comments. Motion to close public hearing: Tilly, seconded by Hand. Mr. Harris voted against closing the hearing; all others voted yes. The hearing was closed.

Council Discussion: Mr. Harris asked about the depth of the sewers on Main Street, and whether the sewer work should also be included in the project. Ms.

Tilly said the sewers in that stretch are 18 feet deep, and there is concern the cost would be too high.

Mr. Runion asked about the life expectancy of the deep pipes. He spoke about the Borough's complete streets policy that has us repairing water and sewer lines when redoing the roads. He asked about timelines for the grant, and estimates on how much it would cost to repair the sewer line on Main Street between Church St. and the Route 12 circle.

Council reached out to DPW Director Mike Campion by phone. As he was being reached, Ms. Giles-McCormick moved to table this ordinance for a brief recess.

Mr. Runion seconded and all Council members approved the motion. The meeting recessed at 8:50 p.m. for 10 minutes.

At 9:03 p.m. the meeting resumed with Mr. Campion participating. He described the condition of the sewer line and said it would be best to re-do it if money is available.

There was general discussion about the pros and cons of just doing the street paving without touching the sewer line, then having to go back in and replace the sewer line at some future point; or doing everything now, before costs get more expensive in the future. Mr. Campion noted that section of road is likely to be in terrible shape after the winter. There was additional discussion about the timing of grant applications and the availability of money. Mr. Campion said he could share an estimate with Council of what it would cost to replace the sewers in that area.

Mr. Hance noted this ordinance, which would cover just the road work, would affect taxes. The cost would be about \$65 a year for the average-priced house. The expense of sewer and water work would be paid for through user fees assessed on all customers.

Mr. Harris moved to reopen the public hearing, seconded by Mr. Runion. All voted yes to reopen the public hearing.

Tim Bebout, 194 Main St., said it doesn't make sense to not do all the needed repairs in one job. He suggested proceeding to consider the estimates, and said superficial repairs won't help when you know they'll be digging things up for the sewer line in the future. He also expressed concern about projects happening at both entrances to town, in effect closing off downtown.

Robert Shore, 47 Broad St., asked some general questions about grants and funds available, and said that if we can't afford to do the job right the first time around, what makes us think we'll be better able to afford it later. He noted interest rates are very low right now.

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

Ms. Giles-McCormick moved to carry the public hearing and final action to the Council meeting set for Dec. 14. Mr. Harris seconded.

RESULT:	TABLED [UNANIMOUS]	Next: 12/14/2020 7:30 PM
MOVER:	Caitlin Giles-McCormick, Council President	
SECONDER:	Michael Harris, Council Member	
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

4. ORDINANCE 2020-19: CREATING THE POSITION OF BUSINESS ADMINISTRATOR

RESULT:	INTRODUCED [5 TO 1]	Next: 12/14/2020 7:30 PM
MOVER:	Kimberly Tilly, Council Vice President	
SECONDER:	Caitlin Giles-McCormick, Council President	
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly	
NAYS:	Michael Harris	

5. ORDINANCE 2020-20: AN ORDINANCE OF THE BOROUGH OF FLEMINGTON ESTABLISHING AN ELECTRIC AGGREGATION PROGRAM

RESULT:	INTRODUCED [UNANIMOUS]	Next: 12/14/2020 7:30 PM
MOVER:	Michael Harris, Council Member	
SECONDER:	Christopher Runion, Council Member	
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

6. RESOLUTION 2020-187: REAFFIRMING THE BOROUGH'S DESIRE TO WORK WITH THE NJ DEPARTMENT OF COMMUNITY AFFAIRS REGARDING SHARED SERVICES, AS REFLECTED IN RESOLUTION 2019-79 AND RESOLUTION 2019-148

Mr. Harris discussed the history of efforts to participate in a shared services study, and said Council has a responsibility to have its data on expenditures reviewed, so the DCA can make recommendations on how our costs compare to other communities'. Ms. Giles-McCormick expressed concern about the generic nature of the resolution. She said the DCA study is only for courts, DPW and Police, and that's not addressed in this resolution. She and Mr. Harris discussed the value of getting information from the DCA whether or not Raritan Township is interested in sharing services.

CFO Hance was consulted, and he verified that the data requested by the DCA was sent to them last year. There was discussion about what the DCA is waiting for, and Mr. Harris referenced emails from the DCA regarding differences of opinion in the governing body about continuing with the study. Attorney St. Angelo advised that the current resolution doesn't seem to authorize what it sounds like the DCA is requesting - a mayoral letter asking the DCA to analyze the data. She advised that we obtain clear guidance from the DCA on what they need from the Borough to begin analyzing the data, including whether they need data from Raritan Township or another municipality. Mr. Harris withdrew his motion to adopt the resolution and Mr. Long withdrew his second.

RESULT: WITHDRAWN

7. RESOLUTION 2020-192: AUTHORIZING APPLICATION FOR A LOCAL GOVERNMENT EMERGENCY FUND GRANT

RESULT: ADOPTED [UNANIMOUS]
MOVER: Caitlin Giles-McCormick, Council President
SECONDER: Kimberly Tilly, Council Vice President
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

8. RESOLUTION 2020-193: AUTHORIZING THE PURCHASE OF A POLARIS RANGER CREW 1000 FOR THE POLICE DEPARTMENT FOR \$21,670.90 FROM JERSEY SHORE POWERSPORTS THROUGH THE SOURCEWELL PURCHASING COOPERATIVE

Ms. Tilly said this is a small utility vehicle that can be used for transport in tight places, like when there are large events in town and roads are closed. Mr. Harris expressed concern about expanding the Police Department's fleet.

RESULT: ADOPTED [5 TO 1]
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Jeremy Long, Council Member
AYES: Giles-McCormick, Hand, Long, Runion, Tilly
NAYS: Michael Harris

9. RESOLUTION 2020-194: FLEMINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT 2021 BUDGET

Ms. Giles-McCormick said there will be a lot of details at the public hearing on this, set for the Dec. 14 meeting. It includes a lot of money for events that will be rolling over from this year to next. Mr. Harris asked how much wasn't spent this year. Robin Lapidus, director of the FCP, said they'll be rolling \$120,000 over from this year's budget to next. That compares with \$80,000 rolled over from last year's budget to the current budget. Most of that roll-over is due to the timing of the Borough's 4th-quarter payment to the FCP. The budget numbers are specifically tied to events.

Mr. Harris asked about refunding some of the money to taxpayers. Ms. Giles-McCormick said that's not permitted. Ms. Lapidus said the return in taxpayers' investment is in spending the budget to the FCP's mission. She said there's a solid spending plan for next year, and noted that areas managed by business associations such as the FCP have fared much better during the pandemic than others. In Flemington, 9 businesses have closed, and 9 businesses have opened, expanded or been sold. Mr. Runion said that at the public hearing, he would appreciate seeing some data that speaks to the effectiveness of the FCP's strategy.

RESULT:	INTRODUCED [UNANIMOUS]	Next: 12/14/2020 7:00 PM
MOVER:	Caitlin Giles-McCormick, Council President	
SECONDER:	Jessica Hand, Council Member	
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

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

No comments

7. Attorney's Report

Executive Order 192 was issued, concerning workplace safety. The OEM coordinator is dealing with that.

The buyers of 144 main Street did environmental testing at the site on Oct. 31; we're awaiting results.

8. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$2,478,422.35**

Mr. Harris repeated his concerns about a purchasing manual.

RESULT:	APPROVED [5 TO 1]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Christopher Runion, Council Member
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly
NAYS:	Michael Harris

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

None needed.

10. Adjournment

Motion To: **Adjourn**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Christopher Runion, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

The meeting was adjourned at 10:50 p.m.

Attest: _____
Sallie Graziano, Borough Clerk