



Mayor and Common Council Borough of Flemington

February 22, 2016

Historical Courthouse Meeting Room

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

"UPDATE FROM THE TAX ASSESSOR (ED KERWIN) - 2016 PROPERTY VALUATIONS"

Mayor Greiner introduced Ed Kerwin, the Flemington Borough Tax Assessor. Mayor Greiner stated that the property assessments have just been finalized, and the new tax book came out in the beginning of February.

Ed Kerwin presented the attached information to the Council, residents, and business owners.

Phil Velella, Maple Avenue, asked to clarify if the value of a property is impacted by its upkeep and how the property is maintained? Is this correct?

Ed Kerwin replied that it does impact on the property value.

Phil Velella stated that if a residence or business maintains a property very well, then their property value will increase compared to a residence or business who does not. My comment is to the Council we have rules, we have Ordinances that talk about property maintenance for homes, retail and commercial. We really need to step it up and start an issue if someone is not maintaining their property. It is not a bad thing to be tough on those individuals because it effects the general population. I feel the Council has to think about this and make some changes on this issue.

Mayor Greiner commented that he has read, in the newspaper, how one Municipality values have gone way up, and others have only gone up 1%. Do you have any perspective of if you are seeing this lower all around or are you seeing some really healthy assessments?

Mr. Kerwin replied that he has not studied what other municipalities in Hunterdon County because there are not a lot of reassessment districts in Hunterdon County. In Somerset County, there have been in both Commercial and residential, about 1% to 2% increase. This is not a huge increase in the market. I also think that in those other Counties, this is being affected by the Commercial properties. The office buildings, and some of the other Commercial properties, are bringing the values down a bit. The overall ratable are down.

Fred Ferrari, I would like to second Phil Vilella's comment about poorly maintained homes. I think it is important to the town to follow that course that Phil had mentioned. You need to go around and take a look at the properties that need maintenance.

Ed Kerwin responded that reassessment based on what a property can sell for was taught in our basic classes on what we can assess a property for. We learned that two homes that are identically the same, on the same size lot, one can be maintained at a high level and one cannot be maintained at all, and they will not be assessed the same based on what they can sell the home for. I am not allowed to speculate on if they fix it up what it would sell for. I have to assess it at what the value of this property is at the current time. It is a snap shot of the whole town as of October 1st of every year. This is the step where we have to start all over again till the next October 1st based on sales.

Lois Stewart, 26 Spring Street, asked is this based on just external or also internal?

Mr. Kerwin replied that it is both of these. I have a field inspector that inspects 25% of the properties each year externally. The interior inspections are based on the property owner allowing us to go in and see the interior. We respect peoples constitutional rights so if they are not going to let us in, we do the best that we can with the exterior. Sometimes this is an advantage to people, and sometimes it is better if they do let us in so that we can address that issue and address it accordingly. There are times that we have to judge a home on the neighborhood, and what the other homes are, because they do not let us inside.

Tony Previte, 45 North Main Street, On the North side of town we have two vacant properties. What do you have to say about those two properties in regards of how they are assessed and because of their condition, do they bring down the property value of the surrounding area?

Mr. Kerwin responded that he would have to base this on my estimate of what I think market value is on those properties. It is also based on the present condition of the property so I really can value what it could be. I have to value it as what it really is. The only way that I would be able to know the impact on surrounding properties is to hope that properties sell in that particular area. This would give me an indicator on the values the properties. Each time we have sales in a particular neighborhood, then I am able to look at that sale, and I would be able to calibrate what I believe the value would be and use that formula to address all the other properties in the neighborhood. If we don't have sales, this makes it hard for me to know how that property would impact the surrounding properties.

Tony Previte, Do you know when and if the milk can property is going to be redeveloped?

Mr. Kerwin replied that he has not been contacted at this time and does not know when this will happen.

Mr. Kerwin stated that we had an abatement program in Flemington Borough that has been around since 2004. The abatement program applies to both Residential and Commercial properties. The abatement program for the Commercial properties is an unlimited amount. An example is if someone has a commercial property in town that is worth \$300,000.00, and it is decided to put \$200,000 in renovations, those taxes are abated for five years to give them a chance to become established in town. After the five years, that property is assessed at full value. The Residential properties also have an abatement Program that is \$25,000.00 for each renovation. You can have multiple tiers. An example is that if you wanted to do \$15,000.00 one year and another \$10,000.00 the next, you are able to do this. This is also true for the Commercial; You can tier this as well. We have had quite a few properties in this program in the past, but we only have four residential and four commercial that are under the Abatement Program at this time. I have given the Governing Body a list of the four commercial and the four residential abatements. At the end of the fifth year, it comes off the abatement and comes onto the tax roll. If they chose to do other renovations in the future, they are able to do the Abatement Program again. It helps areas of redevelopment, like the ones we have on Main Street, so that they can rehab buildings and increase the commercial block.

Lois Stewart, 26 Spring Street, asked what the values of the properties, that are in the Abatement Program?

Mr. Kerwin responded that the Commercial are around \$3.8 Million and the Residential are \$180,000.00.

Mayor Greiner commented that this is about 1% of the tax base.

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	Absent	
Marc Hain	Council Vice President	Present	
Brooke Liebowitz	Councilwoman	Present	
Michelle Oberst	Councilwoman	Present	

Brian Swingle	Council President	Present	
Carla Tabussi	Councilwoman	Present	
Phil Greiner	Mayor	Present	

MAYOR'S REMARKS ABOUT THE REDEVELOPMENT PROCESS

Redevelopment remarks

- Name the Redevelopment Committee
- Describe the general process
- Designated a developer on 3/28/11, another on 7/5/12, they were de-designated on 8/24/15
- Building has been dark for 8 years, during which time it has deteriorated through roof damage, water leaks through the roof and windows, and bricks falling off the south wall
- Out of the darkness of the old hotel, our speaker came forward late last year to buy the liquor license. He has since spent a lot more money to create a concept that satisfies many needs
- Previous developers were just for the hotel. Now, for the first time, we have an opportunity to improve the entire redevelopment area.
- As you consider the plans, I encourage you to measure them not only by what they can achieve but against a baseline of what is there now. The hotel has been closed since 2008, the other buildings are mostly vacant except for the police station. There is no rational basis that some magic solution is going to appear if we delay any further. To paraphrase Roger Brooks, has what we have been doing working for us? Since the answer is clearly 'no', we must pick another path and get going.
- In that context, this is a giant first step that can re-energize so much more than just fixing up the hotel could ever do.

The mayor then introduced Jack Cust, citing a long list of successful development projects

PRESENTATION OF REDEVELOPMENT PROPOSAL FOR THE UNION HOTEL AREA (JACK CUST)

THIS PRESENTATION IS ATTACHED TO THE MINUTES

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

Alan Hilton, Raritan Township, I am assuming that in this design the existing hotel would not be part of this development? Where have you done this before, and where have this design been successful before?

Dave Minno stated that the existing hotel would not be part of this new development. Princeton had underutilized parking in the center of the town. They were able to fix those lots and rebuild a public library and additional properties around it. They created a public plaza similar to what was presented here. They created a retail building with restaurants, shops and apartments on top. There was a parking garage built to help relieve the parking situation in the down town area. This happened in a two block area about the same size area as here.

Mitch Fetterman, 13 Allen Street, I just want to say that I do not like this plan, I love it!!! I think it is a great plan. I think we need this to save our town. Our town is dying. We need young money to come in here and save this. I think this is a great start. There is pending litigation on the existing hotel as well as some deals to make this happen. What are the next steps to get through this process and to be able to secure the property and keep the funding that we will need to be able to develop this whole project? Tearing down the hotel will be rough for everyone in the community, we do not want this to be torn down and then have the project be put on hold because you ran out of money. What is the plan on funding also?

Mr. Cust replied that he has spent much of the last six to nine months with various property owners to assure that this project would work, and that we can secure the properties that will be needed to make this project come to life. The funding will be secured as we proceed with this project.

Todd Cook, Chairman of the Planning Board, My comments are three fold for this evening. One, as a resident, tax payer and a property owner, I really applaud this effort. The financial impact that it will have on our community. Two, as the current chair of the Planning Board and a sixteen year volunteer, efforts really pay off when you see the synergy, when things come together to make a project this big come to life. I am so proud of the efforts. When you think of a project that is this large, and I think of our three branches of Government, the BID, Council and Planning Board, and to be able to work with developers, and to entice development. From the early concept, from the BID that we have seen in early 2014, to what we see tonight, it is really a spark in momentum for Flemington. I look forward to assisting this effort in any way possible.

Robert Shore, 47 Broad Street, Past Chair of the Business Improvement District, I just want to mention that I am elated with this project and putting it together. I am extremely impressed because when the BID first started this was the objective. To see this pleases me to no end. Thank you Bob Cook for the recognition that you gave to the BID because I believe without the future plan which Mr. Cust presented like this, I do not believe that our Branding expert,

Roger Brooks and Jack Cust, would have been inspired. I want to thank Megan Jones-Holt for all that she has done for the BID.

Mike Molino, I have lived in Palm Beach and just recently moved back. I just want to say that there are a lot of these projects being done in Florida and they have been a great success. I have watched these communities to have the ability to do as they want. My father has had at least eight businesses in the Borough, and I have grown up in the Borough. I am friends with Mr. Cust's son, and I can't think of a more wholesome family to help this Borough. I am glad that I am back home and that I get to see this great development.

Lois Stewart, 26 Spring Street, I have a whole different take on this project. I appreciate Mr. Cust's interest in this town, but I hope that something can be worked out so that we can stay Flemington and still have some of this project. Even though no one talked about demolition, it is obvious that all of the buildings will have to be torn down. This brings great sorrow to me. I do not see anything wrong with some of these buildings but perhaps there is something structurally wrong with them. While I can appreciate the parking, the new retail, and the new housing opportunities, I do not appreciate the total destruction of that part of Main Street. You just have to look around at the buildings that have been restored in town and that we will retain the historical buildings that are on our Main Street and include them into this new development. I am also concerned about the College because this will take more property off our tax roll. As the County seat, we already have a lot of the properties off the tax roll. I would like him to take a look at what Mark Mulligan has done with restoring and consider doing this with the project on Main Street.

Rosey Efthim, 11 East Main Street, Clarification on the college area, it looks small, you are not talking about a Community College you are talking about a for profit type of University?

Mr. Cust responded that it could be either. It would be a branch of, for example, Rutgers or Raritan Valley.

Ed Pagan, 21 Brown Street, I think the plan is aggressive, bold and very creative. As a previous Planning Board Chair, I know some of the issues such as the parking. I think this plan is wonderful and that this issue has been addressed. Without a vibrant downtown, things will continue as they are. I think this is a wonderful plan. Thank you.

Fred Ferrari, when I heard one of the comments about preserving the older buildings, I have done some preservation in town. Two Main Street, Teaberry's is a great preservation and we also preserved the barn behind it. What Jack Cust is doing is creating a nucleolus and rejuvenation of Flemington, and from there,

people will preserve what they have and redo what they have. This project will be the draw people; to have people living there and retail coming back. It is fantastic. It has everything from residential, retail, hotel, and college. I applaud this effort.

Mr. Schwade, asked how long do you think this project will take?

Mr. Cust replied it depends on the Borough. We are ready to move forward. We have been working on this since, and we are ready to move forward. If we are able, we will go as fast as we can. We are ready to hire engineers and start with geo-tech to start to do some of the interior work that is required. If we can start doing things in the third quarter of this year, we are prepared to move forward. It is really just the question on how quickly plans can be developed, working with the Planning Board, and getting approvals. I would like to address Lois Stewart's concern, you mentioned something about the tax situation. There will not be a decrease in the taxes rate. There will be an increase, and the fact that a College is there is not going to have a negative impact on the taxes base for Flemington at all. I understand her position about trying to preserve the buildings, but as Mr. Ferrari had mentioned, you have to look at the bigger picture because if you tried to preserve anyone of those buildings, you will not be able to accomplish the overall plan. It just gets in the way, and I understand your feeling on that, but we have to move forward if we are going to do something this significant, we need to move forward. We need to get our kids back here and the young. We need to get everything going and make this an area that people really want to come to. Unfortunately, there has got to be some sacrifices to some of these buildings.

Susan Peterson, owner of Teaberry's, Mr. Cust would it be possible to have a theatre in the College building?

Mr. Cust, we have looked into a theatre, because I am one of the ones that has said that we do not have a movie theatre or any other kind in Hunterdon County. We will try to do what we can to incorporate something there. If it is not in this Phase, it could be done in another phase. We recognize the importance of this. I have always said to the Freeholders how do you like your kids going to Somerset or Warren County to go see a movie? So we do recognize that issue.

Susan Peterson, It does not have to be twenty different movies at once but at least one.

Mr. Cust, stated that when you are talking to people they say you can't do it unless there are twenty.

Susan Peterson, Maybe we can have one just for community events. Do you have any estimate on the pricing for the housing?

Mr. Cust replied not at this time.

Tony Previte, 45 North Main Street, Mr. Cust, I applaud your efforts. I think it is a fantastic concept. We need something like this in the center of this town. If you can also take this energy to the North side of town, I would love it. There are vacant properties that Mr. Brooks has shown have great potential for this time. The North side of town is an area that people have to drive through to get to the Main Street part of this Borough. It would be nice to see the vacant property in this area become a priority also.

Chris Englehardt, 180 Main Street, How many years do you see that this project would take? And the cost?

Mr. Cust replied that he is hoping three years. I am not sure of the cost at this time.

Susan Englehardt, Planning Board Vice-Chair, Thanks Mr. Cust. This plan is very consistent with what the Planning Board has been working on in the last few years in regards to the Master Plan. It is very consistent there. The Council had approved the monies for the Planning Board to update the Master Plan last year. We just go through with this process last year and then with the influence of the CEDS report and all the prior work that the previous BID has done helped in updating the Master Plan. I see that all of that is incorporated in Mr. Cust's plan. I am concerned about the architecture, and Mr. Cust was gracious enough to invite us to sit down with Dave on some of the elevation on the plan. What I really would like people to really think about as they leave this building is that the four buildings across the street will be demolished. The elevation of Main Street will change forever based on this plan. I do appreciate that Mr. Cust has invited us as Community Members to have influence on that elevation. I would encourage Mr. Cust and his team to do some research on other options. I know that 90 Main has a little bit of theatrical space in it which is being used now for that. That might be encapsulated and incorporated into the plan. I am also encouraging that you to look into Civil Engineering magazine report from February 2016. There is an excellent article on a project in Boston, and they incorporated some of the facade into the current plan. I want to make sure that everyone is really looking at all those elevations.

Dorothy Fine, 65 Bonnel Street, I am very supportive of this. I like the fact that there will be retail, and they will be accessible. I would like to see more lighting so that we do not loose lighting on the Main Street. I would like to see the detail blend in with the rest of the town.

Don Shuman, 130 Main Street, I would like to think that tonight we have given you the key to the City. What we heard tonight is spectacular. In terms of the business of trying to preserve some of the older buildings in this project, I have lived here for 85 years, and if you think that Main Street looks today as it does when I came to town, it doesn't. You will always have change. I am inspired by the presentation tonight. I have told the Planning Board to fast track this so that I can be around to see it.

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

Mayor Greiner will not be presenting a report at this Council Meeting

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

Council Vice President Hain

Council Vice President Hain will not be presenting a report at this Council Meeting

Councilman Gorman

Councilman Gorman is absent this Council Meeting. No report given.

Councilwoman Liebowitz

Councilwoman Liebowitz will not be presenting a report at this Council Meeting

Councilwoman Oberst

Councilwoman Oberst reported the following:

Samuel Fleming House Board of Trustees has a vacant spot on the Board. My information is on the website or please call me at 908-268-1025 if you are interested.

Council President Swingle

Council President Swingle will not be presenting a report at this Council Meeting

Councilwoman Tabussi

Councilwoman Tabussi will not be presenting a report at this Council Meeting

D. Approval of Minutes

Motion To: **Approve Minutes: February 8, 2016 Regular Council Meeting**

RESULT:	APPROVED [4 TO 0]
MOVER:	Marc Hain, Council Vice President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Marc Hain, Brooke Liebowitz, Michelle Oberst, Brian Swingle
ABSTAIN:	Carla Tabussi
ABSENT:	John Gorman

Consent Agenda

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

1. RESOLUTION 2016-42: AUTHORIZING THE HIRING OF KELLY MOUNT FOR THE POSITION OF CROSSING GUARD FOR 12.5 HOURS WEEKLY AT A RATE OF \$16.47 PER HOUR

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

2. RESOLUTION 2016-44: CONTRACT FOR PLANNING SERVICES- CLARKE-CATON-HINTZ

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

3. RESOLUTION 2016-45: AUTHORIZING A REFUND OF A STREET OPENING PERMIT FEE TO RON S. MASONRY

RESULT:	ADOPTED [4 TO 0]
MOVER:	Carla Tabussi, Councilwoman
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Marc Hain, Brooke Liebowitz, Michelle Oberst, Carla Tabussi
ABSTAIN:	Brian Swingle
ABSENT:	John Gorman

Regular Agenda

4. RESOLUTION 2016-48: RESOLUTION TO DESIGNATE A DEVELOPER FOR THE UNION HOTEL AREA THAT IS DESIGNATED AS BEING IN NEED OF REDEVELOPMENT

Council President Swingle stated that this Resolution is to designate a developer. I think we all have seen the plan. We have all put in many hours on this, and we realize the loss of buildings for this project, but also, the great benefits that this will be producing. This will help with parking issues and a lot of other issues. There is great news on Cut Glass and great news on other projects as well. These projects are very exciting and very revolutionary for this town. These are things that are going to move us into the future. This is going to help provide for us all with the things we have not been able to get out of News Companies, and things like that. This is an exciting project, and we are looking forward to being behind this plan.

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

5. ORDINANCE 2016-3: PUBLIC HEARING: BOND ORDINANCE PROVIDING FOR MAIN STREET STREETScape IMPROVEMENTS, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$1,075,000 THEREFORE (INCLUDING A FEDERAL HIGHWAY ADMINISTRATION GRANT IN THE AMOUNT OF \$1,000,000) AND AUTHORIZING THE ISSUANCE OF \$71,250 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

MOTION TO OPEN PUBLIC HEARING:

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

Lois Stewart, 26 Spring Street, I have concern about increasing our debt. This Borough has a debt of over 8 Million Dollars and now for this Streetscape, we are going to add \$71,000.00. I also have concerns about moving forward on the Streetscape plan if we are going to have demolition on Main Street. I just think this is not a good move.

Mayor Greiner commented that this is money, as explained in previous Council meetings, is that you do not always get to call when these opportunities present themselves. We were already underway with the Streetscape well before Mr. Cust came to us with these plans. It involves Federal funds, and we are required to move along on a certain timeline. We are now at the point of awarding a

contractor to do the engineering design and as we move along with this, we will have a better idea of where we are on the Stagecoach project. Clearly you cannot put in a new sidewalk that you will need to tear up again so we will have to see. We will try to match this up but if we feel that we cannot, we will decide what to do at that point. Even though this is a million dollars, it is an accounting thing. We have to spend the money and then we get reimbursed. This is how a grant works. We are not actually putting out the million dollars. The only amount that we will be occurring is \$71,000.00.

Robert Shore, 47 Broad Street, What is the genesis of this Million Dollar Grant?

Mayor Greiner stated that if you are referring to the fact that the BID started this. The BID identified the need and the source of funds and then brought it to Council. Monies must be disbursed to the Borough. These are the rules and we thank you for that.

Robert Shore, the other point I would like to make is that, Robert Brooks, the Branding Expert, is going to put together some guidelines for Streetscape which will be similar to what Maser Engineering conceptually planned. How quickly is Keller Kirkpatrick planning on moving on this project?

Mayor Greiner stated that the rule is that we have up to two years from the date of the grant, which was March 17th of last year. In the next year, we have to be ready to construct on this project.

Robert Shore commented that there has been talk about putting the utility lines underground on Main Street. I would like to see this happen in these plans.

Wendy Richardson, 135 Main Street, asked if there is a way to expand the Streetscape to include our area of Main Street? We desperately need parking and lighting in this area.

Mayor Greiner responded that there are very strict rules and once they approve your concept, then this is what we have to do. The reason why the State is strict with this is that they get many other requests that they cannot respond to. If we change our plan, we might have scored differently and not been awarded the Grant.

Rich Cornelison, commented that if you travel through Europe, you see the nice plazas that are developed throughout the years have electrical outlets that are placed around so that the restaurants can use parts of the plaza to serve their customers.

Lois Stewart, 26 Spring Street, asked if there will be concrete stamping on the sidewalks? I am just concerned that we are using quality. Who determines what is used? What are the specifications on bump outs? Will you have input from the public on the design specifics for this project?

Mayor Greiner replied that he is not aware of concrete stamping's. It will be determined during the design phase on what materials are used. At the end of the design phase, there will be a request for bids and then, this is where the specifications will be discussed. I do not believe there are any bump outs. They are just entering the stage of specifics and again, I want to state that the rules are strict for this grant, so we will have to follow the plan that was submitted, and cannot add other items.

Betsy Driver, 50 North Main Street, asked that in the Streetscape plan, will there be any efforts to put the utility line underground to help clean up the visual, especially with the lovely project that Mr. Cust will be doing? I realize it would be expensive, but it would really nice if we could.

Mayor Greiner stated that I believe the original concept did call for conduits underground, but the project itself does not call for running the utility lines. If we could get the power companies and utility companies to do that, then we could run their lines through the conduits. I visited the Emergency Response Center for JCP&L and spoke with them about that. It was stated that it is up to the utility company whether they do this or not. It is even up to them if someone else wants to pay for placing them underground, the Utility Company still has the say if they want that or not.

Robert Shore, stated that the conceptual plan originally went all the way out Rt. 31, Mine Street and the circle. The first grant that we secured for a Million Dollars was for this first section. There has been other grant opportunities that, unfortunately, we have missed out on, but there will be others that we can apply for down the road. In fact, this is the Transportation Enhancement program Grant and is done in a four year cycle. Due to a down turn in the economy in 2008, they actually had money that they did not use. They put out notice again in a two year time frame and that where we got our money. Next year there will be another grant opportunity for us to go after. It is so important that we monitor these things and have the right professionals out there looking at these grants. Sometimes the grants are in disguise. They might not look like a Streetscape Grant but they can be applied for those uses.

Motion to Close Public Hearing:

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

Motion to Adopt Ordinance 2016-3

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

6. RESOLUTION 2016-46: RESOLUTION OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT TO KELLER KIRKPATRICK FOR SURVEYING AND DESIGN SERVICES FOR THE MAIN STREET STREETScape IMPROVEMENT PROJECT, FLEMINGTON, NEW JERSEY.

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

7. ORDINANCE 2016-4: PUBLIC HEARING: MODIFY THE TAXI ORDINANCE TO CHANGE THE ELIGIBILITY CRITERIA FOR OBTAINING A TAXI DRIVER LICENSE

Mayor Greiner stated that this Ordinance is making some minor changes. This is to help drivers who get pulled over for a minor traffic violation such as a broken tail light to still be able to receive their taxi permit.

Motion To Open Public Hearing:

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

Motion To Close Public Hearing:

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

Motion to Adopt Ordinance 2016-4

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

8. ORDINANCE 2016-5: PUBLIC HEARING: 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.

Motion To Open Public Hearing:

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

Francis Gavigan, East Amwell, I have been watching and paying attention to this issue in the media but in light of the enthusiasm, and what now has become apparent in the effort of Megan Jones-Holt and the BID for bringing forward this plan. It seems like it has a shot to Flemington. I think it would not be in the best interest of anyone including the Borough to change this in mid-stream. You can talk about budget, and so on, but I feel you need to be thanking this group. Council needs to work with this group rather than vote the consultants, in that we're supposed to be short term and are now going to be long term. Spend your money where you would get more bang for your buck. Congratulations to the BID for what seems to be a wonderful plan.

Rich Cornelison, I would like to second this in that I see no reason for a big budget and a flawed survey to be ground for the disbanding of the BID. I think we have had a lot of energy from the BID. We need to keep the momentum going and the energy going.

Karen Walsh, I also would like to mention the flawed survey. I find the survey to be problematic. It was not done by a professional person, and the Council has been really good in bringing in consultants. I can come up with a survey tonight, and we can ask about how we feel about Council and get all different answers. If you want to do a survey please do a real survey. I am curious since this Council has only been here two month how you have the energy to disband a BID in such a short period of time. Was this started last year, or was this just started a few months ago? It does not look very transparent to me. While I don't always agree what is going on with the BID, I believe they have momentum going on right now and changing players just sends us back. As a resident, business owner and volunteer, I find this very troubling.

Donna Cocco, I agree that the only reason we decided to renew our lease was because of the effort of the BID. I see that not everything was done in the correct way, but I feel we are giving a message to people when we fight, and we cannot come to the table and say how we feel. I think it is the wrong time and unfair with the effort they have done. I can make a list of the things that they have done, right? I am sure you have a list of the things that they did wrong, but I think we should come together. We cannot keep fighting amongst each other.

Roseanne DiMarzio, Grill Shack, I am on the Executive Committee on the BID. When I got married twenty years ago my grandfather said that in order to make your relationship work, especially in a marriage, it is not 50/50 it is 100/100 and what you have is a partnership. If the BID is giving 100% then why is the Council not giving a 100% back? We are the partnership without the marriage.

Betsy Driver, North Main Street, we just saw a beautiful presentation from Mr. Cust. Those plans we need to thank Megan Jones-Holt, and we need to thank the BID for those plans. They were very involved in getting that started. They were very involved in having Jack Cust spending 1.2 Million dollars on a liquor license. The BID came out with a beautiful branding proposal in October of last year. Part of the branding proposal ties right in with what Mr. Cust present to us tonight. This is our future that we saw up on that screen tonight. That future includes those branding efforts that have taken place late last year that many people in this community worked on. That branding effort is all going to go away. If you de-designate the BID, the branding will be going away because you will have to start again from scratch. The contract with the branding was with the Flemington Business Improvement District. It was not with the Council. If you choose to de-designate and start over again, there are only so many volunteers in a one square mile town. You are not going to find a new group of people. They are always going to be the same group of people. Is it worth spending tens of thousands of dollars because the Council is in a fantasy? If you are going to magically eliminate any problems and any political issues that you

may have between the BID and Council. This will just happen again and again. It is time to step back and let the BID do its job and continue to do a great job. Let's not let this be a step back because of pettiness from the Borough Council and not liking a few people on the BID. This is what it comes down to; clash of personalities, and it is time to grow up. It is not junior high anymore, kids.

Bob Schwade, 12 Park Avenue, I think it is extremely unfortunate that for you to say that it is the pettiness of Council. The Council represents the 4,500 people that are not here in this room. They represent all the citizens of Flemington. They are not there just because it suits you guys. They represent all of the tax payers. I think it is very unfortunate to accuse them of being petty.

Bob Flisser, 145 Main Street, until recently I was a BID member. Last week, I was one of several people who had resigned from the BID. There were four that resigned last week, and another who resigned a few weeks back. There was a reason for this. First of all, I am very excited about Mr. Cust's Presentation. I think it underscores on the reason for having a BID. Having a BID that functions and works well and works together helps the organization. I do feel that we need a BID. The problem is of one of the current BID structure and the current lack of management. The issue that I have is that the BID currently it is just not managed as well as it could. We do not have the expertise in the organization that we should. I think a structural change, a change in people there, including myself, will help the Borough tremendously. We need people who understand marketing, planning, promotion, and other things that the BID should be promoting. We need someone to understand all the things that the BID is chartered to do. The BID is simply lacking in these areas. This is why I am in support of this Ordinance. I think it will do the Borough a lot of good. We are not talking about changing courses. We are talking about strengthening and rebuilding the organization. This will become a stronger and more solid organization that we will need for this plan.

Tony Previte, in terms of the total restructuring, businesses that are home grown and have been here for a long time have seen the changes, and they understand the restructuring of things and the bureaucracy that gets involved. The bureaucracy becomes more of a pit fall. It is all about communication, and I see the BID still in the throws. I see that the Council is saying that the BID needs to be tweaked. Just don't take that structure away and try to work things out in house.

Todd Cook, I was blindsided by this. I have not been following along. We sat in this room, and the BID presented to us what they could do for the Borough. They were thinking bigger than any of us, and it was controversial back then that the whole town could change. I credit them for the out of the box thinking. As far as the partnership with the Planning Board, some of the committee

members sat on each other committees. I cannot comment on things that went wrong, but I can comment that it really felt like finally the three groups worked together. I sat on the Branding Committee, and it was exhilarating, and it was a lot of fun. Sitting on the Branding Committee was really interesting stuff. We all know the personalities in the room, and I just ask that we rise above it and make it work. I look at it and say I have to pay my tax money to hire a consultant to redo things that the BID was doing. I would just rather just go forward and do whatever is needed to be done to make this right. I would not scrap this and start over.

Gary Newborn, 32 Mine Street, I would like to speak in favor of the BID. The BID is a volunteer group. No group is perfect and, certainly, they had some issues. The genesis of this de-designation, as it was presented to the BID at their meeting, which I observed, was that they suspended their elections because they wanted to stream line and reconfigure their Board, and some of their roles. Many people have spoken about this being a revolutionary process. The BID feels that this is necessary, and the Borough Council feels this is necessary. The Consultants presented to the BID and stated that the only remedy is to throw this out and start over again. Since then, the BID has gotten other legal opinions that say that no, this is not necessarily true. With this Ordinance, you are talking about redoing this all over again, rediscovering their way to do this. You are going to lose all the work that has been done up to this point because this Ordinance does not create a successor body. It is just de-designating an existing enterprise and designating a new enterprise to now manage the funding. I have talked to the Members on the BID Board, and they are planning on continuing their mission. They have spent tax payer's money to generate this stuff, and I think they feel like they want to see this through. They were working to redo their by-laws and restructuring their Board anyway. That is what the Borough Council wanted. The Borough Council wanted their budget done differently, and they are totally willing to do that. There seems to me that there is no real issue here that could not be resolved by good intention people. It seems to me that this is a knee jerk reaction and an expensive option. I am cheap, and I pay an extra tax. I love this project with Mr. Cust. It is awesome. I have been thinking that this tax will be going away soon, but now I see that this could be going on for many more years. I would like to see this town be reinvigorated and eradicate this tax. I really hope this happens, and we do not need this tax anymore.

Susan Peterson, owner Teaberry's, 2 Main Street, I am also the Chairman of the BID Board. I inherited the position in July when Phil Vilella resigned. I think we all recognize here that the greatest burden in this town is actually its greatest potential. If we do in this town what was easy, this would have been done already. The BID has brought us to this pivotal point; the point where we are finally excited, and we are all on the same page. I think you can thank Roger

Brooks for that. We were all in this room when we heard his ideas. The Ordinance that is before us tonight, to de-designate the BID, is not part of this potential. I have many reasons for saying so, and I felt that I need to say them publicly. What I have seen, witnessed, and lived is a huge Government over reach, demonstrated by Council members trying to take the lion's share of the credit for good work done. Thank goodness that people have recognized the BID's work and that we were brought up on some of the earlier presentations. Implementing strict controls to make things come out a certain way, destroying a sense of imitative and responsibility in our volunteers. This is why people were resigning from the Board. This is because they were getting emails from Council. These are emails that I did not know where coming. The Council needs to defend the fundamental values of this community. Relationships need to be cooperative and collaborative; instead, my Organization got lead on wild goose chases, and this was all to pass a budget. We have had meeting after meeting that never ended. One day, I thought it was all done and then, was told no, that this budget was not going to be used. Then, we were told that the Council was bringing in Consultants to do the budget for the BID. These are consultants that I never even got a chance to interview and ask what their resume looked like. I was just point-blank told. I have talked to some of these Council members and have asked them, can't we mediate this because the Borough is moving up. I do not want to bring the Borough down. They wanted a total surrender this afternoon, and I could not give this to the Council; to me, this is not a compromise. As far as the supposed by-law issue, the Board got together in October, and we decided that with 21 people, it is too hard to get a consensus and a decision. The BID Board does need to be smaller. This is around the same time that Elections would have been held in November. To me, this made sense for why are we going to bring new people on, if we are eventually going to cut the Board in half? I found out later, by the Consultants, that the Borough Council hired, that we were null and void and tainted. There was a State Statute in New Jersey that said that a corporation, such as ours, are actually allowed to amend and change by-laws. That basically, threw this argument out. I was surprised to hear that the Borough Council wanted to continue to work with the Consultants and are willing to pay for a six month contract, and another \$24,000.00, to basically get what we already have. We have a District Management Corporation. There is more to this. The BID has a private side and a public side. If this gets de-designated tonight, we are still a functioning corporation on our own as Gary Newborn has said. The assets that we currently have are ours, the intellectual property is ours, and I also have this from our attorney as well.

If, and when, we do dissolve the BID, it will be up to our Board to decide what other 501-3 (C) Corporation we would like to give these assets to. It could be one, or it could be multiple. The money is not going back to the Municipality. To do a little further bookkeeping, Roger Brooks was paid for by the current DMC, which was \$90,000.00. I just signed another check today to go to Roger Brooks

for another \$5,000.00. We just found out that we are owed another \$12,000.00 from last year. I just found out that they are still collecting tax for the BID for the first quarter. If you add all this up, it comes to about \$187,000.00. We are valuable. We have built this thing up, and I think it should continue.

Mayor Greiner stated to Susan that no matter how the vote may go he would like to thank her for her tireless work with the BID.

Joey Novack, I truly believe whatever is wrong with Flemington can be resolved with everything that is right with Flemington. Just because the current board will be de-designated, does not mean that Business Improvement efforts stop. Jack Cust will not be going anywhere if the Council decides to de-designate the BID. Roger Brooks will not be going anywhere if the Council decides to de-designate the BID. The intellectual property might be different, but that is a legal question. All the intellectual property that has been enquired by the BID in the last four years has been paid for by public funds. That belongs to the public, as represented by the Council, not by a separate organization. That might be a legal question that would have to be jubilated. I do believe at this point and time, just like when the Steering Committee was formed to create the BID, they got out of the way when a Board was formed. I believe that the bid board has reached its peak of activity, street fairs, jazz festival, and it is time to bring in people like Jack Cust, who can think forward and bring in million dollar projects. I think this is where things need to go. I think that at this point and time, the town needs a thermostat not a thermometer. We need someone to set the temperature and to move forward rather than then just take the temperature.

Ron VanHorn, I think we sat here on December 29th, and we talked about a lot of things that were done by the BID. Unfortunately, we did not communicate and celebrate those things publicly. This should probably been done. We also talked about opportunities. We discussed things that we could have done differently, that we could all learn from as far as moving forward and the future. We talked about, and agreed about, the spirit of the BID. I stated that it was one of the best things I have seen in 30 years as far as making an effort to revitalize, retain, and recruit businesses. I have volunteered for both sides. I have volunteered for many committees as well as the Borough. I have tried to remain in a neutral position, and I have tried to help as often as I could to make a difference. We agreed at the last meeting to tweak. This is what we agreed upon. Tweaking to me is not a total disbandment of the existing structure that is in place. You now have 20 people who have dedicated their time and money, as well as people from the past, who have made efforts to volunteer. You have splinter groups from these people who have rolled up their sleeves to make time to volunteer. Now what you are saying is thank you, but all you significant players, and all you 20 people are done. I don't know what you think this will mean to them, to their spirit and enthusiasm. What you could possibly be striking

down by total disbanding of this Board and their structure. I cannot imagine how long it will take to building the spirit and enthusiasm back again. Flemington Borough Council sat here with a budget on the day that it was disapproved and as I recall, there is a Borough liaison that is part of the BID board so if anyone was confused on the budget, would they not be able to ask for more information since October? I feel that having a Council member vote no in December, because they do not understand the Budget for the BID, is just disheartening to me. We are always going to have personalities. I asked you all on December 22nd to work together and let's talk positive and keep the negative out of the public. If you do not have anything positive to say, don't say it! I think that a total disbandment of this current BID would be a horrible mistake.

Freeholder Matt Holt, I wanted to take a moment to give a little bit of history on what it has taken so far. I speak to you as the longest Freeholders on this Board. I began to speak to our Board in 2008 about what was happening to our County. It was a downward turn in every possible road, an aging population, a reduction of people in household, and in school population. In 2010, while serving on the North planning party, we put our first grant in for 5 Million Dollars. We were turned down and in 2011, undeterred, we did it again. We got it, and this began the process of Together North Jersey. Together North Jersey allowed us in 2011, through a grant, for the first time ever in this County, to put together a Comprehensive Work Development Strategy. At that point, we were three years in. Today is 2016, five years later, and eight years later since we started to talk about economic development in this County, and we are finally moving forward. The Freeholders have adopted the Economic Development Strategy, and we are hiring an Economical Development Director. We have created a public-private partnership, which identified six individual sectors. These sectors range from tourism, education, transportation, etc. It is being done at the same time the Director and I are working municipality by municipality. We are talking about how critical this is, why we need to move forward now, and why we don't have five years. You have a project in front of you that I will look at you and tell you tonight did not come overnight. It was a much collaborated effort that I will say started by the County. This is where the first conversation took place, and it has a direct relationship with the conversation that took place on how we get a County College here. You cannot afford to stop. The County cannot afford to stop one minute because if we do not react now, in less than four or five years, the average age in this County will be in excess of 50 years old. It will not be able to survive. There is no reason on earth that a Governing Body and a BID Board cannot, in the next two weeks, for under a 1,000.00, mediate this thing and keep the project moving forward. Right now, you need to match your branding and marketing efforts, starting today, with the project you just viewed because the time lines are identical. Have the guts to do the right thing.

Bob Schwade, Once again to say they have to have the guts to do something, they represent 4,500 people that are not here. From what I read in the newspaper, this is a legal issue. The Council cannot just ignore the law. They are representing all of Flemington, not just the few people in this room that are on the BID Board.

Stephanie, Spring Street, I want to say that I have lived in this town my entire life, and I stand behind local businesses. I believe in shopping and supporting local businesses. I have been taught this my whole life. I have volunteered for this town, and I love this town. We are young, we have families, and we like to spend money where we live. This is what you all want right? I do all these things to support this town. It comes down to this, you need to work this out. The BID has great ideas and yes, they have messed up a little bit, but who has not. I am a voter, and I vote. I talk, but I listen. I am going to vote for every single one of you somewhere down the line. If this next plan gets messed up, who will be to blame; the BID that is dissolved or you the Council? You just need to mediate because you have a good thing going here.

Ren Montara, 44 Stangl Road, the BID really helped us out with placing the Brewery in town. I am not sure we would be here if it was not for them.

Bob Gentry, 37 Mine Street, I drove by the parking lot and have seen 100 cars of people who travel into NY every day, and I was thinking what it would look like if there were 500 people living in our community, traveling each day. I have a son that lives in NY, and he pays more for rent than we do for a home here. Phil, I remember having a meeting at Teaberry's, and we discussed changes that needed to be made to this Borough. You were going to make things right if you got elected. You were pro-business. I have a little section in my office where I right down notes. One of them says, we have a constant tug of war with businesses and Council. If this tug of war continues, you are all going on your fannies. I believe that the BID is self-funding. If we do not make changes here, we are going to be left behind here.

Lisa McKewin, My daughter dances over in the Stangl area. This area is very nice. I walk all through town quite frequently, and we have lived here for 18 years. I have seen such a decline in the stores. I just have seen another one close the other day. I was looking in the newspaper the other day, and was reading on who was with who, and who is suing who. Whatever it is, we need to stop, and we need to move on. We need stores, people to come to this town, and need foot traffic in this town. We need a movie theatre. It would be great to have a few screens so that we don't have to drive far away on a Friday night. Let's get whatever needs to be resolved done, and let's get some stores in town. I fear of what is going to happen if we don't.

Karen Walsh, when I am not working, going to school, or volunteering, I am a parent. I did not have the luxury to send my daughter away at age 16 because I did not like the way she was behaving. It was my responsibility, as the governing person, to help to get her where she wanted to. I would ask you to guide an Organization to where it needs to go.

Sandra Scott, Garden State Salad, I do not want to express my opinion or offend anybody, but, I would ask you to look at the track record of the BID. I do not believe they are self-funding. I think my landlord has paid for some of their funding. I have been excited about the Branding, and I will omit that I got excited about what is going on right now. I have felt that the BID has been a little slow on marketing. I do not think everyone should be perfect. I do not understand this whole restructuring thing, but I do feel they have been weak with the marketing part of events. I do not know if the Council are doing all of this because of the budget. I do feel that the budget is excessive. I am just trying to say that maybe there are two sides to this story. I hope that in the future that some of the things I have talked about get addressed.

Jennie Shankoff, Daughter of Sage owner, I just wanted to say that the BID has been great to us. They have always worked side by side with us. I have never seen any of the Council faces in our store. The BID makes a big difference when you are a small town, and you work every single day. The people of the BID are coming in all the time to help support your business. If it was not for them, none of us would be here fighting for the BID.

Jane Block, Business owner, I have not been Christmas shopping in a mall since 1994, and I only shop local. I have volunteered for different organization since I was 11 years old. The most important thing I have learned is that you leave your ego at the door. I think at this point, there are too many egos on both sides, and I think you should have a Nominating Committee with neutral people on it. I am fortunate to have a Grandchild, and I would like to see that Grandchild grow up here and enjoy this town. My suggestion to the Council is to get together with the BID and form a Nominating Committee.

Lois Stewart, 26 Spring Street, I do not belong to the BID or have any money invested, but I have heard so much tonight about their willingness to work. It seems to me that everyone should get a second chance. I think the BID deserves a second chance. As everyone has said here tonight that you can fix this if you are all motivated.

Robert Shore, I am looking at my fellow business owners, I own one of the largest businesses in this town. I speak to you because if anyone knows me, you know how passionate I am about Flemington. I have been here since 1980, and I have watched this town slide down a slope. I did not have it in my heart not to

do something about it. I got involved. I understand that everyone in this room cares. I know that each and every Council member cares; that is why they are on Council. I heard here tonight that my fellow business owners and citizens want the Council to go back and work this out. The way to work out a resolution is to come, sit, and negotiate. The BID has a lot to be grateful for. We have been very successful. It troubles me that our very own Council cannot acknowledge what the BID has already done. The Council takes the focus out of the incredible results that we have seen tonight, and you focus it on me, a personality or on Megan, a personality. I have put more time into this BID than I have into my Business. I have paid the price. I think we need to honor my service as well as everyone in this community. What I want is for you to do away with your Consultants. The BID has people, we can do the by-laws. I have all of this in my head on what needs to be done in the by-laws. It is all the past chairs that have run into problems and we know what they are. Flemington is unique, and it is not going to take a set of canned by-laws to fix this. It is going to take what we know, and I want to make this happen. I want to move forward. If it means you want me to back off and leave it to someone else to work this out, then I would be more than happy to do that. I have a business and spent four hours today trying to talk to all of the Council members really hurt my business today. I would like you to table this Ordinance and let's figure this out.

Brooke Liebowitz, Councilwoman stated that attacking Brian Swingle is not ok. I can tell you that every Council member is working hard. This is not fair that we are getting trashed on Facebook. We are working hard because we do care.

Wendy Richardson, I have been a BID volunteer and have spent many hours working with the BID. The wrath of Robert Shore is why you no longer see me. I don't know if any of you here have put in hundreds of hours and have gotten treated horribly. I love this town and have been here eighteen years, and when I reported to the BID that I did not see much action going on down at my end of the street, I got treated poorly. If I am going to get slammed on Facebook, I could care less. I am really sick of hearing negative things about this town in the paper and on Facebook. I am really surprised that Jack Cust would want anything to do with this town since there is so much negativity in the social media. I have a lot to say on how the BID operates and spends their money, but I have kept my mouth shut because I don't want to be part of the negativity. If we are going to keep the BID, we will need to get rid of some of the people on the BID. We will need a different set of skills and different personalities, or people like me are no longer going to volunteer.

Tony Previte, 45 North Main Street, I do not get involved in Facebook or any of that sort of thing. It sounds like this town needs a Management Corporation and not consultants. This is a small town with local people here. We do have personality differences. My point is that we stick with the BID, and the

personalities need to work it out. The volunteers are there and if everyone helps out in their own way, I don't think we need these Consultants. I think by having a Management Corporation, we can move forward. We will never be a New Brunswick type of town, so there is a homegrown aspect to this new project. Let's keep it homegrown and local.

Betsy Driver, I spent last Fall doing the Christmas Lights contest in town. I had no interference by the BID. They let me do my thing and gave me the guidelines. There were no personalities. If you want to volunteer, I would highly recommend it.

Barbara Kaiser, I have volunteered my services for the last thirteen years, and I have encountered people who have made me mad, but I go over it. This is because I realized they were working just as hard as I was. They had great ideas. When you are working together to achieve a common goal, you need to let that stuff slide off your back. I have worked with the BID and have not had any problems.

Peter Wicks, Sage, We are a small town. We need to stay small. We do not need a Multi-Million Dollar project; we need to have the Union Hotel revamped. Just go shop at local shops, restaurants, and help support the town that we already have. We need to stay local.

Brian Swingle, Council President, I have listened to all of you. I have listened to your comments, concerns, and I shop at your stores. We have heard what you have said, but it is very easy to say we'll work it out. I have had my differences with Robert Shore. We argue one minute and then, we are helping each other out the next. On social media, I have become a punching bag and that is not always so neighborly. The reality is that we have a hard decision to make. It is not always just me. It is all five of us tonight. I have spent many hours talking to people. I have talked to people who are afraid to speak because of people holding it against them, and they are afraid people won't shop in their stores. This has been five grueling months of going back and forth trying to make this work with the BID. This has been a very exhausting process and if you have not noticed, we are not all independently wealthy here. We all have jobs and families. You only have so much time and energy to put into something to try to make it work before it becomes obvious that it needs something more. You try to take a step back, reevaluate, and try again. The Council members have struggled with the BID for many years going back to the beginning. If you do not agree with something, you get trashed on social media. The hostility and struggles have only gotten worse as the BID goes on. It continues to go further and further with the personal attacks. There has been no negotiations with the BID. It has been, go back and approve the budget and let us do our job. It has been, our concerns have not been addressed or listened to. It has been a

constant struggle. Has it been personalities? Absolutely. You have to have an "A" type personality to do this job, and Robert and Susan's job. You have to have thick skin. We have to see our family and friends get talked about on social media, and you have to keep going. We do this because we care. We have watched Business owners struggle with the BID over the years and have watched them falling off because of the BID. We have had five BID Board Members quit in the last few weeks. If you have not noticed, I have posted on Social Media, and I have not been hostile. I only want to have something that works. There is no reason that Council has to have the strongest person to go talk and work with the BID; the most experienced legislature. We should be able to send anyone to work with them. We should be able to send the same person to both the library and the BID to work with them. The BID chews up and spits out Council Members every time you send them in to work with the BID. It is frustrating, and it should be a partnership, but it never has been. The BID has done some great work, and I will tell you that there is nothing harder than having to sit here knowing that there have been endless volunteers giving many hours to make this town work. At the same time, I have to be realistic about what the outcome of the objective is. We are 1.4 Million Dollars in, and do we really have that much to show for it? Recruitment and retaining, I do not see us winning that war. Events are probably the BID's shining star. That is one fraction of what the BID is intact to do. It is not all about events. I understand the events might impact your business and restaurant. I have to look at the bigger picture here, and we have to look for tomorrow and the future. We need to form an Organization that can deliver on its mission. The infighting that goes on inside that organization is mind boggling. I sit on many Boards. Many of us sit on Boards in this room. I have never seen this type of behavior while participating on these other Boards.

The disjunction is at an unbelievable level. This has gotten to the point where most people are just saying they are done. It has not become a big organization. It has become a small organization. This has left me, after two months of trying to work on a budget, very frustrated. Then, we have had some legal issues such as the BID not holding their elections. We had to look at our options of how to fix this. We needed to see if we had to wait another year to hold a new election. We tried to work through this process. The dysfunction just became that more transparent. Budget items are not lining up, and no one can explain where money went. There is \$15,000.00 over budget where there was supposed to be controls in place so that this could not happen. I sit back, and being responsible to you the taxpayers, and I have to say, how I can justify this? How can I give this organization more money? I have no faith in this organization. How do I give this organization more funds? This is a hard thing to do particularly, in this very moment. We hear about all these awesome projects like Street Scape and Mr. Cust's project, and we have energy. It is hard at this moment to say we have to change course. We have to make a change here because if we don't, in two or three years, it is going to really hurt us. In two or

three years, at this rate, it will implode on itself and there won't be a BID at all. I really think that having a BID is the right thing for this Borough. I believe in this, and I support this. I have seen a BID work. I support and believe in it. We have to make a change so that we can put together a functioning Board without the personalities, without the drama, without the Social media. All this has been coming out of the BID's Executive Board. All the hostility and fire is coming out of the BID Board. This, at this point, is a vote of no confidence. This is where I stand, and I feel about that. This is where I stand with this organization. It is a hard thing. You did not elect me to make decisions because I was pressured to vote one way or another. You elected me to look at this objectively. Where we stand now, there were no elections, and I do not trust where it stands now, with all its dysfunction, to be able to fill its obligations. This is my personal opinion on this subject.

Michelle Oberst, Councilwoman, as an alternate BID representative, going to the meetings and working with the current BID Board members, executive Members and staff, it has been an ongoing discussion, compromises, and talks. Whether that has been portrayed to you or not, we have attempted to work this out many times. The reason for hiring the consultants was not to come in here and dissolve or disband any organization. It was simply to come in and fix things that we recognized as wrong. We recognized the dysfunction and that the budget needed to be corrected; the by-laws that need to be worked on. There were so many things that just were not right. The election processes were not even done right, regardless that they were not followed through in November, and that, prior elections were not held properly. There were quite a few things that we had to ask our Consultants to come in and figure out. They were originally contacted because personally, I was afraid originally to vote no on the budget because I thought this would mean it would blow up the BID. I know the BID is a tool in this town that actually can show success. It can have constant funding, which has been a struggle in the past with our economic development issues, our Partnership for Progress, our Main Street project, everything that we have tried to do. It is a lot to fundraising to make these efforts along the way to keep these going. There have been efforts to keep these going in the beginning and then, they seem to fall off. There is constant funding which a BID offers. We have the ability to work on projects, to manage things appropriately. I was an original Steering Member of the Business Improvement District, an original Board of Trustee, and a Business owner in this town. I also live in this town. I have some issues in the current direction that the current Management Corporation is taking. This is not an easy decision. We are not looking to dissolve the current corporation. This will be up to BID to do. Our role is to find a corporation that will manage the Business Improvement District for the betterment of the Borough, and its business constituents. Everyone can benefit from a positive entity. What we are looking to do is to de-designate the current one, due to many reasons. We need a partner that we can work with; we need

a partner that we can move forward to make everyone involved able to work together. I personally have asked to be on committees in the past and was told by the Chair at that time, that those roles were hand selected. They were sorry that I could not serve on these committees. This was a shame since I had already served three plus years for this organization. I understand where people are coming from as far as that kind of disconnect. I am looking tonight to move forward. I am looking for anyone from the past, future, and anyone who would like to be part of this Business Improvement District, who would like to make to make Flemington better. De-designating one BID and immediately designating another Corporation is our plan. We are planning on having our Consultants, who are experts in their field, and our Attorney Rob, who has guided us through this process. This is not something that we came up with yesterday, it's not a plan that we have had in place for a long time. We have been trying to tweak this and trying to make this positive. We were trying to get everyone on board and trying to work together. There was so much push back and negativity that this is not going to happen. It just is not working. There is so much dysfunction that we are looking now to just move on and have a new Management Corporation.

Motion To Close Public Hearing:

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

Motion to Adopt 2016-5

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

9. RESOLUTION 2016-43: AUTHORIZATION TO HIRE ADMINISTRATIVE RESOURCES, INC

Council President Swingle introduced Beth & Stuart, Alternative Resource, Inc. We have been working with them for a while now. We met them at the League of Municipalities in Atlantic City when we attended one of their panel talks. They came there to speak to everyone about Business Improvement Districts. They have helped me out tremendously with their advice even before we hired them. They have done many things for free for us. They have been wonderful

to work with. They have worked with us in many of these situations that needed to be resolved and figured out. We were struggling on some of these issues. We want to Bring them on board to help us with thins because we can't get this wrong. We need to do this right and be able to move forward. We need to create a Board that is a real partnership with the Borough, and everyone is welcome. We want them to pick up the torch and carry and keep doing the great work the previous BID was doing.

Stuart, Alternative Resources, Inc. I have been working with many towns in the past years. It is nice to see how many people that were her to support the BID. It is a nice thing to see.

Lois Stewart asked Council President Swingle how much this contract would cost.

Council President Swingle stated that this is in two phases. What we are looking at is \$4,000.00 a month for four months. There are two phases.

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

10. RESOLUTION 2016-47: 2016-47: RESOLUTION TO NAME THREE INCORPORATORS OF THE FLEMINGTON IMPROVEMENT DISTRICT

Council President Swingle explained that this is a Resolution to nominate three Incorporators to help begin the process of getting the BID back on track. We did a search from prior BID members, and we found a few that have offered to help us get this back on track. They are willing to help us with this process and give us any of their experience from having been on the BID previously. We picked two prior members that had a strong skill set. Council President Swingle went over the two Incorporators that were chosen and what they can bring to the table to help the Flemington Improvement District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brooke Liebowitz, Councilwoman
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Hain, Liebowitz, Oberst, Swingle, Tabussi
ABSENT:	John Gorman

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

Susan Englehardt, would it not be better for you to step away from the BID and let someone else be the liaison with this new group?

Council President Swingle replied that it would not matter. We have sent many Council people to work with the BID and have had many personal attacks thrown at us. It is part of the territory. I asked for this job, and you all gave this to me. I have not participated in the negativity and the trash talk. We are too good of a Community and honestly, I have no intentions of walking away. I am friendly with shop owners and this will be fine. I will go into some of the shops tomorrow and buy a sandwich and shake their hands. I do not hold a grudge. I do not operate like that.

Joey Novick, I wanted to just say that Brian does bring onto the table the qualities and sense of humor. As a Council Member, and alternate liaison for the last three years, it needs someone who has seen the bulk of this from the beginning. I think, at this point, having someone who has a handle on the issues, is important.

Jack Koontz, 102 Park Avenue, complained about the mural that the BID put up that I have to look at every day. Also now I have a pile of dirt to look at. I have concerns about the cut through that our street has become, and why is our street a two way street, when it was deemed to not be a two way street years ago by Mr. Molzer? Why has this not been addressed in the last two years?

Mayor Greiner stated that the traffic has been studied so many times that I just need to hit the play button to explain the answers again. I think they are well recorded from meeting after meeting. The dirt piles have been discussed many meetings back as well. The road construction project is where the dirt is coming from and as far as the graffiti, I do not know why this has not been removed, but I will have this looked into.

Jack, I would like to have someone monitor this traffic situation when I am around at 6:00 p.m. at night.

Frank Has Flemington studied the water, sewer, etc.?

Mayor Greiner stated that this has been being discussed all along. We cannot predict that we won't have issues with this down the road, but we have been discussing the water and sewers.

Councilwoman Tabussi stated that there was a few of the water and sewer gentleman here tonight to see the presentation as well. We have been having constant conversations, and we are working very diligently to meet those needs.

Lois Stewart, What is the update of the Fleming House?

Councilwoman Oberst stated that they are currently working on the by-laws. The by-laws are being looked at by a committee of its own membership. Brian and Marc have actually met with some of the representatives from their Board and went over our suggestion, and their suggestions and how to proceed. They went line by line through their by-laws and some of those things are being corrected and updated. They are still looking for additional corrections. The February meeting was not held, and this will most likely come up in the March 10th meeting.

Rosie Effhim, do you see any zoning issues that might come up with the development that Mr. Cust presented?

Mayor Greiner stated that the way that this works, because it is a redevelopment area, the Council will adopt redevelopment standard for that particular designated area. Those plans will not affect the rest of the zone.

Attorney's Report

Attorney Goodman has no report at this time.

G. Payment of the Bills

Motion To: **Pay The Bills**

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

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

Adjournment

Motion To: **Adjourn**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brooke Liebowitz, Councilwoman
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Hain, Liebowitz, Oberst, Swingle, Tabussi
ABSENT:	John Gorman