



Mayor and Common Council Borough of Flemington

April 25, 2016

Council Meeting Room

The Public Meeting was duly opened.

Motion to Open Executive Session

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

Executive Session Meeting 6:00 P.M.

Legal Advice on OPRA/OPMA

Work Session Agenda 7:00 P.M.

Motion to Close Executive Session

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

1. OPTIONS FOR CHANGES TO THE SOLICITATION ORDINANCE

Mrs. Newman and Lieutenant Jerry Rotella presented the Mayor and Council the Solicitation Ordinance. This ordinance is in need of reevaluation. Mrs. Newman explained that there seems to be a lapse in the ordinance, and this was brought to her attention when a group of individuals presented applications. It was noticed that one of the applicants filled in a criminal section. The ordinance was then researched, and there was no clear direction on how this violation should be handled. Mrs. Newman contacted Lieutenant Jerry Rotella, who also felt that we needed more clear parameters on the solicitation ordinance. A discussion began on how to correct this issue, or if eliminating the solicitations in town all together would be an option. There was another option

of a "no solicitation" list being compiled, and violators would lose their permit to solicit if they violated this list.

Mrs. Newman and Lieutenant Jerry Rotella asked if the fees can be increased to the maximum amount. Attorney Goodman suggested that they research this option in case there is a statute or a maximum amount that the State would allow.

Mrs. Newman stated that she will look into the suggestions and work with Lieutenant Jerry Rotella to create an Ordinance for the next council meeting.

Tony Previte suggested that they do not let solicitation, and that if they want to advertise, they can use bulk mailing and send a flyer to residences.

Chris Englehardt asked, how would the solicitors know the laws if they are not from this area?

Mayor Greiner suggested that once this has been updated and finalized, that the new rules and regulations be placed on the website, and also in the newsletter, to let the residence and the public know the rules for solicitation.

Copy of the Ordinance is attached.

Motion to Close Work Session:

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

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
Alan P. Brewer	Councilman	Present	
John Gorman	Councilman	Present	
Marc Hain	Council Vice President	Present	
Brooke Liebowitz	Councilwoman	Absent	
Michelle Oberst	Councilwoman	Present	

Brian Swingle	Council President	Present	
Phil Greiner	Mayor	Present	

A. Introduction of Marc Saluk, County Economic Development Director

Mayor Greiner introduced Mr. Marc Saluk the new Economic Development Director from Hunterdon County Department of Planning Economic Development and Land Use.

Mr. Saluk gave a brief summary of his experience, and that he has been in this position for about five weeks. Mr. Saluk then took questions from the Mayor, Council, and Public.

Robert Shore asked Mr. Saluk what his visions would be for Hunterdon County?

Mr. Saluk reported that, at this time, he would not have a vision until he learns the County needs, and then he will be coming up with a plan. He would like to learn about the people, places, and politics first before he has a vision for this area.

Mr. Saluk passed out business cards with his contact information to anyone that is interested.

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

Joann Braun, 77 Jefferson Court, Ms. Braun wanted to apologize to anyone who attended Sunday's meeting that had been cancelled. She reassured that the meeting was not intended to defame anyone, and she is sorry that this meeting had to be cancelled.

Yolanda Cillo, is concerned about the design of the Union Hotel redevelopment, and is also concerned about the Attorneys for Mr. Cust, who mailed a letter to two individuals, that she feels is very threatening. Ms. Cillo feels that revitalization has been done all over this State and Country. This can be done in Flemington as well. Ms. Cillo asked who would be moving into the apartments in the redevelopment. Are they going to be rentals or owner occupied? Will there be Section 8 residence living in these apartments? Ms. Cillo is also concerned about who is embedded in the planning board and Council for Mr. Cust.

Mayor Greiner stated that people tend to guess what is leading to something else. An example of this is people assuming that the letter from Mr. Dilts, was intended to shut down public discussion, which was not the case. The letter was addressed to a couple of individuals. It in no way inhibits anyone's ability to come in here and speak what you want all to hear.

Council President Swingle responded that he agrees that the letter was not meant to stifle conversation. In fact, the discussion that ensued yesterday for a couple of hours, with everyone, was a great conversation. As far as what the units will be, it could be rentals or sold apartments. He personally would like them to be owner occupied. The comment about embedding people on certain boards is false. Every one of us on Council has been included in all three litigations of the hotel project. He feels that this comment is insulting, and this is my personal feeling on that subject.

Joann Elacqua, 7 Laurelton Trail, Raritan Township, she was one of the 15 people that met with you outside of Stangl yesterday. She did not feel that, as a Raritan Township residence, they were included in the February meeting with Mr. Cust or she would have attended. Ms. Elacqua is very disheartened to hear that Flemington could be cutting out a huge part of its Historical Main Street. When Walmart was built, Raritan Township insisted that it be built like a Main Street, USA feel. Flemington has a Main Street, USA, and you are turning it into a Walmart. Ms. Elacqua is disappointed in the Council, and feels that the public is not being listened to about how this project should be done.

Andy Cohen, 79 Main Street, commented that he agrees with the Mayor that people are jumping to conclusions. For all the people who are claiming that they like the Historic downtown, it would not look like it does if everyone from the surrounding Counties had come in and invested in the Main Street. It is disingenuous of the public to insist that when someone comes with money, that someone is embedded because the public around us is not supportive of Flemington. I am not for the proposal or against this proposal. What he is saying is that the public should have a little restraint until we see something. My main concern in this project is that it is well thought out and occupied. The last thing we need is another empty building. We need to keep a more open mind.

Councilwoman Oberst reminded the public that this is the fourth round with developments, and that the February 22, 2016 meeting was open to anyone. It was not just opened to just Flemington Borough residence.

Tony Previte, asked about the Global Ag building. Was this purchased?

Mayor Greiner stated that there is a committee that is working to write a plan for this area for redevelopment. The planning board is expecting to hear from someone that has asked for 15 minutes for an informal question and answer session at Tuesday, April 26, 2016 meeting. The surveys that have been there could be from the present owners. There has been no application so this is a question and answer session.

Lois Stewart, 26 Spring Street, I asked Mr. Ferrari at the meeting yesterday, she asked him if the plan still included the demolition of the four buildings on Main Street, and his response was yes. This is the biggest concern that, in spite of our public outcry, that these buildings will still be demolished; redevelopment, yes; Demolition, no. Mrs. Stewart asked if 90-100 Main building was going to be transferred to Mr. Cust for one dollar. As a government entity owning a property, do you not have to go out to bid to get the best offer?

Mayor Greiner stated that this is another case of pure speculation. We have not discussed price and transfer. In this particular case this property does not have to go up for bids, because it is a redevelopment zone. If we are going to sell this property, since it is Borough owned, we will have to work with the State Historic Preservation oversight issues that will need to be addressed. We will have to submit plans and get approval from them since we would be selling to a redeveloper.

Lois Stewart, 26 Spring Street, asked when there will be a meeting for more public input.

Mayor Greiner stated that we are not there at this time yet, but, when we get to this stage, we will let you all know.

Robert Shore, asked who the members are for the hotel redevelopment committee?

Mayor Greiner replied that they are Mayor Greiner, Council President Swingle and Councilwoman Oberst.

Robert Shore asked why does the Global Ag Project have a committee that consists of three public members, one planning board member, and a BID member, and the Union Hotel Project does not have a committee?

Mayor Greiner stated the Global Ag does not have a plan in place and is a slow moving issue. The Union Hotel proposal came to us and asked what we think of this plan.

Robert Shore, asked what plan does the council have for summer events?

Council President Swingle replied that all that was planned is still going to take place. All the planning is still moving forward and many of the businesses have been supporting this effort. The public is being patient while this process is being put together. The salsa night, car show, and artist show are all still moving forward.

Robert Shore asked Councilwoman Oberst to clarify her current residency.

Steve Karpew, 32 Allen Street, requested that the fireworks be moved due to fire risk.

Council President Swingle commented that he will speak with the fire department to make sure everyone is safe, and all property stays unharmed.

Chris Englehardt, 180 Main Street, asked the Council and Mayor when was the first time that you heard about Mr. Cust's dream project? Was the Master plan discussed with Mr. Cust? The architectural aspect is what is missing in this plan.

Mayor Greiner replied that he first spoke to Mr. Cust in the fall of 2015. The Council members went over to speak with Mr. Cust on separate occasions. The planning board and HPC were both show the preliminary presentation before the February public meeting. The college and County were the first to be approached. The master plan was looked at, and this fit in with the retail, density, economical in the downtown area.

Larry Potter, 42 Park Avenue, requested that Mr. Cust's Attorney send him a letter as well for he feels that he also is responsible and therefore, should receive a letter as well.

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

Mayor's remarks (April 25, 2016):

- Met for 2-1/4 hours yesterday at Stangl Factory, along with Council President Swingle, with about 20 people who showed up for a save-the-hotel meeting that was cancelled at the last minute. Most attendees were not from the borough. This continues to be a pattern. It is significant because it is the people in town who are feeling the economic pain from the mostly-vacant and deteriorating condition of the properties. People out of town do not feel this pain; they just see the charm of the architecture and recall fond memories. Nevertheless, we are continuing to meet with Mr. Cust, who is evaluating, at considerable expense, what changes he may be able or willing to make to his proposal.
- Yesterday's letter from Mr. Cust's attorney was not intended to close off public debate. It was meant to address certain specific actions by the addressees of the letter. People are of course free to continue to speak their minds about the project, for and against, and we will continue to listen.
- Yesterday's meeting outside Stangl was productive, and the redevelopment committee members in their reports will cover how we can expand on that form of communication.

- Attended several meetings that included the BID and the FCP to address how we can move forward with branding. Some progress is being made, including identification of folks who would like to be on a branding team. Legal issues surrounding the BID's 501c3 must be clarified to get the appropriate organization structure established. Work is ongoing.
- Met on April 12 with Marc Saluk to discuss Flemington's redevelopment prospects, how they mesh with the county's redevelopment goals, and how the county may be able to help the county seat.
- United Way block party is scheduled for this Saturday, April 30, starting at 11:30 AM, to celebrate their opening on Fulper Road
- This Friday, April 29, is Arbor Day. I will participate in tree plantings at RFIS on Thursday and also, at the borough's official event on Saturday at 10:00 AM at Tuccamirgan Park. Please pay attention to any trees on your property and do what you can to keep them healthy. They clean the air, keep us cool in the summer, provide beauty, hold the soil, soak up rainwater, and provide shelter and food for wildlife. I have planted five new trees on my property in recent years and encourage everyone to help expand the borough's already attractive and valuable tree canopy.

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

Councilman Brewer

Councilman Brewer reported the following:

On Thursday, 4/21/2016, I met with Mayor Phil Greiner and Councilman John Gorman at Borough Hall to review the progress being made surrounding the Wet Weather Facility.

Background:

- Earlier this year several members of the borough went to Trenton.
- RTMUA would like us to approve a letter will be sent to NJDEP
- A draft work plan has been developed and will be used to "negotiate" and possibly obtain an Administrative Consent Order (ACO).
- Council heard a presentation by Jerry Harris, P.E. on March 28, 2016 which gave background on why an ACO is being considered.
- ✚ Permits are given every 5 years and are harder to get
- ❖ DEP wants us to get rid of the facility

Special Note:

Resolution 2016-84 "Authorizes negotiations to begin with the NJDEP toward drafting a possible Administrative consent order for the Wet Weather Sewer Plant.

On Wednesday, 4/20/2016, Historical Preservation Commission met and considered three (3) applications. Plans continue with Stroll through Flemington.

- Stroll through Flemington -An Historical House Tour is scheduled for Saturday, June 4, 2016, between 12:00pm & 5:00pm.
- Sponsored by-- The Borough of Flemington's Historic Preservation Commission. Cost: \$25.00 per ticket.
- Request is being made for a "consensus" among council to make a donation of \$500.00 to sponsor the event.
- A subcommittee was formed to allow a HPC Member to attend future Redevelopment Meetings to be held by Mayor Greiner, Council President Brian Swingle & Councilwomen Michelle O'berst. The Chairperson agreed to send an email notifying the committee.

On Friday, 4/21/2016, I met with both, Josh Parks (Water Department) and Mike Campion (Public Works/Roads), to discuss any short-term and long-term needs. I will tour the all borough facilities next week in an effort to access infra-structure capacity, water, and sewer usage.

On Thursday, 4/28/2016, I will be touring the RTMUA Facility to obtain a better understanding of the infra-structure as it relates to our future development needs.

Councilman Gorman

Councilman Gorman reported the following:

Opened the solid waste bid last week. The bids for Capner/Allen paving project are coming in Thursday, April 28, 2016. This paving project will hopefully be scheduled after school is out for the summer.

Attended meeting of the Parks and Recreation last week. Fireworks are scheduled for July 3rd. Fire Department can maybe hose down the area before the fireworks begin to help with the dry conditions.

Shade Tree - Arbor Day- 8ft fruit tree will also be auctioned off.

Street Scape will be meeting on Wednesday, April 27, 2016, at 1:00 p.m.

DWP meeting is on Wednesday, April 27, 2016.

Council Vice President Hain

Council Vice President Hain reported the following:

Parks & Recreation- Fireworks are scheduled for July 3rd and the rain date will be July 5th. DJ will be providing entertainment, originally he could not attend. This year we are trying something different, Rita's Ice will have an Ice cart at the event. The raffle is continuing to grown with some prizes from rounds of golf, Massages, various gift cards.

Environmental Commission- The meeting originally scheduled for April 18th was cancelled as we could not get a quorum. I received a letter from Mr. David Cohn who needs to resign from the commission. I would like to thank David for his many years of service on the commission.

Planning Board- The ordinance review committee met on April 19th and work is continuing to match the Master Plan to the existing ordinances.

The next Planning Board meeting is scheduled for April 26th. The Chimney Rock application for the American Legion property will be discussed. Also the potential buyer of the Global Agway property will be in to ask "general" questions to the professionals for 15 minutes.

Department of Public Works- Remember to sign up for the free mulch. The sign up sheet is posted in the hallway.

Councilwoman Liebowitz

No Report was given due to Councilwoman Leibowitz being at the Board of Education Budget meeting.

Councilwoman Oberst

Councilwoman Oberst reported the following:

Attended the Samual Fleming House meeting on April 14, 2016. The next meeting will be held on May 12, 2016, at 7:00 p.m., at the Samuel Fleming House. There have been some questions from the Historic Preservation Committee and the planning board about the porch that was built. As of right now, it is in a process. Susan Englehardt is leading the process in regards to the porch. We will be going into executive session regarding legal advice on this project.

Attended Redevelopment meeting, and a discussion of town hall style meetings be done on a regular basis. We are meeting with Mr. Cust, the developer, on a regular basis, in person or by phone. We are bringing back the information that the public is giving us.

BID - I have taken a step back from this since Council President Swingle is the liaison for this committee. Mayor Greiner and Council President Swingle are working with the new organization.

Received a phone call from the Flemington-Raritan Rescue Squad - The fund that are raised have been very low. They normally raise about \$20,000.00 and so far this year, they have only received \$2,000.00. They have not made any changes in their fundraising efforts. This is very concerning, and please donate if you are able to.

Councilman Swingle

Council President Swingle reported the following:

BID- Budget should be ready by end of May. Council President Swingle asked the Council their opinion on supporting and funding a bulk mailing for a postcard invite for meeting from the BID to its stakeholders. A motion was adopted a Resolution 2016-85.

FCP and the new leadership have been communicating and this has been a positive step.

The Flemington Improvement is working on cleaning up some internal issues, and I have been being asked about the money situation. The original number was about 160,000.00. The numbers are presently showing up different than that, so they are currently doing an internal audit. The results should be coming back to us soon. I would like to thank Roseann and Matt McPherson who stepped up to manage this situation as the previous leadership has stepped off. They really have been doing a great job with working with us.

Union Hotel - The Mayor and I had for a few hours met with a group outside of Stangl and are keeping the lines of communication open. We are considering some town hall's to keep this conversation going. The conspiracy theory and rumor mill items are destructive, and this is not helpful at all. We need to have conversations and respectful communications. Informal discussion and small group conversations seem to work best.

Global Ag - working on the plan and continuing to work together on this plan. I am aware of the one developer coming to do a question and answer session with the planning board.

E. Approval of Minutes

Motion To: **Approve Minutes: April 11, 2016 Regular Council Meeting**

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

Motion To: **Approve Minutes: April 11, 2016 Executive Session Minutes**

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

Consent Agenda

1. RESOLUTION 2016-75: AUTHORIZING THE CLOSING OF MAIN STREET FROM MAPLE TO CAPNER STREET FROM 4:00 PM TO 10:00 PM ON JULY 16TH, 2016 FOR SALSA NIGHT AND WAIVING THE EVENT PERMIT FEE

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

2. RESOLUTION 2016-76: AUTHORIZING SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

3. RESOLUTION (ID # 2182): 2016-77: RESOLUTION TO APPOINT PATROLMAN WILLIAM MUSACCHIO OF THE FLEMINGTON POLICE DEPARTMENT TO THE COUNTY SWAT TEAM

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

4. RESOLUTION 2016-78: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2014-007 HELD ON BLOCK 28 LOT 16, KNOWN AS 43 MAPLE AVENUE, OWNER LESTER AND JENNIFER COOKSON IN THE AMOUNT OF \$2,821.72

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

5. RESOLUTION 2016-79: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2015-010 HELD ON BLOCK 35 LOT 55, KNOWN AS 25 BROWN STREET, OWNER JOSEPH ASHFORTH IN THE AMOUNT OF \$2,265.21

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

6. RESOLUTION 2016-80: AUTHORIZING THE RELEASE OF EXECUTIVE SESSION MINUTES

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

7. RESOLUTION 2016-81: AUTHORIZING THE BOROUGH OF FLEMINGTON TO PROVIDE ADDITIONAL FUNDING FOR EXPERT IN AFFORDABLE HOUSING ACTION (\$2,000) AND TO FUND A SOMERSET, HUNTERDON, WARREN CONSORTIUM (\$1,500)

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

8. RESOLUTION 2016-82: RESOLUTION 2016-82 TO ALLOW REDEVELOPER ACCESS TO 90-100 MAIN STREET FOR SITE INSPECTION AND TESTING.

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

9. RESOLUTION 2016-83: AUTHORIZING VERIZON WIRELESS TO JOINTLY USE EXISTING FACILITIES LAWFULLY ERECTED IN THE PUBLIC RIGHT OF WAY FOR SMALL NETWORK NODES

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

10. RESOLUTION 2016-84: RESOLUTION 2016-84 AUTHORIZING NEGOTIATIONS TO BEGIN WITH THE NJ DEP TOWARD DRAFTING A POSSIBLE ADMINISTRATIVE CONSENT ORDER FOR THE WET WEATHER SEWER PLANT

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

Regular Agenda

1. ORDINANCE 2016-7: PUBLIC HEARING: AN ORDINANCE ESTABLISHING TRAFFIC CONTROL STANDARDS AND REQUIREMENTS FOR CONSTRUCTION
MOTION TO OPEN PUBLIC HEARING ON 2016-7

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Marc Hain, Council Vice President
SECONDER:	Al Brewer, Councilman
AYES:	Brewer, Gorman, Hain, Oberst, Swingle
ABSENT:	Brooke Liebowitz

Councilman Hain gave a brief summary of what this Ordinance entails. This is to help establish procedures when working with the engineers, DWP and the police for construction projects and road repair for the safety of the public and community.

Lois Stewart, 26 Spring Street, does this discuss the fee that need to be reimbursed to the Borough? For the officer that is working the job site, is this part of their regular work hours?

Councilman Hain, the fees are discussed in the ordinance. They are worded in this way so that if the charges change go up in the future, the Ordinance will not have to be redone. The fees will be reimbursed to the Borough for any equipment and personnel that is needed and used. This is supplemental and this is charged to the contraction company.

Robert Shore, does the ordinance state the streets that are required to have personnel there when being worked on?

Councilman Hain stated that this goes before the Police Chief, DPW, and they all sit down and evaluate the situation. They evaluate the work and the area that will be closed.

MOTION TO CLOSE PUBLIC HEARING ON 2016-7

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Al Brewer, Councilman
SECONDER:	Brian Swingle, Council President
AYES:	Brewer, Gorman, Hain, Oberst, Swingle
ABSENT:	Brooke Liebowitz

MOTION TO ADOPT ORDINANCE 2016-7

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

2. ORDINANCE 2016-8: PUBLIC HEARING: AN ORDINANCE AMENDING III POLICE REGULATIONS, SECTION 3-16.3 ENTITLED "APPLICATION FOR PERMIT"

MOTION TO OPEN PUBLIC HEARING ON 2016-8

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marc Hain, Council Vice President
SECONDER: Michelle Oberst, Councilwoman
AYES: Brewer, Gorman, Hain, Oberst, Swingle
ABSENT: Brooke Liebowitz

Councilman Hain stated that this ordinance is currently on the books. This adjustment to this ordinance is mainly to adjust the time frame for people to submit an application for an event that is for road closure, such as a parade, etc. We adjusted other areas of the Ordinance to help the police department. We took out the designation of a smoking area. This will help the police department since it is not practicable of their time to try to control this situation. The \$35.00 dollar fee has been taken out since these events are exempt.

Lois Stewart asked the Council if this Ordinance applies to groups that gather as they did at Stangl? Do we need prior approval?

Mayor Greiner responded that no this is private property, and no roads needed to be closed.

Lois Stewart asked if she could walk around town with a sign on a pole if she wanted to?

Council President Swingle commented that yes, the street does not need to be closed for this. This Ordinance is for street closures only.

MOTION TO CLOSE PUBLIC HEARING ON 2016-8

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Marc Hain, Council Vice President
SECONDER: Al Brewer, Councilman
AYES: Brewer, Gorman, Hain, Oberst, Swingle
ABSENT: Brooke Liebowitz

MOTION TO ADOPT ORDINANCE 2016-8

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

3. ORDINANCE 2016-9: FIRST READING: BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2014-25

Councilman Gorman reported that this is an ordinance to apply the grant for the paving of Capner/Allen.

Mayor Greiner explained that the price went up for the asphalt, but the grant will be covering this. This means that the amount we have to borrow will not change.

RESULT: **INTRODUCED [UNANIMOUS]** **Next: 5/9/2016 12:00 AM**
MOVER: John Gorman, Councilman
SECONDER: Brian Swingle, Council President
AYES: Brewer, Gorman, Hain, Oberst, Swingle
ABSENT: Brooke Liebowitz

MOTION TO ADD RESOLUTION 2016-85 TO THE REGULAR AGENDA

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

4. RESOLUTION 2016-85: A RESOLUTION TO SUPPORT OF THE FLEMINGTON COMMUNITY PARTNERSHIP AGREES TO MAIL THE STAKEHOLDERS MEETING INVITE

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

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

Betsy Driver, 50 N. Main Street, asked if Mr. Cust own any buildings on Main Street at this time?

Mayor Greiner stated that not at this time, that he is aware of.

Betsy Driver, read the following line that was in the letter that was posted at the Stangl factory from the Attorney of Mr. Cust. As a result of the boroughs support, Mr. Cust now has several of the properties under contract, including the Union Hotel, and is in the process of completing the remainder. Ms. Driver feels that this implies that he has already been negotiating with the council for 90-100 Main Street.

Mayor Greiner stated that he has the information about what 90-100 Main is assessed for, what we owe on this, as well as the parking lots that we own in the borough. There has been no discussion of price at this time.

Councilwoman Oberst stated that if Mr. Cust has contracts with the other property owners, then that is between him and the other property owners.

Betsy Driver, commented that the union Hotel is still listed in the MLS for \$840,000.00. Ms. Driver commented that she knows that Mr. Romanowski had foreclosure proceedings on the Union Hotel. We do not know the status of this? Does the Council know the status on this? Is the Borough jumping ahead and getting back in the same situation that the Borough has entered into three prior times, and the Council failed as leaders of this community?

Mayor Greiner stated that the standard procedure that developers do not buy the multiple properties outright. They will not buy them if they know that they cannot develop them. Mr. Cust is making arrangements with contract options, and is receiving selling agreements with prospective sellers if certain conditions are met, and Mr. Cust receives approvals.

Councilwoman Oberst stated that she does take offense to the criticism of the Borough Council failing because of the last three developers. We have had other developers that the Council has made every effort to assist the developer

in moving things along. Councilwoman Oberst stated that she was not part of the second developer, but she is sure the same support was given. Things happen and things fail. Councilwoman Oberst is not appreciative that Ms. Driver is blaming the Council for those failures. We are making every effort to make sure that Main Street gets revitalized.

Council President Swingle commented that he agrees with Councilwoman Oberst. We have tried to make the right choices for the public, and give the public what they are asking for in these attempts. We have been fighting for what the borough needs and what the public wants. To say that we failed at something because we attempted to execute what the public has asked us to execute is wrong and very unfair. This council is continuing to do its job the best and what is beneficial to this community.

Joann Elacqua, 7 Laurelton Trail, Raritan Township, commented that she was part of the 15+ people at the Stangl Factory. She is sensitive to the fact that she is not part of the community. Mayor Greiner statements this evening have made her feel that her opinion about Main Street does not apply. She would like to feel that she is welcome to these discussions.

Robert Shore asked if Council President Swingle is the spokesperson for the Council?

Council President Swingle replied that no, he is the President of the Council. We all speak for ourselves.

Robert Shore commented that when he reads Council President Swingle comments online that he feels that he is speaking for the Council. Mr. Shore asked Councilwoman Oberst again where she is residing at the current time?

Councilwoman Oberst stated that she resides, for almost 21 years, at 68 Broad Street.

Yolanda Cillo, 9 Olden Drive, stated that she appreciates what you said about non-resident, but we spend a lot of time and money in Flemington. Flemington is our mailing address and the County Seat. She agreed that there can be a compromise on this project.

Council President Swingle commented that this is a process, and we are anxious to see what the feedback, that Mr. Cust has been receiving, implemented into the plans. When we meet with Mr. Cust, we do not get the feeling that he is saying it is his way or no way.

Mayor Greiner stated that we will be seeing another iteration coming, and then we will have a better understanding of what this project might look like.

Councilman Brewer commented that seems to be the public misconception; that Council is not listening. Councilman Brewer wanted the public to know that he is listening, and the historic value of this town is important. Councilman Brewer feels that when he has spoken to the other individual Council members, he has never gotten the feeling that they are not also listening to the comments. Let's be more positive and move Flemington in the right direction.

Robert Shore commented that Councilman Brewer has not been on this Council for very long. He has seen time and time again that this Council does not listen. They do whatever they please. They do not represent me or some of the other businesses. This is coming from past experience and past events.

Lois Stewart, 26 Spring Street, interested in the comment from the Mayor made about the Council members meeting with Mr. Cust separately so that there was no issue with the quorum. Her perception of what Mayor Greiner implied was that everybody on Council agreed on what Mr. Cust was presenting as his dream. She is sure that Mr. Cust discussed the demolition of the buildings. Her question is, did all of the Council agree with Mr. Cust on the demolition? Did the Council know, at the time, that they designated Mr. Cust as the redeveloper; that he wanted to demolish the four buildings?

Mayor Greiner replied that this was an anonymous vote to designate Mr. Cust as the redeveloper. He had explained many times that there is a process that we need to follow. We will eventually get to a redevelopment agreement bases on what we are finally given to consider as the plan. Mr. Cust will need to go through the processes of open meetings, planning board, planning board hearing, and site plan. We have not seen a final plan yet. We have only seen a first proposal.

Lois Stewart, asked if the seven Council members agreed the Mr. Cust plan was an acceptable plan?

Mayor Greiner stated that yes, in general, when we you look at the pro's and con's. It was worth going ahead with and again, the official vote was unanimous that Mr. Cust should be designated as the redeveloper.

Lois Stewart is concerned that the Council will not take the action and make the changes that the residents want. She is concerned that the Council is not taking in to consideration the historical value of these buildings. The residence of this town, less than 5000 people, we will need the rest of this regions support and say as well on this project.

Council President Swingle commented that this plan does conform too many of the aspects that we are looking for, and we did vote anonymously to move forward with Mr. Cust as the redeveloper.

Mayor Greiner stated that he would like to see Ms. Stewart articulate both sides of an argument. If you understand the other persons point of view, which you should; for all of you that would like to save the hotel at all cost, even if it means ten more years of what we have there now, you should be able to speak as eloquently; what is good about this plan as you can speak about what you do not like about the plan? There are many good things about this plan. We have spent many hours on your point of view and now, you need to practice our point of view.

Susan Peterson, 105 Broad Street, we have a problem because there are many people upset. When are you planning on having the first town hall meeting? How would the groups get picked?

Mayor Greiner stated that we have spent hours on this, and he really liked the meeting that they had yesterday. Mayor Greiner, Council President Swingle and, Councilwoman Oberst will meet next week. We will discuss this matter. We will get another proposal from Mr. Cust in the future.

Chris Englehardt commented that a meeting with Mr. Cust and the public would be great.

Tony Previte thanked everyone for their concerns about the Union Hotel. Mr. Cust and the Council are trying to find the best solution. The union Hotel has outlived its usefulness, and Main Street will not resemble what you see now. Mr. Previte asked about the list of what street will be next for improvement? Is Hopewell on this list? Mr. Previte again asked to open the Park Avenue in front of his residence to be able to turn right and left?

Councilman Gorman stated that they just received money for East Main Street

1. Attorney's Report

There is no Attorney Report at this time.

I. Payment of the Bills

Motion To: **Pay The Bills**

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

Motion to Open Executive Session

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

Executive Session Meeting

Legal Advice on Banner Ordinance and Samuel Fleming House

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

Regular Meeting Agenda

Motion to Close Executive Session

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michelle Oberst, Councilwoman
SECONDER:	Al Brewer, Councilman
AYES:	Brewer, Gorman, Hain, Oberst, Swingle
ABSENT:	Liebowitz

Adjournment

Motion To: **Adjourn**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michelle Oberst, Councilwoman
SECONDER:	Alan P. Brewer, Councilman
AYES:	Brewer, Gorman, Hain, Oberst, Swingle
ABSENT:	Brooke Liebowitz