



Mayor and Common Council Borough of Flemington

June 13, 2016

Council Meeting Room

Work Session Agenda (Start)

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

1. ANIMAL CONTROL: PROPOSED TRAP/NEUTER/RELEASE PROGRAM - BROOKE LIEBOWITZ

The representative from the State was unable to attend so the discussion regarding animal control was tabled.

Council President Swingle updated the Council on the progress at the filling station. He thanked Unity Bank for the resources they put into this project, thanked Lowes for all of their efforts and the Borough DPW for their support with this project.

Councilman Brewer stated he had some concerns regarding noise impacting the funeral home. A discussion ensued and it was determined that the activities will be conducted with sensitivity with regard to the funeral home. Mr. Brewer opined it would be nice to be able to offer the space to charities and non profits.

Tony Previte, 45 N Main Street asked what the price point of the beer will be. That was not known at this time and would depend on the vendor. Mr. Previte also mentioned loitering that took place over Memorial Day weekend at Steves convenience store.

Regular Meeting Agenda (Start)

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

Elaine Gorman, 34 New York Avenue, informed everyone of the success for the Historic House Tour. Mrs. Gorman mentioned she heard many comments about how people enjoyed their tours through the 9 homes. Mayor Greiner stepped off the dias to be thanked by Mrs. Gorman on behalf of the Borough. Mrs. Gorman presented Mayor Greiner with a framed house tour poster in appreciation to be hung in the Borough Hall.

Lois Stewart, 26 Spring Street, asked how she could find out about correspondence received by the Borough. Correspondence is delivered to the clerk who then disseminates it to appropriate parties. Ms. Stewart specifically asked for correspondence from February forward. Attorney Goodman stated that would be a monumental task to compile all of that without specifically identifying a document. Ms. Stewart also stated the flower pots don't need to be replaced as part of the street scape project, they are fine the way they are currently.

Richard Giffen, 9 Highland Ave, inquired as to the status of the Hotel and began citing Borough Ordinances prohibiting the demolition of the structure. Mr. Giffen also inquired if the Construction official had been issuing fines in regards to the disrepair of the building. Mayor Greiner responded that he has but it has been difficult to enforce while involved in litigation. Mr. Giffen stated that the Borough should take the necessary steps like fastening a tarp over the roof to prevent further deterioration.

Joanne Elaqua, 7 Laureton Trail inquired if the Mayor has checked the resume of Jack Cust. Ms. Elaqua also stated Mr. Cust failed to secure funding for a project in Fredricksburg MD. Mayor Greiner stated it was not appropriate to disparage Mr. Cust's reputation in this forum without him present to defend himself.

Councilwoman Oberst stated the buildings as they stand now are not viable.

Joann Braun, 77 Jefferson Court responded to Ms. Oberst stating that was a false statement as one of the building is fully rented.

Larry Potter, 42 Park Avenue- stated he pushed his feelings on to the council last meeting and apologized for that. Mr. Potter also stated he was resigning his position as president of the Friends of Historic Flemington LLC.

Chris Englehardt, 180 Main Street inquired if it was legal to destroy the building identified in Mr. Custs plan based on Mr. Higgins reading of the Borough

Ordinances. Borough Attorney Goodman stated that although an ordinance is in place it can always be amended by the Borough Council.

Tony Previte, 45 N Main Street asked if Andy Ward of Princeton Construction had submitted plans for the Global Ag site yet. Council responded not at this time.

Patricia Bally, 39 Meadow Lane stated she was apauled that business owners cannot vote in the primary in the Borough. Council responded that the Borough has nothing to do with that policy that is a federal law that you vote where you reside.

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

- June 4: started Girls on the Run 5K race and handed out many medals at the end. Also toured some homes on the HPC's Stroll Through Flemington. The race was moved to Saturday so they could run in the morning, before the mid-day summer heat. The race was over by 10:00 AM, and the barricades came down shortly thereafter. We should evaluate the day change and provide early feedback to the group if we want them to switch to Sunday next year.
- Linda Giliberti will be leaving our staff on June 23 to take a higher-paying job with another municipality; she is the second person to go for the same reason in two months. This has been a continuing problem for years since we cut back to part-time positions. The Admin Committee has agreed on a new structure and expects to advertise this week for a replacement, starting with the position vacated by Jodi McKinney.
- There will be a press event tomorrow at 4:00 PM at 117 Main Street (aka The Large House), which will involve the restoration and future use of this once-beautiful building.
- Letter from the Chick-fil-A project construction superintendent (attached)
- Memorial Day parade was cancelled by Veterans' Alliance, but a memorial service was held at the monument, which I attended
- Attended and spoke briefly at a musical concert, organized by Warren Buckleitner, of the borough and Mediatech, in the courthouse park on June 10 in honor of Flag Day, which is tomorrow.
- Mr. Cust has spent considerable time and money assessing options for including existing buildings and providing a more historic-looking façade on Main Street. Because of the complexity of the project it does not look doable to retain the existing buildings, but it is possible to provide a much more historic look to the façade.

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

Councilman Brewer

Councilman Brewer pointed out to Mr. Giffen that the language in the Ordinance of shall and may have very different meanings.

Mr. Brewer attended several HPC sessions and participated in the Historic House tour. Mr. Brewer complimented everyone who worked to make that such a success.

Mr. Brewer stated that the HPC would like to attend some of the redevelopment meetings with Mr. Cust.

Mr. Brewer reiterated that the admin committee will do what it takes to staff the office accordingly.

Councilman Gorman

Councilman Gorman thanked the DPW and Dave Dallas for cleaning up the Hineline lot.

Mr. Gorman stated he attended the streetscape meeting and they discussed the specs and the deadlines for the project.

Mr. Gorman attended the Memorial Day Service at the monument.

Mr. Gorman stated he attended a DPW meeting and upcoming projects and the proposed development was discussed. Mr. Gorman stated the repaving of Capner and Allen is set to begin soon.

Mr. Gorman and the Mayor also met with JCP&L regarding the clean up project that will be taking place on Main Street.

Council Vice President Hain

Councilman Hain stated that the Borough fire works will be on July 3rd and a rain date of July 5th. This year parks and rec will have a DJ and an ice cream cart. Mr. Hain stated Parks and Rec are trying to obtain a raffle license from the State of NJ to be able to sell raffle tickets at the event for items like golf outings and dinner at restaurants.

Mr. Hain stated that Robert Martucci resigned from the environmental commission and thanked him for his years of service.

Mr. Hain informed the council that the planning board review committee has met and are still working on many ordinances.

Mr. Hain thanked the DPW for dropping mulch off at Tuccimorgan park and that there will be clean up efforts on going in the park.

Mr. Hain stated the click it or ticket event had been completed. It yielded 90 hours of time for the officers.

Mr. Hain summarized the month of May in the PD: 6,507 miles logged, 270 moving violations, 14 parking tickets, 249 warnings, 600 calls and 38 motor vehicle accidents.

Councilwoman Oberst

Councilwoman Oberst stated the Memorial Day parade was cancelled due to weather and that the wrong time for the service was posted on social media. Ms. Oberst stated that the service was delayed as much as it could be to ensure as many people could be present at possible.

Ms. Oberst stated she attended two redevelopment meetings regarding the Cust plan and was very pleased with the changes being made. Mr. Cust and his team are listening to the concerns of the citizens and making changes based on those and trying to do what can be done to have Main street look similar to how it does currently.

Ms. Oberst stated she attended the historic house tour reception and congratulated the HPC for their success with the house tour.

Councilwoman Liebowitz

Councilwoman Liebowitz stated she did not have much to cover with the exception of Yoga in the park. She is working on this and many other exciting items.

Council President Swingle

Council President Swingle stated that he has been working closely with the FCP on many things like the beer garden and community gathering space.

Mr. Swingle also attended the redevelopment meetings and has seen Mr. Custs revised plan.

Mr. Swingle reminded residents to please cut your grass as this is becoming an issue in town.

Mr. Swingle updated the council on the status of the FBID and that they have voted to dissolve themselves. At which point all remaining funds will be returned to the Borough and hopefully refunded to the tax payers. Mr. Swingle stated that the financial records are being audited but there were concerns regarding some checks written that were above what was budgeted, specifically two checks for \$9,000 to Meghan Jones-Holt. Mr. Swingle requested that the Council go into executive session to discuss this with Council and obtain legal advice from Attorney Goodman.

Mayor Greiner expressed his concerns regarding Mr. Swingle's personal views and discouraged planing the notion wrong doing has been done.

Mr. Swingle stated that the reality is that the question was raised at to why these checks were written and the board members did not have an answer.

Mr. Brewer stated he was concerned regarding what Mr. Swingle had brought up and asked if these expenditures were approved by the full board.

4. Approval of Minutes

Motion To: **Approve Minutes: May 23, 2016 Regular Council Meeting**

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

Motion To: **Approve Minutes: May 23, 2016 Executive Session Meeting Minutes**

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

Consent Agenda (Start)

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

1. RESOLUTION 2016-103: A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

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

2. RESOLUTION 2016-104: AUTHORIZING FLEMINGTON'S CONTINUED PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR CERTAIN MULTI-FAMILY DWELLINGS FOR THE PERIOD OF JULY 1, 2016, THROUGH JUNE 30, 2017

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

3. RESOLUTION 2016-105: AUTHORIZING A REFUND OF A STREET OPENING PERMIT FEE TO ROCCO BAMBACI AT 27 HIGHLAND AVENUE

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

4. RESOLUTION 2016-106: AUTHORIZING THE MAYOR AND CLERK TO SIGN A CONTACT WITH NEWTECH FOR A LEAK DETECTION SYSTEM

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

5. RESOLUTION 2016-107: AUTHORIZING THE RENEWAL OF CLUB LIQUOR LICENSE NUMBER 1009-31-005-001 FOR THE VETERANS OF FOREIGN WARS POST 7856 FOR THE YEAR 2016-2017

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

6. RESOLUTION 2016-108: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NUMBER 1009-33-002-006 FOR THE BRIAD GROUP, LLC FOR THE YEAR 2016-2017

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

7. RESOLUTION 2016-109: AUTHORIZING ADDITIONAL HOURS AND COMPENSATION TO REBECCA NEWMAN, REGISTERED MUNICIPAL CLERK TO PERFORM ADDITIONAL TASKS WITHIN THE BOROUGH

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

8. RESOLUTION 2016-110: AUTHORIZING THE MAYOR TO SIGN AN ESCROW AGREEMENT WITH CHIMNEY ROCK INN

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

9. RESOLUTION 2016-111: AUTHORIZING THE MAYOR AND CLERK TO SIGN A CONTRACT WITH PROMED OFFICE CLEANERS TO CLEAN THE POLICE HEADQUARTERS

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

Regular Agenda (Start)

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

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

Gary Schotland, 123 Main Street- inquired if the Borough was relying on Clarke Caton and Hintz for review of these redevelopment plans. Council responded that yes they are involved in the process. Mr. Schotland also wanted confirmation that the tax payers will not be on the hook for the infrastructure upgrades. Mayor Greiner stated there are no plans for that at this time and it would be part of the redevelopment agreement.

Beryl Doyle, 37 Cherryville Hollow Road- stated she spoke to the RTMUA and they had capacity concerns and also had concerns regarding leakage from our sewer lines. Councilman Gorman stated the Borough has been actively repairing lines and lowering the infiltration into the sewer system. Councilwoman Oberst stated the Borough has its own contractual obligation for capacity with the RTMUA.

Lois Stewart, 26 Spring Street - asked the status of the redevelopment agreement. Council responded the Borough was still working on it. Ms. Stewart asked if the tax payers will see the agreement before it is signed. Mayor Greiner stated no it would be on the agenda to be approved. Ms. Stewart asked how the council could commit the tax payers to an agreement they did not approve. Council responded that that was what they are elected to do.

Chris Englehart, 180 Main Street stated that she gave Mayor Greiner some paperwork for a company who rehabs historic buildings. The council urged Ms. Englehardt to have them contact the Borough if they were interested in submitting a proposal for the redevelopment.

Joanne Braun, 77 Jefferson Court- Inquired why Mr. Cust cant incoporrate the buildings into this plan. Mayor Greiner responded that this is a very complex project with many moving parts. A parking deck is an expense that needs to be offset by revenue generating items. As the building stand now the foundations are not strong enough to add stories to. Councilwoman Oberst reitterated that she was pleased to see the changes that have been made to incorporate the existing hotel.

Lois Stewart, 26 Spring Street- asked who was responsible for the infrastructure upgrades and also inquired how the Borough will handle traffic. Mayor Greiner stated all of these items will have to be looked at.

Allison Richard former Borough resident inquired if someone else could submit a plan. Mayor Greiner stated sure there was nothing precluding other ideas at this time.

Lou Reiner, 445 HWY 12 stated he holds our Borough fire department in the highest regards for their standards and commitments to public safety.

8. Attorney's Report

9. 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, Liebowitz, Oberst, Swingle

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

1. Motion To: **Motion to amend the executive session resolution to add Legal Advice related to the FBID**

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

2. RESOLUTION 2016-112: A RESOLUTION ALLOWING THE BOROUGH COUNCIL TO RETIRE INTO EXECUTIVE SESSION FOR A PERSONNEL MATTER REGARDING COMPENSATION TIME FOR CHIEF BECKER

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

Adjournment

Motion To: **Adjourn**

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