



Mayor and Common Council Borough of Flemington

February 8, 2016

Council Meeting Room

Work Session Agenda (7:00 P.M.)

Proposals for Borough Hall Building Security Improvements

Mayor Greiner stated that this topic was talked about in some budget sessions earlier last year. We have had some experiences where sometimes we have people come in off the street, and end up in someone's office. There have been a few cases where this has caused some problems, and we have seen it happen enough that we feel like we need to look at security and to do something about it. I think that most municipalities now have some kind of entryway where you check in, state your purpose and then go see who you need to see, not just show up and is looking over someone's shoulder like we have right now. These are some sketches that Jeff Klein has proposed. Mayor Greiner asked Council President Swingle to take the discussion over and explain the proposal.

Council President Swingle stated that the concept here is to create a security wall in the main lobby so it separates the main offices from access to the public. With a wall there, it will provide the ability for a barrier and stop the ability to walk straight into someone's office. The public will be able to converse through a window and will create some safety for our staff. As the Mayor highlighted, we have had people come in here with odd or irate behavior. We had to have the police department come in on occasion due to a person being irate. This has been a discussion for a long time. I had done a more comprehensive security plan (two or three years ago) but the price point was just too high. Since these bad situations have not stopped we have to start considering how we are going to create a safer place. We do have only one employee here some afternoons, having this light staff creates a safety situation. This solution will not only include the security barrier but also include camera outside the front door, a key fobs system for access to certain doors, panic button system, and a few other common things that will add security to the staff. This is the high level overview of this security plan. The total for this project is around \$17,500.00. The original proposal. That I worked up in the past, was for \$75,000 to \$100,000 but that included a lot of other buildings in the Borough which included other systems as well as camera systems. This is a lighter approach and just addresses the issues at the Borough Hall. We put this out requesting quotes and we received two quotes. We are looking to award this to DeSapio.

Councilwoman Oberst asked if this project would be done all at once or would this be done in phases?

Council President Swingle replied that it would be mostly construction of a wall for the security window, replacing doors, installing key fobs and other smaller items as the project moves ahead. This will be the basic items of the project, and this will help create a security system that we can build upon in the future for other locations and other Borough buildings.

Mayor Greiner asked if there would be enough room behind the window to have someone sitting there?

Council President Swingle stated that there could also be a bell installed to help the employees know if someone is at the window.

Councilwoman Oberst stated that there will be doors closed and secured so that someone can't just enter through the back way to gain access to the employees as well.

Councilman Gorman has noticed that, when he has been over at Raritan Township, you must go up to the window to conduct your business and that the employees are locked behind security window and doors. Councilman Gorman stated that he feels it is time for us to protect the employees and make things safer for them.

Mayor Greiner asked the Council if they felt it was time for them to consider this safety project and to move forward on this plan?

Phil Velella asked if they could see what this project would look like?

Council President Swingle shared the floor sketches that he received from Mr. Klein.

Mrs. Elaine Gorman asked Council President Swingle who the second quote for this project was from and the amount.

Council President Swingle will find out the name and quote and get back to Mrs. Gorman on this.

Mrs. Gorman asked if Jeff Klein would be over seeing this project as a Project Manager?

Council President Swingle answered yes, that Mr. Klein would be supervising this project as he has done in the past.

Councilman Gorman stated how he has been there at the end of the day and when he sat in Rebecca's office you cannot see who is coming in. It is unsafe, and I am sure, scary for the employees. Councilman Gorman would like to see this proceed and be done before something happens.

Council President Swingle agreed that the liability factor is becoming a big issue as well. The Council had a short discussion and all agreed that it is time to move forward on this project.

Mayor Greiner asked if there are any other questions on any topics that the public would like to discuss since there is time remaining in the Work Session?

Lois Stewart, Spring Street, asked about the changes to the Agenda from this morning till the meeting this evening?

Mayor Greiner explained that the Attorney was working on the Ordinance for the Flemington BID, and it was unknown if it would be completed in time for the meeting. The Attorney completed the Ordinance and forwarded it to the Mayor. The Mayor then forwarded it to the Council for review and it was placed in the Final Agenda. Mayor Greiner stated that since he has taken over office his intention is to get the Agenda out no later than the Thursday. Mayor Greiner has made every effort and usually is successful on getting them out on Thursday. There are times when things come up and we know they are just not ready yet. This was one of those cases. We had an Ordinance that we knew was coming, and we knew it was not ready so we put the draft agenda out to Council with a note that said this item will be coming so they were aware of it. We did not have a printed copy to hand out till this weekend.

Mayor Greiner stated that hopefully in a few weeks we will have a new web site and will be able to place items on the website in an hourly manner so if there are changes, we will be able to more readily update this feature.

Councilwoman Oberst stated that since this is only a first reading, it should not really be an issue. We are not having a public hearing on this item till the next council meeting.

Councilman Swingle stated that this rarely ever happens and that we make every effort to make sure the Agenda is out in advanced. There are exceptions to this rule, but again, this is rarely an issue.

Lois Stewart commented on a house on East Main Street that is in dire need of repair and wanted to know if the Council is aware of this house?

Council President asked for the exact location and stated that he would have Property Maintenance look into this situation.

Chris Englehardt, Main Street, asked Mayor Greiner if he had heard anything about the sidewalk outside of the Post Office?

Mayor Greiner replied that he had not been in today to see Jeff about this issue. Jeff has told us that this sidewalk would be fixed by the contractor but the project is with the internal repairs so they have not yet gotten to the outside repairs as of yet. I will ask him to look at this again and see what they can do.

Lois Stewart asked to explain the difference between a renewal of a retail package privilege and an extension?

Mayor Greiner stated this is the one with Bensi that has been in litigation for a couple of years and because it was not properly renewed this is a retroactive renewal of a prior year. The next Resolution is an extension and transfer so the license can transfer to the person who is buying the license.

Lois Stewart asked if the fees are being paid back for the lapse of the license to the Borough of Flemington?

Mayor Greiner confirmed that the fees for the renewal have been paid to the Borough.

Phil Velella asked the Mayor and Council if there was any Ordinance in town that required a property owner to maintain the property and if it was possible to strong hold a property owner into maintaining the property?

Council President Swingle responded that there is an Ordinance but that it is not strong in many areas. The Ordinance was created by the States guidelines and therefore, we have to follow this Statute. We have attended a session when we went to the League Conference about this topic, and they are working on making the State Statute on this stronger so that the Borough will be able to take a stronger stance on this Ordinance. We are also working on an Ordinance for abandoned properties and this will help take a stronger stance on these properties as well. This should help with forcing the owners to sell instead of just leaving the properties vacant. As of right now, we have about seventeen abandoned properties in the Borough.

Councilwoman Oberst stated that this topic also came up in the OEM meeting about snow removal. There are properties that are abandoned or bank owned that do not clear the snow and therefore, we have to fine them. It is cheaper for them to just pay the fine then to spend the money on removing the snow.

We might have to just hire a company to remove the snow and send the Bank or property owners the bill for snow removal.

Phil Velella stated that this will become a lien on the house and the banks will not care. The new owner will be responsible to pay this.

Councilwoman Oberst stated that we do not want to deter new owners from taking over these properties.

Lois Stewart asked what the cost will be to the Borough for the Streetscape?

Mayor Greiner stated that it will be under \$100,000.00 for the Borough now that the plaza has been removed from the plans.

Lois Stewart asked why we can't delay the Streetscape until after the development of the Hotel property is complete?

Mayor Greiner explained that we have to start the Streetscape by next March or we could lose the funding for this project.

RESULT:	Approved [UNANIMOUS]
MOVER:	John Gorman, Councilman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

Regular Meeting Agenda (7:30 P.M.)

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

Flag Salute

Attendee Name	Title	Status	Arrived
John Gorman	Councilman	Present	
Marc Hain	Council Vice President	Present	
Brooke Liebowitz	Councilwoman	Present	
Michelle Oberst	Councilwoman	Present	
Brian Swingle	Council President	Present	
Carla Tabussi	Councilwoman	Absent	
Phil Greiner	Mayor	Present	

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

Susan Peterson, owner of Teaberry's and current BID Chairman, am I correct that you do not want me to talk about the BID now?

Mayor Greiner stated that we are not having a public comment session on this ordinance tonight, we are only introducing it as a first reading. There will not be a vote tonight. We are not intending to debate it tonight.

Susan Peterson commented that she does not need you to talk afterwards. I just have some facts I would like to share that are extremely pertinent on this issue. I felt for a long time that this situation needed an expert attorney and today, I was fortunate enough to talk to an Attorney in Morristown, named Ed Trawinski, who is the former Attorney for the NJ District Association. I explained to him what had happened and what the consultants recommended, and I have to tell you that there is a NJ Statute protecting the BID. It is NJ Statute 40:56-83; it has to do with a District Management Corporation, their powers and titles. If you scroll down on that and go to Title 15a Non-profit organizations can adopt by-laws, and prescribe by-laws, and make changes to them. So it is all there in print. Also this is variant unless there is an express prohibition in the Ordinance which created us. There is not. It does not exist. We would like to see what Attorney, Bob Beckelman is proposing, and his legal opinion because we have not been given anything in writing as of this point.

Attorney Barry Goodman stated that we have the revised Ordinance.

Susan Peterson stated that we have been told it is because we did not have the elections. It is because you changed the bylaws. It is because we did not have the authority to do that. Attorney Trawinski would like to know how we are in violation.

Attorney Goodman stated that Attorney Trawinski can send a letter stating his position to the Flemington Borough and they will consider it.

Susan Peterson stated that Attorney Trawinski stated that the BID should have 30 days to respond. The BID board does not do anything on consensus. We do it on vote. It has been very rushed and we would like some time to get our legal advice. The fact that there is a statute, and the fact that it is not expressly prohibited in the original Ordinance creating the District Management Corporation, he believes, makes this all the more null and void.

Attorney Goodman stated that they are amending the Ordinance that you are referring to. Attorney Goodman does not want to debate it. I can only suggest

that you have your Attorney send the letter. Tonight is the first reading so if there are some points that your Attorney wants to make, certainly the Council will consider that before adopting or not adopting this amended Ordinance.

Robert Shore, read a letter to the Mayor and the Council. The statement is attached to this Public Session section.

Tony Previte, 45 North Main Street, Wanted to compliment the DPW on a great job with the snow removal. It was nice that there was an extension on sidewalk snow removal since there was so much snow. I did notice that after four days that there were some areas that still needed some cleaning up. Officer McNally stopped by and I asked him about the island on the intersection of North Main and Foran. There is a section of the crosswalk that is in the center island that has not been cleared. Since no resident is responsible for the center island, I would assume that the town should have cleared this area.

Mayor Greiner stated that this would be looked into.

Tony Previte asked if it is true that Chief Becker is in the process of retiring and is that why he is using up all his vacation time?

Mayor Greiner stated that he is not aware of this and has not received anything in writing stating this at this time.

Lois Stewart, I just added up the amounts of #6 on the agenda? It comes to almost \$50,000. Where are the funds coming from?

Mayor Greiner stated that this is a different project. The funds are coming from a previously approved bond ordinance were not all the money was spent, so we can tap that without occurring any debt.

Lois Stewart asked who is paying for the bond?

Mayor Greiner responded that once you borrow the money, then it goes into your debt service. It is already approved.

Lois Stewart commented that once you spend it so that means the debt of the Borough is going to go up?

Mayor Greiner stated that technically the debt does not go up but the debt service goes up because we are not paying principle and interest on money that we did not actually borrow.

Lois Stewart stated that, now, we are going to be paying interest, plus principal on that \$50,000.00, and that will be added to the new tax rate. Lois Stewart asked the Council how many of them read the article about the poverty rate in NJ? She stated that the poverty rate in Flemington is inaccurate, since the Federal numbers that were given were not correct. If you went by those numbers, no one would be able to live in Flemington. Since Flemington is listed as one of the poorest municipality on Hunterdon County, again, I am begging that you people look at what the residents of this Borough can absorb with continued tax increases.

Robert Shore commented that he would like to speak of the developments over the past few months that have given us the greatest high and greatest low in recent history. At this time, we need leadership and action. Action by putting aside our differences. Action that unifies this community and galvanizes the future of prosperity, investment and growth, rather than one that, in which, causes stagnation, decay and decline in legal wrangling and expense. We are in a major moment that will eventually cost us dearly and pave Flemington with the reputation of in fighting from which we will never recover in my lifetime. Let me first state that I am here after receiving advice from legal counsel and that my intention is for all to know that the Business Improvement District does not want to embroil this town in lawsuits or other legal action. That we recognize the importance of working together and resolving our differences amicably and for the betterment of this community. I personally have tried my hardest to dissolve barriers and differences between not only this Governing Body but with those in our community as well. It is apparent from the current state of affairs that this resolve was not reciprocated. I must say that the BID feels attacked by you, it's partner. You have stepped out of bounds on many occasion and caused an environment of tension. It started with the BID budget being rejected the first time after rewriting it, and subsequently, rejecting it based on the bogus assumption that the Council was waiting for a survey which was sent to a very select list of business holders. This was sent with the assumption that it was sent as a partnership with the BID; that you hired a consultant company under the pretense of you helping. You hired Alternative Resource, Inc. under the pretense of assisting the BID in rewriting our by-laws and assisting in restructuring the composition of the BID Board of Trustees. Keep in mind that this was not request by the BID; it was forced upon us. The message is that the Governing Body does not trust the BID to handle its own matters. Regardless, it became blatantly obvious that the real objective was something altogether different than what Administrative Resources, Inc. contended that the BID violated their by-laws on the basis of some non-existent article in our by-laws. As it turned out this was intentionally planted by the BID By-Laws Committee. Alternative Resource Inc. provided no evidence that their assertion was valid or supported. There was no opportunity to discuss what was presented amongst ourselves or to seek legal counsel. We have great concerns of the tactics of Alternative

Resource, Inc. Used to arrive at their recommendation to de-designate the BID and to create a new management corporation. The unorthodox and the unprofessional order that Administrative Resource, Inc. used is quite disconcerting and legally questionably. They have overstepped their welcome be polling the Board on their thoughts and substantiating the finding which they presented. This is how they did this process. Our Board does not conduct business on consensus.

Mayor Greiner asked Mr. Shore to please stop since the three minutes had been up for a while and the meeting needed to proceed.

Robert Shore asked to be able to just read the last paragraph.

Mayor Greiner asked him to just read the last paragraph as quickly as possible.

Robert Shore continued by stating the following: While this is the advice of our Council we recognize the extreme liability and cost of not just to the Council, but also to the BID and as to both the Council, and the BID best interest is to resolve this matter amicably. Without legal entanglements or without soiling our reputation, not only in the mind of our voters, but also in the minds of business owners and property owners and by the entire State of NJ.

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

Mayor Greiner stated the following:

On a positive note I attended the B-Street Band Concert at Stangl Stage on Saturday Night. They had sold 270 tickets to this event. It was Bruce Springsteen music and lasted for 3 1/2 hours and almost everybody in the place was dancing for the whole last half of it. It was a lot of fun. Kudos to Wendy Richardson for organizing that event. This shows what kind of events we can have in Flemington.

Attended the Chick-Fil-A event on February 4th. We had Senator Bateman in Town for the occasion along with numerous County officials. They are a great restaurant and they have a lot of cars out there for a brand new restaurant in town.

Our Budget workshops are 60% completed and we have two more scheduled to go on February 11th and February 18th right here on Thursday nights at 7:00 p.m. Those five workshops when done will have lead us into every single department, and we will have looked at every line item of expense. We will then have a meeting or two to sift it all out and come up with a budget after that.

Property Tax Book was updated this week, and I have asked Ed Kerwin to come into the next work session on February 22nd. He will give us an overview of how property evaluations changed this year as well as any tax appeals.

Good News about our hometown Olympic hopeful Kimi Getz. She competed in Germany last week and is heading to the Netherlands this week. In the 1000 meter she finished fourth, and for the first time in the International stage, she had her name read out as being one of the top finishers. Kimi is coming along and we will be having another event for her at the end of March like we did last year at Flemington Fur. Kimi will be here so come on out and meet her. There will be more to come on this.

In the hotel area up on Main Street, we have never designated a developer for the expanded area. We had only had developers for the Hotel property itself. The process goes that when a developer has a plan that is of an interest to the town, we can designate him or her or a partnership to be a developer and then they proceed from there to acquire the properties, if they do not already have them. They usually do not have them at that point. We work out development agreements, and we move forward. We have a proposed plan for that area so we would like to have the public get a look on what is being considered. So at the next Council Meeting on February 22, 2016, we are planning to do this and have the meeting at the Historic Courthouse at 7:00 p.m. for Work Session and 7:30 p.m. presentation. We will share some of the planning that we have seen develop. There are no further details at this time and we look forward to everyone's interest.

The email server will be down on Wednesday Night for about three hours. The phones and building power will also be down over the weekend so I have requested that, if possible, an answering machine be available to give an outgoing message that it is down, but will be back up shortly.

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

Councilman Gorman

Councilman Gorman stated the following:

I would like to add to something that the Mayor reported on. Kimmie Getz was our neighbor, and she now lives out West but she has been going around the world skating and doing her best. I have watched her since she was a little girl growing up, and it is pretty fascinating to see somebody from our town do well and hopefully make it to the Olympics. It is something to be proud of.

We had our DPW meeting. We discussed the snow and the intersections. We are doing our best and I have to tell you I was down the following weekend to

Washington DC. We had the same amount of snow then Washington DC and let me tell you, their roads were horrible. They had one lane open out of four lanes and people had no sidewalks so they were also in the roads trying to catch buses. And it took us over an hour to just go eight miles. I think this town did a very good job and we are continuing to work on intersections and clean up. We have had a little help from the sun God also.

Attended the budget meeting and have continued, and we have all been present and attended these meetings.

Attended an RTMUA meeting with Borough Officials to discuss our wet weather facility which is ongoing, and we are trying to solve problems that the State requires. We are working on this and trying to find solutions

The Borough Engineer and I have been driving the streets and have been discussing the conditions of our streets and applications that we want to send out to the State for future financing. If we asked everyone in this room what streets they feel need to be done, everyone would have a different opinion. They all at one time or another have to be redone. It is a matter of how fast we can get to them and how much money can we really spend on them. When we do a street today we also do the water and sewer and everything we can do because when you are spending State money, you cannot go back and tear up a road after you just redid for at least five years. Our streets and infrastructure are about 100 years old so they need to be improved. It will be street after street that will need to be redone. Then it will need to come back around for the next generation.

We have been working on Capner and Allen when they can do with the weather. We had the snow, it melted, and we did some more work, but we had the stop due to the rain that we had.

We had some manholes flooded down near Main and Foran which had to be reported to the State. This is what happens when you have the melting snow and rain.

Council Vice President Hain

Council Vice President Hain Stated the following:

The February 1, 2016 Planning Board meeting was cancelled so we utilized that open night to meet with the Samuel Fleming House trustees to review the by-laws as discussed at the last meeting. Michelle will be going over more detail on this. I thought that this meeting went well, and they are supposed to supply us with an updated version of the by-laws with the changes that were mentioned during that meeting.

February 4, 2016 attended the budget workshop meeting.

Police Department - We received six body cameras from the Prosecutor's office. These are funded by State forfeiture funds. We I believe have a total of ten now. I met with the Police and reviewed a presentation of POSS which is a policeman scheduling program. I believe implementing this will cut the amount we do on the administrative side for tracking hours. We have been doing this the old fashion way with paper and excel. This new system is all automatic so I think it will be the way to go. I had a meeting scheduled with the Chief today but we had to reschedule sue to Chief due to illness.

Environmental Commission - We have not met since our last Council meeting. The next meeting will be on Tuesday, February 16th, where we will be reviewing the 2016 Environmental Commission Stewardship grant. There are a whole list of grants available with a CAP of 1500 to 2,000 dollars and a lot of them overlap, which I think we can tie in to the park.

Parks and Recreation - We did not meet since the last meeting but just a reminder fireworks are July 3rd with a rain date of July 5th.

Councilwoman Liebowitz

Councilwoman Liebowitz stated the following:

Attended our first meeting of the Global Ag committee. Our planner, Beth McManus is with the team and gave us a little background about the site. We are going to meet again next month. Jeff Fleischer who did some plans with TerraNoble, will be mail us out their plans to see what options we will take. We could come up with a design ourselves to put out to bid or we could just change the zoning so that we could accomplish what we wanted to do. The next meeting we will discuss what we want to do going forward.

Streetscape, as you can see in our agenda tonight, that we have up for a reading on an Ordinance. We did do the bids last month, and we reviewed them all. We do have a good bid that we would like to announce on February 22, 2016 Council Meeting for engineering design. We had a bid that we felt was very responsible, and we are excited about it.

Website - I just today finally got the link for the design. It has taken a couple of weeks longer then they anticipated. They are upgrading the package that they originally proposed to us at no extra cost. It is the new platform, and we will be the first municipality to use this format. It offers more features; better design options. I just got it at 6:00 p.m. tonight, and it is on my phone so I have not gotten to review it, but I will email it out to everybody tomorrow so that they can

take a look at the website. They told me two weeks ago that it would be done that week, but now, I was told it would be done by the end of this week. I am really hoping that they will come through on that.

Newsletter - last call for any articles. I really need to get this done but if anybody has anything they would like in that would be great. We have quite a few articles in there at this time.

Library Board meeting this week that I will be attending. They will be coming in to present their budget on February 18, 2016.

Councilwoman Oberst

Councilwoman Oberst reported the following items:

On February 1, 2016 we had an OEM meeting which was a follow up from the storm with Mary Melfi, Chief Becker, Chief of Fire Department, Chief of the Rescue Squad and the DPW. We went over items that we could improve on by making changes or possible changes to the Ordinance as far as snow removal clearance. There are things in the Ordinance already, but we were talking about snow clearance and parking in the Borough Hall lot. We would like to designate a few of the spots where the employee's park for the staff of the Fire Department when there are certain State of Emergency's called. The Fire Department members, due to the streets not being cleared, had a hard time when they had calls to park.

February 1, 2016 Samuel Fleming House meeting. We met with Marc, Brian and myself with three members from the Samuel Fleming House Board of Trustees. We went over the by-laws and some of the changes that they would like to make. We are working together to get those by-laws updated. We have been discussing appointments and other details for the changes and how we can assist in making sure the Borough and the Samuel Fleming House are working together. We do own that property as the Borough all though they are the Management group. We are doing our best to work together with them.

Samuel Fleming House is having a Chocolate Lovers Tea this Saturday, February 13, 2016, at 2:00 p.m. There are posters on the bulletin board outside that will give you any of the information you might need.

Attended the FBID meeting where the Borough consultants were there and went over their findings and results and explained in detail to the entire Board. We had some open discussions with all the Board members and the public. This will be discussed further later for we are introducing an Ordinance.

Attended the budget meeting, and we have been going through the budget on a weekly basis and this week will be a couple more departments. We are just hammering this stuff out by line item so that we can cut unnecessary items so that we can run this Borough more efficiently and smoothly. We are keeping the residents and businesses in mind.

Council President Swingle

Council President Swingle reported the following:

I have spent a lot of time on BID related matters, and I will talk about this more when we get to the actual Ordinance on the BID.

Borough Hall Security - Talked to Jeff Klein and have been working with him on this. Jeff has done a lot of the leg work on that and I really appreciate his expertise and knowledge on that subject. Jeff has seen some of the incidents and has taken this on passionately. I really appreciate that he has taken the reins on this so we can get this done.

The Electrical and Plumbing items are also on the Agenda for tonight. The electrical in part of the Borough hall will be being worked on so we can make it safer. We have had a lot of issues in that room and will need to correct these issues and make this safe. This will also help with the use of the generator that we purchased after hurricane Sandy. We will have a jack in the building so we can plug the generator in and power Borough Hall if we should lose power. During the process of working on the electrical Borough Hall started to have issues with significant plumbing issues. It was discovered that the main cast iron pipe that heads out of the building is having some problems. The section that we want to replace is right under the section that we are doing electrical work so it makes sense for us to get this done before we jumped into all the electrical work; so that is the additional piece we added on for \$5,500.00. Jeff Klein is also working on this and has been supervising the project.

Global Ag- Attended this and Brooke has been doing a great job with this. We are just getting underway and discussing what are options are and where we need to go with that. We will have to keep lining up these projects and getting them done one right after the other.

Union Hotel - This is going to be game changing, and we are excited about that. It has been a lot of effort on everyone's part and in particularly Michelle's, the Mayor and I have spent many hours on this project. This will be very exciting.

Councilwoman Tabussi

Councilwoman Tabussi was absent due to illness.

4. Approval of Minutes

Motion To: **Approve Minutes: January 25, 2016 Regular Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michelle Oberst, Councilwoman
SECONDER:	Marc Hain, Council Vice President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

Motion To: **Approve Minutes: January 25, 2016 Executive Session #1**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marc Hain, Council Vice President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

Motion To: **Approve Minutes: January 25, 2016 Executive Session #2**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Gorman, Councilman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

Consent Agenda

1. RESOLUTION 2016-35: AUTHORIZING THE CLOSING OF BOROUGH STREETS ON SATURDAY, JUNE 4, 2016 FOR THE GIRLS ON THE RUN 5K

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brooke Liebowitz, Councilwoman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

2. RESOLUTION 2016-36: AUTHORIZING A REFUND OF A STREET OPENING PERMIT FEE TO BRAD MUIR

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Brooke Liebowitz, Councilwoman
SECONDER: Brian Swingle, Council President
AYES: Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT: Carla Tabussi

3. RESOLUTION 2016-37: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2015-015 HELD ON BLOCK 15 LOT 8, KNOWN AS 148 MAIN STREET, OWNER RONALD AND EILEEN CONTICELLI IN THE AMOUNT OF \$46,215.39

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Brooke Liebowitz, Councilwoman
SECONDER: Brian Swingle, Council President
AYES: Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT: Carla Tabussi

4. RESOLUTION 2016-38: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LIQUOR LICENSE NUMBER 1009-32-003-010 FOR BENSI OF FLEMINGTON LLC FOR THE YEAR 2015-2016

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Brooke Liebowitz, Councilwoman
SECONDER: Brian Swingle, Council President
AYES: Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT: Carla Tabussi

5. RESOLUTION 2016-39: EXTENSION OF THE PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LIQUOR LICENSE NUMBER 1009-32-003-010 FOR BENSI OF FLEMINGTON LLC TO BENSI OF FLEMINGTON LLC DEBTOR IN POSSESSION EFFECTIVE NUNC PRO TUNC TO SEPTEMBER 18, 2015

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Brooke Liebowitz, Councilwoman
SECONDER: Brian Swingle, Council President
AYES: Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT: Carla Tabussi

6. RESOLUTION 2016-40: AUTHORIZING THE AWARD OF CONTRACTS FOR THE REPAIR OF ELECTRIC AND REPAIR OF CEMENT FOR BOROUGH HALL IN THE AMOUNT OF \$25,574.00 TO FLETCHER ELECTRIC AND IN THE AMOUNT OF \$5,500.00 TO K. DILEO CARPENTRY USING FUNDS FROM CAPITAL ORDINANCE 2005/23

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brooke Liebowitz, Councilwoman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

Regular Agenda

MOTION TO ADD RESOLUTION 2016:41 TO THE AGENDA

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

1. RESOLUTION 2016-41: AUTHORIZING A PROPOSAL TO HIRE ADMINISTRATIVE RESOURCE, INC. FOR THE SECOND PHASE OF CONSULTING FOR THE FLEMINGTON BUSINESS IMPROVEMENT DISTRICT.

Mayor Greiner stated that the Consultants that are working on the BID have submitted a revised proposal to the Council which costs more because they feel that they will be doing more, due to the restructuring of the BID. That just came out at the end of last week. As far as my knowledge, the Council has not really discussed this yet, but if you would like to put it on tonight, then it is ok.

Council President Swingle, as the BID's liaison, I will talk about this. Through this process of trying to evaluate what we were going to be able to do there working with the BID and trying to do a cooperative restructuring. The original proposal was to evaluate the situation, and if possible, work our way through an organized and cooperative restructuring. Through this process, we have encountered some legal obstacles that have been well documented in the paper at this point with about seven articles. The reality is they did not hold their elections so therefore, the Board is in violation of its by-laws, which created some legal entanglements. Those findings and discussion points around that plus missing things in their by-laws and other issues were brought to the BID Board. The consultants have advised us that the best way forward is to dissolve and reform the Management Company for the BID and create a new one and then move forward with a new organization. The current organization will still live on for a short while till the other one is formed and created. They will still have some operating budget to use for whatever it has to finish up its obligations and then whatever is left will move on with the new organization. De-designating this organization and designating a new management company has created a

lot of additional leg work that we are going to have to do. There will be bylaws that will need to be done. We will have to craft a new and more in-depth budget. Now there will have to be a full restructuring of the Board, a top down review, and interviewing of the staff. We are really building a whole new organization instead of mending the existing one. The Consultants felt that since that is the case, they would be spending a lot more personnel time fielding emails, phone calls, but actually be here on site quite often to guide us through this process. They felt that this would take between three to four months to accomplish. They are quoting a price to do so of \$4,000.00 a month. I feel we have gotten off pretty light so far since we have only paid them \$2,000.00 out of the \$12,000.00 we initially proposed. There might be one more month of bills at that rate yet. In whole, they have given us a mountain of their time with phone calls, endless conference calls and time in the Borough with people and even the time they gave us upfront in December when they were not even yet under contract to kind of guide us along the way. That is their proposal to us. This is contingent upon the Ordinance passing. It is not contingent on if we accept the contract, we are saying that we are going to move forward with amending the Organization.

Attorney Goodman asked Council President Swingle if this was the contract that they submitted to the Borough?

Council President Swingle responded yes.

Attorney Goodman asked if they had reviewed it, and had Attorney Beckelman reviewed it?

Mayor Greiner stated that it showed up by email to only three of us around Thursday evening. It has not really been circulated yet.

Councilwoman Oberst stated that she does not believe that Attorney Beckelman had received a copy of this proposal. It is very much the same as the last one but the fees have changed.

Council President Swingle stated that it is the same with a few more bullet points and it is broken into two phases.

Attorney Goodman suggested that if they accept this proposal, they add that it is subject to Attorney Review.

Councilman Gorman wanted to state that again, this is not to dissolve the whole BID but to rewrite the proper way to run it.

Council President Swingle commented that this is not to get rid of the BID. What we are trying to do here is setting up a new management organization to run the District itself. This will ensure in this process that all the "T's" are crossed, and the "I's" are dotted, and everything is done by best practices in industry standards. That is why the Consultants are here.

Attorney Goodman stated that Council President Swingle's summary of this situation is really the Introduction of the Ordinance in itself.

Council President Swingle agreed that they do overlap one another.

Councilwoman Oberst stated that with this comes an educational process as well. They pointed this out at the BID meeting to the Director, Board Members and the Council so that we are all aware of what our different duties are, and how we are supposed to be functioning together as a Public/Private Partnership.

Councilwoman Liebowitz asked if they could approve the Ordinance and then approve the Resolution for this contract at a later date?

Attorney Goodman stated that is why he said subject to Attorney Review. I think it was Brian that said this is subject to the passage of the Ordinance. We are introducing the first reading tonight so it would be subject to both of those. You can hold off on approving this until after you see if the Ordinance gets passed, but it is subject to it and therefore it will be the same effect.

Councilwoman Liebowitz feels that we are being two week's premature voting on this Proposal.

Councilwoman Oberst explained that this is a different level that we are asking them to do, and this is the difference. What they have done is that they have finished, and this is a totally different scope. The Consultants are looking for proper compensation for this new scope of work, and this scope includes helping the existing Management Corporation through, and to help them budget for the next four months, or however long they exist.

Council President Swingle stated that this seems to be moving fast, but we need to get this done so that we can move forward. We do not want to lose a year.

Mayor Greiner stated that my preference would have been that we allow ourselves to wait till next week so that we can talk about this a little bit in the meantime, rather than up here on the dais, because it just arrived in Thursday's mail, and to my knowledge, it had not been distributed electronically to the other Council members so you are being asked to vote on something somewhat

cold. My thought is thinking back over this is that when we signed up for the Consultants, the thought at the time was that it would be two to three months at \$2,000.00 a month. Then when the Resolution was adopted it included up to six months; which would be up to \$12,000.00 and now, they want six more months from now at \$4,000.00 a month so that runs it up to \$24,000.00 plus the \$2,000.00 to \$4,000.00 that we have already paid, which is a very large chunk of change, and this crosses a threshold for me. For an alternative, really the key is that if we don't do this, what will we do. My alternative that I would like to recommend to the Council is this: At this point you have already received a road map in the form of this Ordinance that proposes that we dissolve the current structure and immediately set up a new structure, and it proposes how you go about setting up the new Board of Trustees. That is good input, and it is very clear how to go about it. So my suggestion would be to go ahead and do that, and then from that point on, in my view, it is primarily up to the new Board of Trustees to how they want to go forward from there. My solution would be if they want to hire Consultants, if they feel they need the Budget expertise if they need the by-laws, let them do it instead of the tax payers here presuming that they are going to need that because it is really their job to do all those things, and I think they should do it.

Councilwoman Oberst stated that they will not have the money. Once the first management company becomes de-designated and the new one is designated, they will not have any money. They will not have any money till the budget is passed. They will not be able to get themselves through the by-laws process in order to get a budget passed and get budgets through to their board. There's just a process to this. Even with the establishment of the first District Management Corporation, they were hired by fifteen business men in the room, and I can recall throwing a \$1,000.00 on the table each person to pay for a Consultant. That is what they did to start that organization because you have to pay people to go through the bylaws process. You have to help, if you want to do it properly. I feel strongly in the fact that we need people to do this so that we are not in the same position two years from now.

Mayor Greiner stated that I do not think that the Council should be overseeing all of this. I think it is sending the signal that Council is going to run this thing.

Councilwoman Oberst commented that we have no intention of running the BID.

Council President Swingle stated that the reality here Mayor is that we were very much involved in the first beginnings of this. We are very much involved in this now. The State statute dictates that and specifies the limitations on it. The Consultants are giving us that advice. That advice is being run through Attorney Beckelman, who is an expert in his own right on this subject. The Ordinance and

everything has checked out. If we just go through and dissolve the Management Organization and create a new one and appoint people that is great, but they do not have any money, and there is no money to pay for this. No one will give them a loan if they do not have anything. They are nothing but a new organization. We were asked in the beginning of this year to pass a \$500,000.00 budget for an Organization that has already spent \$1,500,000.00. So to not want to spend a maximum of \$24,000.00, to get this right and do it right, I think is a little bit short sighted. The reality of this situation is that this is very much a process that I think we need to undertake to make this right. We got into this, and we realized from the onset that there were definitely some problems. We got in there, and we realized the problems were bigger than everyone thought they were. So now we are looking at it and saying ok we have some significant issues, and we have to fix them.

Mayor Greiner stated that he looked at it totally different. I saw this at the outset as that most people looking at this situation pretty much agreed that we need a new smaller Board; that is point number one. We need better presentation and organization of the Budget; that is point number two. You will need a better set of by-laws; that is point number three. That has not changed, the only thing that has changed in the way of additional complexity is the dissolution and the reformation of the Board, and that is already in place or underway through this Ordinance. That could be done in two weeks, so then you are underway, on the same track that you were on to begin with. The Consultants were not hired at the beginning to write a Budget and By-laws. They were hired to provide opinions on that, and that part has not changed. I feel that all we need to do is get on with the new Board and let them make the decision.

Council President Swingle commented that now the circumstances and the evaluation have called for all of those items.

Councilwoman Oberst stated that they will need to go in and rewrite everything from scratch. It was basically to go in and assist. Now we know that that can't be done. So with the Ordinance, and the way it is going to be restructured is that the first step is for the Council to appoint three people to work on a steering committee and then those three people would appoint the rest of the Board. Between that process of having three to eleven is when the by-laws are actually introduced. There is a process.

Mayor Greiner stated again we really just received this, and we need to take some time to digest this information before we vote on this.

Councilwoman Oberst stated that I feel this is a way to learn and it is an inexpensive way to make sure that we can move forward. As far as compensation, I know that there is a way to have this written into the future BID

budgeting for compensation for Borough Services. These are things that can be written into the formation of the new BID, and not through the Borough taxpayer.

Councilwoman Liebowitz asked if we could get reimbursed?

Councilwoman Oberst replied that it can't be called a reimbursement. There are ways that this can be covered by a future BID Budget, and this is what we are looking to establish.

Council President Swingle stated that we could not do this directly. The reality of it is that they could certainly assist us with other services in the future to help offset costs of working with them. However, they could not reimburse us directly for this. That is the most direct and immediate answer.

Attorney Goodman stated that this is not his expertise and I don't want to give an opinion that might mislead Council. This is why you are dealing with Attorney Beckelman, whose specialty is dealing with BIDs, and this is what he does, redevelopment. I would not be able to say if there could be any reimbursements directly or indirectly.

Mayor Greiner asked if anyone had additional comments on this?

Councilman Gorman asked the Mayor what his opinion was on this matter? Is it to wait another week or so?

Mayor Greiner stated that my view is that we are paying them enough money upfront, and they have given us a plan on how to proceed with the dissolving and reformation and after that, I believe it is the new Boards job to use the resources they need if they want to hire a Consultant to work with them they can do it, but I don't think they need to. This is becoming too expensive in my opinion.

Councilwoman Liebowitz asked where the money that the BID currently has will go where?

Council President Swingle replied that some of the money will remain with the Organization to fulfill its contractual obligations and the rest of it should be returned to the Borough. It requires the BID to do this or otherwise, we will have to go in and seek it. Any money that does come back to the Borough could be moved over to the new Organization to get them started.

Attorney Goodman made the suggestion that because Councilwoman Oberst indicated that there might be some way for the BID to indirectly compensate the Borough which might be the kind of advice that could affect the vote of

people, and some Council Members have not seen the agreement, maybe, it would make sense, as Councilwoman Liebowitz indicated in the very beginning, to put off for two weeks the vote on this so that you have more information before you vote on it. This way if you have any questions for the Consultants or Attorney Beckelman, you can get that advice and you can make a more informed decision on this as you do not have to vote on this tonight. You could put this off for two weeks and see whether or not the Ordinance passes. Then deal with the Resolution after you decide whether or not to pass the Ordinance

Council President Swingle commented that this is the Attorney's advice.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

2. ORDINANCE 2016-3: 2016-3: FIRST READING: BOND ORDINANCE PROVIDING FOR MAIN STREET STREETScape IMPROVEMENTS

Mayor Greiner explained that even though it has the Million Dollar figure in this Ordinance, that it has to be written this way. The way that the Grant works is that we are getting One Million dollars as a grant. We have to pay the money out, and in each month, we submit it for expenses, and we get the money back, assuming that we are following the rules, which we will do. We are not incurring One Million Dollars, but we have to write it this way. We have to be prepared, but we are not intending to actually incur any. What we expect to actually incur out of this is about \$75,000.00 dollars for the engineering and design work. Other than that we expect to pay the money and get the money back.

Mayor Greiner asked Mr. Hance to confirm that the One Million Dollars that we are actually expecting to expend the Engineering soft cost of approximately \$75,000.00 but for the One Million Dollars in the Ordinance is that we intend to pay some, and we get some back and that we are not actually booking this as One Million Dollars of debt correct?

Mr. Hance replied that this is correct. It is not listed as Debt it is listed as a grant receivable.

Mayor Greiner stated that this is just an explanation and that we are just introducing this Ordinance as a First Reading tonight.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Brooke Liebowitz, Councilwoman
SECONDER:	John Gorman, Councilman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

3. ORDINANCE 2016-4: 2016-4: FIRST READING: MODIFY THE TAXI ORDINANCE TO CHANGE THE ELIGIBILITY CRITERIA FOR OBTAINING A TAXI DRIVER LICENSE

Mayor Greiner stated that what we have had is cases of Taxi Drivers coming in to Borough Hall, and they are only allowed to have two violations of particular State Statutes in a three year period. We have had some cases where a driver is coming into Borough Hall and has gotten two violations, but one of them is for a broken tail light. That was not really the kind of thing, on closer examination of the circumstance that the Chief, Mrs. Newman and those that work closely with this feel that this was really meant to be excluding. So what this language does is two things; it changes it to moving violations as opposed to tail light and parking violations. It adds a clause where Borough Council may, at its discretion, add a temporary license for 180 days for a fee. Those are the two changes to this Ordinance. It is based on input from the Police Department and the Borough Clerk that handles these taxi licenses.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Marc Hain, Council Vice President
SECONDER:	John Gorman, Councilman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

4. ORDINANCE 2016-5: FIRST READING: MODIFY ORDINANCE 2011 - 5 TO TERMINATE THE CURRENT BUSINESS IMPROVEMENT DISTRICT'S DISTRICT MANAGEMENT CORPORATION AND REPLACE IT WITH A NEW CORPORATION, PLUS OTHER CHANGES.

Council President Swingle stated that this Ordinance amends the Ordinance that creates the BID. It is going to de-designate the current Management Corporation and create a new one. Then we can go through the process, should we decide to hire the Consultants at the next meeting, to go through the process of helping to rebuild that Organization, by creating a steering Committee to appoint a new Board and getting this set up and back on track again. This process, again, came about through the review process with the Consultants where they discovered a number of issues, but the most significant is because the Board did not hold its elections, the Board is in violation of its own By-laws and therefore, it is not operating legally right now. This creates a number of issues, but certainly pertains to any action that the Board takes moving forward. We and the Consultants felt that the best way to do this is to

dissolve the current Management Company and create a new one. We would be able to start fresh without any baggage coming over that can cause future litigation or problems going into the future on any decisions that the Board makes. That is essentially what this Ordinance does.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

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

Al Brewer, Thank you Mayor and Council members. I run a 501C(3) for the New Jersey Lions eyeglass Recycling Center, and you know that these questions about we don't know about what we don't know, makes a lot of sense because I was a rookie, and I was running for about 12 years a 501 C(3). What I chose to do was because I did not have the money to go out and hire Consultants to do legal items. I would like to offer you a suggestion of a pro-bono partnership out of Parsippany. They are a non-profit themselves and they are made up of a network of Corporate Attorneys. They come out, and they assess and assign an Attorney who is verse in drafting the Constitution, By-laws and dissolving and reformation of Management Companies. The best part of this is that they do it for nothing. I know there is a lot of concern over cost, how much was it and whose responsibility is what but let me tell you something having dealt with this group first hand with Pro-bono Partnership out of Parsippany, they are great people. You will get a Corporate Attorney that knows what they are doing. The downside is that I have to admit about a year later I did get solicitations for donations from them. They really help me and they helped other Lyons clubs become 501 C (3)'s at no cost, and it might be something you might want to look into.

Attorney Goodman asked Mr. Brewer if he is aware if they have worked with any BIDs, since this is a special statute as opposed to a non-profit organization which is governed by Title 15A as indicated before. So this is a totally different statutory scheme that has to be complied with.

Al Brewer stated that understanding that point, that when I approached them, and started to talk to them. I thought that ours was a unique situation and that no one could possible help. What they actually do is they actually have a bank of Corporate Attorneys who have specialties in all these various areas. What they then do is they match you to an Attorney that is willing to take the case on. You just need to go to the website, and you fill out a simple description of what it is that you need help with. What they then do is they get back to you within

three to five days normally and they try and match you with an Attorney. Why not give it a shot. It is only a suggestion.

Lois Stewart, 26 Spring Street, First of all I would like to ask Councilwoman Liebowitz if she could get something in the newsletter about Arbor Day? Maybe we could get something in about how you plant a tree. This would give a lot of great information that would be able to be provided.

Councilwoman Liebowitz stated that she will reach out to Mr. DeLuca.

Lois Stewart asked how many properties on Main Street are owned currently by Jack Cust?

Mayor Greiner responded that he owns none at this time.

Lois Stewart, so he is seeking approval and if he receives the approval he would then buy the properties? Does he even own the Hotel yet?

Mayor Greiner stated that this is the way it has worked with the other developers. They are not going to buy the items if they are not going to be able to develop them. As far as my knowledge, he does not own the Hotel yet, unless something happened yesterday.

Lois Stewart, so at this time he only owns the liquor licenses?

Mayor Greiner stated that as far as he knows, this is all he owns at this time.

Lois Stewart, I really have grave concern about the expenditure of Borough tax money for anything relating to the BID and in the very beginning, when the BID was proposed and discussed, as something that this Borough might benefit from it was said that it would not cost the taxpayers anything. It would all be paid for by those businesses or business property owners. Now I sit here and I hear you talk about having already spent some money for this Consultant to help you evaluate how you might move forward, and then I hear you talk about having a consultant tell you how to help the new organization get started. I just have grave concerns I mean, that is going back on a statement that you made about who is going to pay for this whole operation. It was not supposed to be the private property tax payer. I think that you do need to think about how they pay for their own redevelopment into a new organization. I am concerned about not expecting the private homeowner to pay for this organization.

Council President Swingle stated that we will certainly discuss what options we can within the confines of the law to seek any type of ability there but we have to conform to the law on the way it is. I think the other aspect of this is that this

might have been a statement made by the previous Governing Bodies, so I can't say that I am held to whatever they claimed was the case at that time. I am trying to find the best and most expedient way forward so that we can try to get the BID back on its feet, and to try and get it up and running. We need to get it successful.

Lois Stewart commented that she heard the Mayor make some recommendations that might be done. I am just saying it is your responsibility, to this community and to its taxpayers, to do this without having the private property owners bear part of the burden.

Council President Swingle replied that we have a fiduciary responsibility with regards of overseeing this organization and making sure that we are making smart decisions in that regard. We are making sure the Commercial taxpayers money is also being looked after.

Lois Stewart stated that what was stated earlier, there is even some question as to whether they really did it wrong.

Attorney Goodman stated that this is one of the reasons I asked Susan Peterson to have the Attorney submit something in writing stating exactly what it is that he believes was wrong so that we can evaluate it. If we missed something we certainly want to consider it. The bottom line is that we have to wait to see what they are going to send to us.

Tony Previte, I am encouraged about the Union Hotel. I am disheartened and discouraged about the bickering with this BID. If Mr. Reiner was sitting here based on his presentation about the merging and all this. This is not a good image for the Borough. If you can wrap things up with Mr. Shore and the original crew of the nineteen principals in house without the leaches and the Consultants leaching money from the Borough. I know you are trying to get it perfect, but the Borough is in a state of tremendous flux. Maybe you have too much on your table, but again the bickering; it was front page. If you know a little bit, as I do, or if you know nothing, it is a big negative for the Borough. Compromise is a great thing; it is a small town. The more people that we suck into the black hole, the worst off we are. I keep saying merge, if you are going to constantly do this to the tax payer. The other points that I have is when Officer McNally came down to our neighborhood it was a good thing to see an officer, and I would like to reiterate that by the time Spring comes around we designate kind of neighborhood officers. Officer McNally would be a great one for the North end of town. I feel that Officer McNally is a great Officer, and he likes to socialize and some Officers do not like to. While I was digging out a gentlemen approached me from the neighborhood and asked me if I was an Officer at one time. I responded that yes I had been. There are people in the

store across the street, but there is no one running it. I went over and the store had been left unsecured for a period of about twenty hours. It turned out that the Janitor left early and did not secure the store correctly. I became the neighborhood officer. He did not call the Police. You would figure in twenty hours that possible a neighborhood Officer would have been check the doors of businesses and caught this situation. Community Policing in a small town works.

Robert Shore, I would first like to address Lois Stewart's point and that is that there are other options. This Council seems to have decided to move in a direction that is completely unnecessary. It is based on felicitous information, and I think that there is a huge problem with their Consultants and the unprofessional way that they conducted their business. There is a huge problem. This is a warning. There is a huge problem with these Consultants. They have impaired their integrity with the process that they implored. I can't make it any clearer than that and the BID is not sitting by and allowing this to happen. You can read between the lines on that. The first thing is Councilwoman Oberst that I was the first person that inspired everyone on the Steering Committee to put the \$1,000.00 down to pay to hire the Consultant. It cost us \$12,000.00 to hire the original consultant to help us formulate the by-laws and the Ordinance that you passed. Council President Swingle, you are not an expert on the BID. I have been in this business for 7 years, and I know quite a bit about it, and I am not an expert about it. For you to put yourself out as the expert is concerning. The best and most expedient way forward is not to take the path that you are taking; that is the point. You need to listen to what I am saying and there may be some validity to it. I have been here for years, and you know what I say is usually right on point. The best and most expedient way forward is not the path that you are going. You already have a BID. The BID is going to restructure itself. It is going to create its own by-laws. What about your designation? We don't need it. The BID is a 501-c (3) corporation that has been put together with a Mission. It will continue to with or without your designation although, of course, we want your designation. We have done a responsible job. We have given you results that are just outstanding. The One Million and half in the budget that you said is inaccurate, it was One Million Four Hundred. The Grant that you are working on right now is the direct result of the BID. Measure us by our results. That is a huge point. We are an independent Company, we organized with a Mission. The by-laws exist. Like I said, we are restructuring. Regardless what the Council is going to do the BID is going to restructure.

Mayor Greiner asked Mr. Shore to stop since he is over the time.

Lois Stewart, 26 Spring Street, I don't see why Mr. Shore cannot have another four minutes if it is to benefit the town to hear what he has to say.

Mayor Greiner responded that this is a courtesy to everyone else who would like to have a turn to speak. Would anyone else like to speak? We cannot have someone stand here and be lectured, and grand standing. I am not saying it was you; I am saying anybody. This is for public comments.

Attorney Goodman stated that the bottom line is that everyone has to be treated the same, and there is a time limit that is imposed; and the Mayor cannot make the decision about allowing you to speak or someone else to speak over a longer period of time because he likes what you are saying or cutting you off because he does not like what you are saying. He has to uniformly apply it the best that he can. Obviously, he gives a little latitude when he feels it is necessary. He has to uniformly apply the rules. It is not a question of applying it to you or any other individual. Everybody has to have the same time limitation.

Mayor Greiner commented to Mr. Shore that he gave him the extra time in the first session because you said you were not going to be here for the next session. We will need to move on. We are all available to listen to you about your points.

Lois Stewart, I noticed that there is a flower pot broken on Church Street. I am hoping that someone will remove it and not buy another flower pot to replace it. We have enough.

6. Attorney's Report- None at this time.

7. Payment of the Bills

Motion To: **Pay The Bills**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi

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

Adjournment

Motion To: **Adjourn**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	John Gorman, Councilman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSENT:	Carla Tabussi