



Mayor and Common Council Borough of Flemington

May 23, 2016

Council Meeting Room

Work Session Agenda

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

1. FCP BUDGET REVIEW- BRIAN SWINGLE

Council President Swingle introduced Karen Monroy and Judy Goodwin of the Flemington FCP. Mayor Greiner stated that he attended the FCP stakeholders meetings and see that the minor change requested was reflected in the budget as presented. Karen Monroy summarized the budget line items. Council President Swingle asked if the Council had any questions. Mayor Greiner said he was satisfied with the budget on an annual basis but was not comfortable with collecting 12 months of revenue for just six months of operation in 2016.

Councilwoman Oberst stated she was pleased to see the budget was not top heavy in administrative costs.

2. SUMMER PLANS FOR THE GAS STATION PROPERTY (JUDY GOODWIN)

Judy Goodwin of the FCP stated this project has been in the works for quite some time and they are now in a position to move forward. Ms. Goodwin informed the Council that Lowes has adopted this project and will be making needed improvements to the facade of the building and the surrounding area. Lowes would like to begin their work on June 13, 2016. The goal is to make this a community gathering place for people and families. Ms. Goodwin stated the FCP in conjunction with the Borough would be applying for a license through the State of NJ ABC to serve beer and wine July 1st through Sept 24 between the hours of 5-10 PM. In an effort to support local businesses the local restaurants will be serving food to the patrons and wares will be available for purchase. Ms. Goodwin stated they would like to get power to the building as they will need lighting. The FCP is aware they can run generators however they will be a last resort as they are trying to keep the noise levels as low as possible for the neighboring homes and businesses. Lastly Ms. Goodwin stated she would like some assistance from the Borough with placing dumpsters on the property for June 11th and 12th for the clean up behind the building and the removal of some of the loose dangerous items on the building. Ms. Goodwin stated that she will also need 3-5 yards of topsoil.

Philip Roche, 77 Mine Street, inquired if local businesses will be the vendors providing the alcohol. Ms. Goodwin responded that yes local vendors were being utilized.

Chris Englehart, 180 Main Street inquired as to what the building was going to look like. Ms. Goodwin passed around a photo showing the improvements and stated there will be a chalk wall for kids to draw on.

Phil Velella, 28 Maple Street asked who was paying for these improvements. Ms. Goodwin responded that Lowes was. They have taken this project will be their community cares project for this year.

Regular Meeting Agenda

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	Present	
Michelle Oberst	Councilwoman	Present	
Brian Swingle	Council President	Present	
Phil Greiner	Mayor	Present	

1. Mayor's Report

- Acting Municipal Clerk Jodi McKinney resigned effective last Wednesday to take a clerk position elsewhere with better pay and benefits. The admin committee will evaluate how to move forward to minimize the chance for the same scenario re-occurring, which is that we train someone and they leave for better pay. Thanks to Rebecca Newman for covering tonight's meeting.

Attended a save-the-hotel meeting at the county library on May 12, and held another town hall meeting at 90 Main with the redevelopment committee on May 17. The crowd there was largely folks who had attended previous meetings, so we have reached a point where need to see the redeveloper's next iteration.

Held two public presentations, on May 18 and 19, at the courthouse to discuss the streetscape design. They were lightly attended (11 on the 18th and only 3 on the 19th). Plans will soon be submitted to the state and federal agencies for review, which could use up much of the time between now and March, when we must be ready to bid the job for construction.

Attended both FCP stakeholder meetings on May 16. Also met with FCP board member Judy Goodwin and council liaison Swingle to discuss summertime use of the gas station property. I contacted the Lowe's community volunteer team, who visited the site and is considering how they might contribute to the project.

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

Councilman Brewer

Met with Councilman Gorman and Mayor Greiner to review the solid waste bids and the most advantageous to the Borough was the 5 year contract with Central Jersey Waste. The Borough was waiting on data regarding the tipping fees for the disposal of the collected garbage, which was obtained and reviewed.

Attended the pre construction meeting regarding the Capner and Allen street project.

Summarized some of the pros of the meter change out project that is on the agenda for approval this evening. Requested that water superintendent Josh Parks be present to answer any questions from Council members or the public.

Will be attending an HPC meeting on 5/18 to review an application submitted by Howard Spencer.

Councilman Gorman

Participated in the Allen and Capner preconstruction meeting, the project should be completed in the next few weeks. The contractor is currently working on the curbing and sidewalks and depending on the timeline the paving may be held off until school is out for the summer, June 17.

Attended a shade tree meeting and anyone interested in obtaining a tree can contact him.

Attended Parks and Rec meeting on May 10th. Fireworks are scheduled for July 3 with a rain date of the 5th. Spoken to Mr & Mrs Karpew many times about their concerns.

Also will meet with the garbage haulers in the upcoming weeks and will participate in the Memorial Day parade on Monday.

Council Vice President Hain

Attended an environmental commission meeting on May 16th and discussed restructuring the green team to help assist with the commissions goals.

Planning Board meets tomorrow May 24th and they will continue to review ordinances for any potential conflicts.

Attended a parks and rec meeting with councilman Gorman and the committee is in the process of obtaining a gaming license from the State of NJ to be able to hold a raffle at the fire works.

The "click it or ticket" program starts today within the Borough.

Stated there was a resolution on the agenda to pay out compensation time for the Chief that was accrued over the many years he has been the Chief. The Borough has worked very hard to keep the costs down and the burden to the tax payers low.

Councilwoman Liebowitz

Attended the Community street scape meetings but were disappointed in the public attendance. If anyone would like copies of the plan they can email her for them. At the meeting some shade tree issues were expressed so she is meeting with the shade tree commission to discuss them and come up with a solution.

Attended the Global Ag redevelopment meeting to ensure the proposed project is consistent with the master plan.

Will meet with animal control regarding a solution to the feral cat situation within the Borough.

Newsletter will be out June 15th and the website continues to improve.

Councilwoman Oberst

Asked Attorney Goodman if the Council could obtain legal advice regarding the front steps at the Samuel Fleming House. Attorney Goodman suggested the Borough Council enter into executive session.

Attended the redevelopment meeting on May 17th and has another one scheduled with Jack Cust regarding the Union Hotel on May 27th to keep communication open regarding suggested changes to the plans.

Attended an Administration Committee meeting to discuss the open position of Clerk, held an exit interview with Jodi McKinney and will attend another Administration Committee meeting on May 24th.

Council President Swingle

Back to working on an ordinance to address the zombie house issue within the Borough. This will enable the Borough to apply pressure and levy fines against homes that are left abandoned and in disrepair.

A future conversation regarding massage parlors will be discussed in upcoming months.

3. Motion To: **Motion to Open the Meeting to the Public for discussion on Ordinance 2016-10**

COMMENTS - Current Meeting:

Josh Parks, Water Superintendent explained the need for the meter replacements to the public, Mayor and council. Mr. Parks stated that current meters were installed in 2003 and have a useful life of 10 years. The new meters will have a life span of approximately 15-20 years. The Borough will have the ability to set parameters regarding water usage and alerts can be sent to the utility clerk when those parameters are exceeded. At that point the Borough can reach out to a property owner to determine if there is an issues, thus saving a home owner time and money.

Mayor Greiner asked Mr. Parks to elaborate on how these meter changes will impact firm capacity. Mr. Parks responded that currently the Borough operates between 20% and 25% of unallocated water. The NJ DEP requires this to be a maximum of 15%. Changing the meters will give a more accurate count of water distributed reducing the unallocated water percentages, which should increase the Boroughs firm capacity to support future developments.

Alice Schwade, 12 Park Avenue asked if the water bills will increase. Mr. Parks responded some will increase and some will not. It will give an accurate account of water usage and billing.

Betsy Driver, 50 N Main Street-asked how the meters are powered. Mr. Parks responded by battery.

Tony Previte, 45 N Main Street- asked how accurate the meters on the wells are. Mr. Parks stated the meters on the wells must be calibrated every 5 years.

Gary Schotland, 123 Main Street stated he was having difficulty with In-Line metering to have his meter calibrated. Mr. Parks stated he was aware of the issues as he has heard this before.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marc Hain, Council Vice President
SECONDER:	Alan P. Brewer, Councilman
AYES:	Brewer, Gorman, Hain, Liebowitz, Oberst, Swingle

4. ORDINANCE 2016-10: 2016-10: SECOND READING: BOND ORDINANCE PROVIDING FOR PURCHASE AND INSTALLATION OF NEW WATER METERS

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

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

Bob Schwade, 12 Park Ave, stated the yard sale was poorly attended and was not advertised in the paper. Clerk Newman responded that it was in the paper the two weeks prior to the sale as well as on the website and social media pages. Mr. Schwade suggested it be put on NJ.com.

Phil Velella, 28 Maple Ave showed the Borough a sample of the weeds that are growing at the adjacent property to him and urged the council to amend the situation as he is concerned about the Zika virus. He also outlined some bullet points for an amendment to the Ordinance regarding property maintenance. Inquired why the Borough cannot condemn the property through eminent domain and sell it at auction. Attorney Goodman stated that was a very long legal process.

Larry Potter, 42 Park Avenue expressed his concerns for the Union Hotel project and stated change is good but not in exchange for greed. Mr. Potter challenged the Borough to come up with additional options regarding this project. Mr. Potter stated there are many responsible developers that specialize in the restoration and development of historic buildings.

Lois Stewart, 26 Spring Street expressed her concerns regarding the flower pots in the Borough and inquired what the current COAH obligations are. Attorney Goodman responded no one in the State has any idea. Ms. Stewart followed up with a concern that a developer can come in at this point and just build all fair market housing since the COAH litigation is going on. Mayor Greiner stated the developer would still have to build affordable units but the amount would have to be an educated guess at what the third round COAH obligations will be.

Steve Karpew, 32 Allen Street expressed his concerns for his new roof, new cars, new pool cover and overall property during the fire works display. Mr. Karpew asked why the event was not moved to the park as per his suggestion. Mayor Greiner responded that a whole townwide event cannot be moved to appease one resident and reiterated his concerns were relayed to the fire department so they are able to monitor the situation.

Elaine Gorman, 34 New York Ave presented the Council and public with a poster regarding the historic house tour. She reviewed the details and how to purchase tickets and urged all residents to come out and participate.

Robert Shore, 47 Broad Street was not able to attend the street scape meeting but expressed his concerns stating this project was much more than just improving the facade. He informed the council the BID had planned to install fiber optic lines to improve internet speeds for businesses and security cameras, PA systems and infrastructure upgrades.

Dave Cohn, 37 E Main Street stated he moved to the Borough because of the uniqueness and the history. He was not looking for new high rises. He expressed that he would like to see a better use for the redevelopment encompassing and utilizing the union hotel.

Andy Cohen of Barkleys inquired about the click it or ticket program if it was a stationary inspection or if it was moving. Lt. Rotella responded that it was moving and would be conducted through out the Borough.

6. Approval of Minutes

Motion To: **Approve Minutes: May 9, 2016 Regular Council Meeting**

RESULT:	APPROVED [5 TO 0]
MOVER:	Michelle Oberst, Councilwoman
SECONDER:	John Gorman, Councilman
AYES:	Brewer, Gorman, Liebowitz, Oberst, Swingle
ABSTAIN:	Marc Hain

RESOLUTION 2016-99: APPROVE MINUTES: MAY 9, 2016 EXECUTIVE SESSION MINUTES

RESULT:	ADOPTED [5 TO 0]
MOVER:	Brian Swingle, Council President
SECONDER:	Alan P. Brewer, Councilman
AYES:	Brewer, Gorman, Liebowitz, Oberst, Swingle
ABSTAIN:	Marc Hain

Consent Agenda (Start)

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

1. Motion To: **Motion to remove resolution 2016-100 from the consent agenda**

COMMENTS - Current Meeting:

Ms. Oberst requested the resolution for the compensation time be removed from the consent agenda and tabled until the next meeting.

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Alan P. Brewer, Michelle Oberst
SECONDER: John Gorman, Councilman
AYES: Brewer, Gorman, Hain, Liebowitz, Oberst, Swingle

2. RESOLUTION 2016-97: AWARDING A CONTRACT TO THE GARDEN SHED FOR THE 2016 PLANTINGS IN THE AMOUNT OF \$18,000.00

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

3. RESOLUTION 2016-98: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-005 HELD ON BLOCK 2 LOT 45 QUAL C0012, KNOWN AS 12 WILLIAM MARTIN WAY, OWNER D & D DEVELOPERS IN THE AMOUNT OF \$45,220.55

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

4. RESOLUTION 2016-100: APPROVAL OF ACCRUED COMPENSATION TIME PAY OUT FOR THE CHIEF OF POLICE UPON RETIREMENT

RESULT: **TABLED [UNANIMOUS]** **Next: 6/13/2016 7:00 PM**
MOVER: Michelle Oberst, Councilwoman
SECONDER: John Gorman, Councilman
AYES: Brewer, Gorman, Hain, Liebowitz, Oberst, Swingle

Regular agenda (Start)

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

1. RESOLUTION 2016-101: INTRODUCTION OF THE FCP BUDGET

RESULT: **INTRODUCED [UNANIMOUS]** **Next: 6/27/2016 12:00 AM**
MOVER: Brian Swingle, Council President
SECONDER: Michelle Oberst, Councilwoman
AYES: Brewer, Gorman, Hain, Liebowitz, Oberst, Swingle

2. RESOLUTION 2016-89: AUTHORIZING THE MAYOR TO SIGN A 5-YEAR CONTRACT FOR SOLID WASTE COLLECTION WITH CENTRAL JERSEY WASTE & RECYCLING AT A COST OF \$587,414.00

Councilwoman Liebowitz expressed her concerns regarding the manner in which cans are returned after being empty. Many residents have complained that the cans are thrown onto the lawn or out onto the street. Councilwoman Oberst seconded these concerns and stated there needs to be an expectation of better service moving forward. Attorney Goodman stated that a MOU can be drafted to between the Borough and Central Jersey Waste with these expectations.

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

- 3. ORDINANCE 2016-11: SECOND READING: AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF FLEMINGTON TO ESTABLISH A NEW CHAPTER, 208, ENTITLED "PROTECTIVE CUSTODY OF INTOXICATED DRIVERS."

Councilman Hain stated that it was determined that we currently have an ordinance that covers the items in this proposed agenda.

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

- 4. ORDINANCE 2016-12: SECOND READING: AN ORDINANCE TO ADOPT THE BANNER "WE LOVE FLEMINGTON" AS THE BOROUGH'S DEFAULT BANNER

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

- 5. Motion To: **Motion to open the meeting to the public to discuss ordinance 2016-12**

COMMENTS - Current Meeting:

Lois Stewart, 26 Spring Street asked who would be paying for the banner. Council President Swingle stated that the funds were raised by a private group.

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

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

Joanne Braun, 77 Jefferson Court inquired if the meeting on May 27th was open to the public. Mayor Greiner stated no, this was just an information gathering session to keep communication open. Ms. Braun inquired about the status of the cut glass property as it is unsightly at this point.

Betsy Driver, 50 N Main street inquired about the signs in the flower pots being a violation of the sign ordinance. Ms. Driver also stated the garbage collectors combine her recycling and regular garbage on a weekly basis. Clerk Newman suggested she send an email when this occurs so we can alert the garbage company. Ms Driver also expressed concerns regarding her most recent OPRA request for executive session minutes.

Tony Previte, 45 N Main Street inquired about the North end of town revitalization. Mayor Greiner responded the Borough is making progress on it.

Chris Englehart, 180-5 Main Street inquired if Jack Cust is able to perform a project like this and inquired if anyone has checked his references. Mayor Greiner responded that Mr. Cust is a very respected business owner and developer.

Joanne Elacqua, 7 Laurelton Trail inquired if there were plans in place as a back up in case this proposed development falls through.

Lois Stewart, 26 Spring Street inquired if the Hineline property has been listed for sale at this time. Mayor Greiner stated that they are still working with the State on an agreement. Ms. Stewart stated that Lambertville recycles their trash and inquired if the Borough had looked into that. Councilman Gorman responded that the Borough has looked into many options in the past. Ms. Stewart asked where the \$100,000 from the FBID has gone. Council President Swingle responded that was still being researched. Ms. Stewart asked what would happen to the rescued squad building when the squad moves? Councilwoman Oberst stated there are no plans at this time.

Robert Shore, 47 Broad Street asked the Council if Jack Cust has changed architects. Mayor Greiner responded he did not think there were plans to

change architects, however, they are making some changes to the facade based on public concerns.

10. Attorney's Report

11. Payment of the Bills

Motion To: **Pay The Bills**

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

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

1. RESOLUTION 2016-102: A RESOLUTION ALLOWING THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION FOR A DISCUSSION REGARDING TACTICS TO PROTECT PUBLIC SAFETY AND PROPERTY ACTION MAY BE TAKEN.

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

Adjournment

Motion To: **Adjourn**

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