



Mayor and Common Council Borough of Flemington

March 28, 2016

Council Meeting Room

Work Session Agenda (7:00 PM)

MR. SAL RANDAZZEE TO PRESENT BIDS

Sal Randazzee will be coming on April 11th to give the presentation.

Mayor Greiner opened this up for and questions or comments:

Rich Cornelison spoke regarding his building at 134 Main Street where the FBID was located. With the dissolution of the FBID, they exercised their cancellation and are vacating the premises. He would like council's support of renting out the office space in his building. The rent for the space is \$975 per month or \$9.57 per square foot, well below market rate. The 3 year lease was terminated after 1 year due to the de-funding of the FBID. Rich put in a handicapped ramp which cost him in excess of \$5,000 and \$1,000 for the conference room door. It's been a hardship and he would appreciate if the office space is taken under consideration for the new BID board. Council President Swingle said that he would definitely bring it up as an option to the new board. Councilwoman Oberst recommended that Mr. Cornelison advertise the rental space in the meantime and not to wait.

Mayor Greiner stated that Chris Phelan from the Hunterdon County Chamber of Commerce mentioned that Community Day is being held on Saturday, June 4th at the Fairgrounds in Ringoes. Mayor Greiner asked Council if anyone was interested or if they knew of anyone wanted to oversee a little project to give some presence at Community Day.

Mayor Greiner stated we get our annual update from Attorney Barry Goodman on legal advice how we communicate among ourselves with the Open Public Meetings Act, Open Public Records Act and social media. The update will be given on April 11, 2016 at 6pm.

Council President Swingle spoke about bringing the coordination and implementation of banners on Main Street back into the office for the time being. Mayor Greiner asked Council President Swingle to go over this with the office staff.

Motion to Close the Work Session:

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

Regular Meeting Agenda (7:30 PM)

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	
Phil Greiner	Mayor	Present	

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

Lois Stewart, 26 Spring Street asked the status of Jack Cust's redevelopment plan for Main Street. Mayor Greiner stated that the next steps were to work on a redevelopment agreement with Mr. Cust and that Mr. Cust's next steps were to listen to feedback and work with his team to decide which concerns they are going to address that have been raised, but Mr. Cust and Council are both moving ahead. There were no new milestones expected for about another month or so. Ms. Stewart asked what are the topics that are included in the redevelopment agreement? Mayor Greiner stated it would include a rough description of what is to be developed, what it would roughly look like (in text). Attorney Barry Goodman suggested Ms. Stewart fill out an OPRA request to see the prior redevelopment agreements. Ms. Stewart asked about tax abatement regarding the redevelopment plan. Mayor Greiner said he was not sure when tax abatement would be addressed.

Bob Schwade, 12 Park Avenue, stated that he was happy that the Borough hired a company to manage the Borough website. However, he stated that it is lacking in some important information. Councilwoman Liebowitz stated that we are still working with AlphaDog to populate the website and within the next month or two, there should be much more content up on the website. Mr. Schwade would like to see more things on the calendar like garbage and

recycling days and when the yard sale will take place. Mayor Greiner said that the date for the yard sale still needed to be set and it will be put on the next agenda.

Dick Stothoff, 1 Tuccamirgan Road, Raritan Township, mentioned that he is delighted that there is a redevelopment plan in place. He said the County Historical Society has reviewed the plan and thinks this is a good plan and hopes that the Historical Society would like to help the Borough with the plan.

Anna Fallon, President of Flemington-Raritan Board of Education, invited Council to a public hearing on their budget on April 25th at JP Case Middle School. Mayor Greiner stated that in the past the Superintendent would come to a council meeting and present the budget. Their public hearing conflicts with the Borough's Council Meeting on April 25th. Ms. Fallon said she would relay that information to the Superintendent and see if she would be willing to set up something else.

Tony Previte, 45 North Main Street, asked about removing the "No Left Turn" sign on the property next door to him. He also asked if the Borough was compensating the Nilkanth property about the construction equipment and dirt piles that are being stored on the property. Mayor Greiner didn't know if they were being compensated, but knew they granted permission to use the property and that the job would be wrapping up near the end of April.

Steve Karpew, 32 Allen Street, asked about "The Link" stopping on crosswalks on Main Street. Mayor Greiner said he would contact HART to see if they could change that. Mr. Karpew also mentioned the addition to the front of The Grill Shack and that there is not 5 feet of walkway in front of the restaurant. Council President Swingle mentioned he would have Jeff Klein go back to check it out.

Rich Corneilson suggested moving the microphone for the public to the side of the room near the wall so people are facing council and the public because it is hard to hear people speaking with their back towards them.

Larry Potter, 42 Park Avenue, asked if there was anything the residents can get involved with as a coalition to help Flemington to move forward with the agenda for Flemington or to work through issues. Mayor Greiner stated that the Branding project needs to begin and that would be something that the residents would be able to be a part of.

Chris Engelhardt asked if 90-100 Main was one of the buildings that are part of the demolition in Jack Cust's plan. She wanted to know what the National Historic Trust feels about it. Mayor Greiner stated that he wouldn't know. Ms. Engelhardt asked if there was an RFP put out for the redevelopment plan.

Mayor Greiner said in this case the developer came to us. RFP's have been put out before since 2010.

Alice Schwade, 12 Park Avenue, asked about the status of the FBID. Council President Swingle stated he would let them know in his report.

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

Mayor Greiner was sad to mention that Carla Tabussi resigned on March 16, 2016. She served for almost 15 months and she was especially diligent in all areas of Public Works and the Historic Preservation Committee amongst other things. Her contributions will be missed. Mayor Greiner wanted to thank her for her service and wish her well. The Mayor stated that in Ms. Tabussi's and Councilman Gorman's absence he has spent a great deal of time working on the Wet Weather Facility (sewer facility) which will be talked about during the regular meeting. Mayor Greiner has also been working on redevelopment and also wanted to mention the lead in the drinking water which has been in the national news lately and said that the lead levels in our water are well under the action limits and our results were very good. Mayor Greiner mentioned if any residents want to get a water test since the lead levels can be subject due to conditions in the copper piping in each home, they can get one through the Raritan Headwaters Association located in the Dietz building on Main Street for \$30.00. Mayor Greiner delivered Meals on Wheels last week. This Thursday, March 31st, Kimi Goetz is in town at Flemington Furs from 6pm to 8pm. If anyone would like to come and meet Kimi, no donation is necessary, and all are welcome.

Mayor Greiner gave an update on DPW. The dirt piles and work should be done by the end of April, dependent on the weather. The road repairs will then begin. We are getting bids on that now. The repairs should start in June and run for 2 to 2 1/2 months. The Mayor checked into a question raised during the last Council meeting regarding delays due to the construction at the Route 202 traffic circle and said while there would be lane shifting, it should not present a problem.

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

Councilman Gorman

Councilman Gorman is absent

Council Vice President Hain

Council Vice President Hain reported the following:

Carla- I wish Carla well in her future endeavors, I thank her for her friendship and Council efforts over the last year. She was a very detail oriented person

and took many notes on projects that she was involved in. I was able to get her 2" book of notes to help me with the ordinance reviews. _

Planning Board- Met with the ordinance review committee and we have started the review process of the Master Plan to current ordinances / zoning & Historic District maps.

Parks & Recreation- Reminder- Fireworks will be held July 3rd, Rain date July 5th.

Submitting paperwork to the State to allow a raffle at the event, numerous local businesses have donated gift certificates for the event.

Environmental Commission- Working on grant submittal for Park trail maintenance.

Police-

1. An investigation into unlicensed taxi services operating in the borough uncovered two people offering taxi services and selling alcohol while on the road, Hunterdon County Prosecutor Anthony Kearns announced Monday. Two people, both of Flemington were arrested. They were charged with the transportation and sale of alcoholic beverages after allegedly selling alcohol to people they had picked up as fares, as well as delivering alcohol to people. The arrests were made in February and both were held on \$1,000 bail. A total of 13 taxis were found to be operating without a license in the borough. As a result of the investigation, seven vehicles were impounded and 14 traffic summonses and 43 borough ordinance violation summonses were issued. The joint investigation included the prosecutors' office Gangs, Guns, & Narcotics Task Force, the Flemington Police Department and the state Department of Law and Public Safety Division of Alcoholic Beverage Control.
2. February Statistics-
 - a. Miles Driven- 6,232
 - b. MV Summons- 139

- c. Parking Summons- 15
 - d. Warnings- 181
 - e. Telephone Calls- 538
 - f. Investigations- 103
 - g. Motor Vehicle Accidents- 39
3. Over the weekend we found gang related (MS-13) graffiti in the old Agway building. The building is not secure there. I understand that it is bank owned, but the doors to the former retail store are not secured and the red barn building is also easy to get into. In addition, we had a group of juveniles found inside of the Union Hotel. Although we are very grateful that someone saw them go inside and flagged us down before any of them were injured, the outcome of the call could have been tragic. There is a fence around the building, but it is not secured to the building in the back, allowing people to squeeze in through the gap between the rear of the building and the fencing. They can enter the building easily. Due to the condition of the building (immediate issues like rotting floor boards and crumbling ceilings along with long term problems like mold) someone could easily be injured, or one of our Officers could be hurt responding to arrest trespassers.
- For both safety and liability reasons, is it possible for the Borough to work towards better securing those buildings and posting more visible no trespass signs?
4. The Flemington Street Smart Pedestrian Safety Campaign begins today. The Flemington Police remind motorists to obey the speed limits and stop for pedestrians in the crosswalks. Pedestrians are required to utilize the crosswalks.
5. Received an email from a resident on North Main for speeding (above 25 MPH) and vehicles not stopping for people in the crosswalks. The patrols have been asked to increase monitoring in the area and the digital speed sign will be relocated into this area temporarily.

Councilwoman Liebowitz

Councilwoman Liebowitz reported the following:

Councilwoman Liebowitz stated that she attended a Library Board meeting last week. Media Tech had a NJ Baker's Day that was well attended. They upgraded all their computers to Windows 10. They had an expenditure of \$575.00 as their furnace failed inspection and needed repair. The website is currently being populated with documents from our old website. It has not all been done to date. The website has been live for 3 weeks. We will make sure garbage and recycling days and yard sale will be added to the website once the yard sale date has been picked and approved. Councilwoman Liebowitz suggested that she attend the Board of Education budget hearing April 25th since a large part of the budget comes from the taxpayers. She will reach out to the Superintendent's office tomorrow about the budget hearing and because the library is also having a hard time getting a forum because someone from the Superintendent's office should be present according to the by-laws. Councilwoman Liebowitz thanked Anna Fallon for coming to the meeting to let us know that the Superintendent would not be coming to a Borough Council Meeting and to invite us to their budget hearing.

Mayor Greiner asked about the delay with the newsletter. Councilwoman Liebowitz stated it should have been out on March 15th and it went out on the 18th.

Councilwoman Oberst

Councilwoman Oberst attended the Samuel Fleming House meeting where by-laws were passed. On April 9th, there is an Open House and a Wine and Cheese Tasting Event. She has been working with the new incorporators for the FBID, but will be stepping away from that and letting the consultants and Brian on that. They had an admin meeting and redevelopment meeting about the Union Hotel and Cut Glass property. Jack Cust is the designated redeveloper at this time and a contract is being put together for redevelopment.

Councilman Swingle

Council President Swingle reported the following:

Council President Swingle mentioned the resignation of Carla Tabussi and said he appreciated all that she did for the Borough. The previous FBID has a meeting scheduled on April 6th. Chairperson, Susan Peterson, has stepped down. He is confident that the FBID members will bring all to a conclusion. Regarding the new FBID organization, Council President Swingle has been working with the incorporators to put the new organization in place and get a budget together before early summer.

4. Approval of Minutes

Motion To: **Approve Minutes: March 14, 2016 Regular Council Meeting**

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

Consent Agenda

1. RESOLUTION 2016-62: AUTHORIZING AN OFF PREMISE RAFFLE LICENSE TO BE HELD ON JUNE 30, 2016 BENEFITING THE UNITED WAY OF FLEMINGTON

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

2. RESOLUTION 2016-63: AUTHORIZING A PERSON TO PERSON LIQUOR LICENSE TRANSFER FOR LIQUOR LICENSE 1009-32-003-011 FROM BENSI OF FLEMINGTON, LLC DEBTOR IN POSSESSION TO STAGECOACH LIQUORS, LLC

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

3. RESOLUTION 2016-64: AUTHORIZING THE MAYOR TO SIGN AN EXTENSION WITH THE CURRENT SOLID WASTE CONTRACTOR, CENTRAL JERSEY WASTE, FOR 90 DAYS THROUGH JUNE 30, 2016

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

4. RESOLUTION 2016-65: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2015-012 HELD ON BLOCK 35 LOT 74.08, KNOWN AS 8 COPPERMINE VILLAGE, OWNER KRISTINE & KEITH PLUMSTEAD IN THE AMOUNT OF \$1722.22

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

Regular Meeting Agenda

1. DISCUSSION OF A WORK PLAN TO ADDRESS NJ DEP CONCERNS WITH FLEMINGTON'S WET WEATHER SEWER FACILITY -

Mayor Greiner stated that this topic is about the Wet Weather Facility. This facility used to be our sewer plant but now only operates occasionally in very wet weather. The average is about 10 times a year. Standards change and the environmental community bar has been raised to where this facility is not meeting all the standards at this time. Even though this only operates limited times each year we are still under the DEP. The DEP has been extending permits for the last five years at a time but it has been increasingly difficult to get the renewals. We are currently two years into the five year cycle and we still do not have a renewal. We are working through the RTMUA and the State. This is a big enough issue that I feel the Council needs to have an understanding of where we are with this issue. I have asked Jerry Harris, Professional Engineer from CME Associates which consults with us on a regular basis on this topic. I asked him to come here to give the Council an update on these issues because we are getting close to talking with the DEP in a way that we want to make sure Council is on board with everything.

Jerry Harris gave a report of where the facility is today, how it works in heavy rain situations and where the facility will need to go in the future to help meet the high DEP standards. This facility is located behind Hunterdon Central High School. It will depend on how this works out with the DEP but this can have major implications on the Borough over a long period of time. We are pursuing options at this point and nothing has been agreed upon at this time. We are putting together a way forward on this issue and just felt we needed to touch

base with the Council. All the waste water from the Borough is transmitted to the Raritan Township MUA plant and the Borough is a customer of the RTMUA plant. In the last 20+ years the Borough has always made an effort to keep updating its system and maintaining them. The wet weather facility was approved by the DEP about 25 years ago. This was to be used occasionally and used only for those excess flows due to wet weather. The wet weather facility has a permit and the permit holder is the RTMUA. The relationship is between the RTMUA and the DEP. The Borough is an observer but a very interested observer due to the Borough paying 80% of the cost. The DEP has been imposing limits on the discharge from the Wet Weather Facility. The facility for example was never created to treat such items as copper. Therefore it is not able to meet the standards for copper from the DEP. This is why we would not enter into an agreement with the DEP to meet the standards for copper because this would result in fines and penalties. We would like to see RTMUA contest the limits that have been purposed. We would like to see them get them eliminated or less stringent so that this Wet Weather facility can meet the permit standards. The DEP has come up with a second option. This option is for a long term solution. They are talking about 20 to 25 year time frame. The DEP would like RTMUA and the Borough to take steps to repair their sewer systems and reduce the excess flow. This would make the wet weather facility not needed in the future. This would be an aggressive goal since you have already reduced flows by quite a bit over the last ten years. It is not possible to get all of the leaks out of the system. The device that the DEP has suggested to be used is an administrative consent order. These are legal documents and will have deadlines. They can have penalties and fines if deadlines are not met. The DEP has not given us at this time what would be detailed in the administrative consent order. RTMUA has asked the Borough what we feel should go into such a document. This is where we stand at this time.

We have talked to the Borough's finance department and have been discussing what they can afford over a period of time to improve the system without raising the rates. We will have to see what goes into this agreement and if it is too heavy of a price we would recommend the Borough not agree to be part of it. We would recommend that you consider to continue to talk to the DEP and the RTMUA and pursue a possible administrative consent order but also a relief from the permit limits that they are proposing for the wet weather facility. The DEP set a deadline for the end of this month but we have filed for an extension.

We would recommend that you continue improving your sewer system and keep striving for eliminating the use of the wet weather facility.

Mayor Greiner has been recently sitting in on these meetings. I have just received information from Bill Hance and I am digging into these items. We are

going to move ahead to speak with the DEP and we do not know where these discussions will go at this point in time.

Council President Swingle stated that we will need to also look into the demand with all the redevelopment and we need to look into the demand on this system. We need to plan for the long term future and be looking if the RTMUA is working for us and what other options we may have. If we stay with this agreement and expand what would the cost factors be? We need to not only focus on the current issue we need to also think of the capacity in the future.

2. CONSIDERATION OF CANDIDATES TO REPLACE CARLA TABUSI ON THE BOROUGH COUNCIL. A SELECTION MAY BE MADE

Motion to nominate Alan P. Brewer to fill unexpired term of Carla Tabussi

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

Alan P. Brewer was sworn in by Attorney Barry Goodman

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

Bob Schwade, 12 Park Avenue, has the town considered that there is a company up stream that is omitting the copper? Has the town investigated if a Business is omitting this? This might help treat the copper at the source instead of at the treatment plant.

Mayor Greiner stated that they have hypotheses of where these might be coming from. It is about cost and what it will take to actually investigate it. Will the State help contribute to the cleanup? It has been being considered.

Council Vice President stated that it is looked at what companies are tied into the system. The State mandated levels have been dropped. The levels are strict, and it is not that we are putting the copper in the water it is the water that comes into us already has the copper in it. We have to negotiate back, and forth. The best bet is to speak with the DEP and get the limits adjusted.

Tony Previte, stated that he would like to see an Ordinance in the Borough to have a no solicitation for hire throughout the Borough. We should have a job bureau to help find work for those individuals that are looking for employment.

Steve Karpew, 32 Allen Street stated that he would like to see someone investigate the entrance of the Grill Shack. It has been extended about 8ft.

Council President will check with Jeff Klein again to make sure this is legal.

Steve Karpew asked why the busses are not going into the apartment complex to let the kids out? They are stopping on the main road and tying traffic up for long periods of time.

Council President Swingle stated that this was investigated before and that this is due to a turnaround issue. There is not enough room for the busses to turn back around to exit.

JJ Clark, 1 Youngs Drive asked about the Capner and Park Ave intersection. I have driven up and there is someone parked. Is there a no parking sign.

Councilwoman Oberst stated that there is a no parking sign there. It might be due to bushes blocking the sign.

Chris Englehardt asked if we are finished with the contract for the flowers?

Mayor Greiner stated that we are in year two of a three year contract.

Chris Englehardt asked if the flower selection has been discussed with the florist?

Mayor Greiner stated the Edna Pedrick will be working on this with the florist.

Lois Stewart, 26 Spring Street, commented that we should have a one year contract in the future with the Florist instead of the three year. We should be more mindful on the timeline of the newsletter so that items have not passed and are outdated.

Councilwoman Liebowitz stated that it was the Mayor's message that was untimely. It referred to the Cust meeting that was coming up. We will be more mindful in the future.

Lois Stewart would like to see Jodi McKinney and Linda Giliberti's names listed in the newsletter. I would like to see you look into what other communities are doing with refurbishing the Hotel. The Easton Hotel is in the process of being redeveloped. Lois asked further questions about the wet weather facility.

Mayor Greiner and Council President went back over some of the details again and explained the details more clearly.

Bob Schwade stated that it might be wise to go through a Senator or Assemblymen to help settle the DEP issues. You may have to go the political way instead of dealing with Trenton.

Chris Englehardt asked about if the pollution was handled when the Cut Glass buildings were taken down.

Council President Swingle stated that this was taken care of by the demolition crew.

7. Attorney's Report

Attorney Goodman has no report at this time.

8. Payment of the Bills

Motion To: **Pay The Bills**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Brooke Liebowitz, Councilwoman
AYES:	Hain, Liebowitz, Oberst, Swingle
ABSENT:	John Gorman
ABSAINED:	Al Brewer

Executive Session For Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)- No Executive Session

Adjournment

Motion To: **Adjourn**

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