



Mayor and Common Council Borough of Flemington

June 27, 2016

Council Meeting Room

Work Session Agenda (7:00 PM)

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

1. DISCUSSION OF FOOD TRUCK LICENSING ORDINANCE

Mayor Greiner stated that last year the Borough amended the food licensing ordinance to allow mobile food trucks to be licensed in the Borough for an annual fee of \$300.00. This allows the mobile food truck to obtain one license annually but a fire inspection would still be needed every time a mobile food truck came into the Borough to set up.

Council President Swingle stated that as the Ordinance is set up at this time with no restrictions on where they can set up.

Jeff Klein, Construction Official stated the Borough needs to clearly define what an event is and extended his appreciation to everyone for fostering the discussion.

Fire Marshal Dave Turner, explained the dangers of food truck explosions. If they are set up permanently the Borough can do random inspections to ensure it was safe.

Jeff Klein stated that we have not had an issue with mobile food trucks as of yet but the Borough may in the future.

Mayor Greiner stated there seemed to be three options, one to leave the ordinance alone, two to make changes, or lastly give it to the FCP to make the changes once they are up and running.

Council President Swingle stated that he felt asking the FCP to make legislative changes was too onerous.

Mayor Greiner stated the Council should put forth some thought on what the definition of an event should be. He also asked Jeff Klein and Dave Turner to suggest how they would like to see the ordinance changes to address their concerns.

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
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	

1. RESOLUTION 2016-113: EXPRESSING APPRECIATION TO LOWES STORE AND EMPLOYEES FOR THEIR VOLUNTEER CONTRIBUTIONS TO THE BOROUGH IN 2015 AND 2016

Mayor Greiner read a resolution expressing appreciation to Lowes' employees for their contributions to the town in 2015 and 2016. The resolution was unanimously adopted by the council. Judy Goodwin of the Flemington Community Partnership then presented Lowes with a thank you plaque for all of their efforts at the filling station. Judy Goodwin also thanked the Borough DPW, Ernie Fletcher, Dave Dallas and multiple others for all of their assistance in making the filling station possible.

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

Elaine Gorman, 34 New York Avenue, Read a memo from the HPC regarding the porch that was installed on the Samuel Fleming House. That memo will be attached to the minutes.

Tony Previte, 45 N Main Street- stated the new owner of the Global Ag property is a man named Fred Delany and he was from Jersey City. Mr. Previte asked what happened with Mr. Ward who was purchasing the property.

Lois Stewart, 26 Spring Street inquired where the remaining money from the FBID was. The Mayor responded the Borough was working on getting it returned.

Chris Englehardt, 180 Main Street asked if the Borough has done a cost analysis study regarding the Cust project to see if it was beneficial to the town. Mayor Greiner stated the Borough is doing all of its due diligence with regard to this project. Ms. Englehardt asked where the police department would be moving to. Mayor Greiner responded that is unknown at this time but there are several options.

Joann Braun, asked if there were any updates to the Cust project. Mayor Greiner responded that there were not at this time, the Council has only seen preliminary ideas but they were happy with the direction it was moving.

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

- Received letter from NJ DEP dated May 26 saying that, by participating in the Environmental Infrastructure Trust and refinancing some of our debt therein, we will realize \$148,681 in debt service savings over the next 13 years. Thanks to our CFO, Bill Hance, for helping us take advantage of this program.
- Thanks to the ladies of the Grandview Grange and the Hunterdon Garden Guild for providing funds and work on the attractive flower plantings at the Flemington war memorial and public library grounds. This is the sixth year in a row of this project. This effort adds beauty to our town, and we appreciate it.
- June 14 - Chamber of Commerce officially unveiled their move to 119 Main St. (aka the Large House). USDA provided \$550,000 loan for purchase and \$510,000 for renovations. County provided \$114,000. There are also private donations, including \$100,000 from Unity Bank, \$25,000 from SDG Security (Robert Shore), and many others. Thanks to all donors and lenders and especially to chamber president Chris Phelan for bringing this complex project to reality on our Main Street. It should be noted that most of these contributions were possible because of the chamber's non-profit status and would not be available for private, for-profit projects.
- June 22 -- Attended the bi-weekly DPW meeting to review the status of long term plans for street and utility repairs, and also to review sewer/water impact of the hotel-area redevelopment proposal
- Hotel-area redevelopment proposal: architectural design shows great progress and looks like our town now. We are working on financial projections, as the project must work both for the town and the developer. We are also working on sewer/water requirements and solutions, which take time. In short, the project is moving along.
- June 22 -- Attended streetscape committee meeting, which was our final review prior to review with the NJ DOT
- We have placed job ads for a clerk and admin support. Jessica Klein is providing temporary office support during a summer break from college, as she has done previously.

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

Councilman Brewer

Stated that he reviewed the HPC budget and that it all looked to be well within what was projected. Mr. Brewer expressed compliments to the HPC for being so detailed and on point.

Informed the council that he attended the DPW meeting and that many infrastructure upgrades are being discussed.

Councilman Gorman

Stated he has received calls about water restrictions but at this time there have been none imposed. Residents can continue to water their lawns on Tuesdays and Thursday nights.

Informed the Council the paving on Capner and Allen Street will begin this coming week. Stated the drainage issue on Allen Street has been fixed.

Summarized items discussed at the DPW meeting on June 22nd, specifically the ordinance on the agenda and the handicapped spot added to Spring Street.

Stated the water line extension on the 202/31 circle has been completed.

Attended the Chamber of Commerce open house at the Danzinger building on Main Street.

Council Vice President Hain

Stated the fireworks will be on July 3rd with a rain date of July 5th. Hain stated they are still working on obtaining a license from the LGCCC to hold a raffle at the fireworks but there were having trouble.

Stated there were preliminary discussions with the planning board regarding the Burger King site.

Informed the Council that the Environmental Commission will be completing the sustainable jersey application again for the Borough, which is a process that potentially takes up to eighteen months. Hain stated that the next planning board meeting was scheduled for July 5th.

Hain summarized the numbers for click it or ticket.

Councilwoman Liebowitz (absent)

Councilwoman Oberst

Informed the Council she was working with the admin committee to interview people for the open positions at the Borough Hall.

Stated she has seen the preliminary sketches for the Hotel project and she is pleased with the changes that are being incorporated. The changes really reflect Main Street as it sits now and they will continue to all work together to incorporate concerns expressed and to determine if this project is beneficial to all parties involved.

Thanked Rob Wall a volunteer who lives on Capner Street for his volunteer efforts through J & J to clean up and mulch Tucimergan Park.

Stated that she whole heartedly agreed with the statement read by Elaine Gorman of the HPC regarding the steps at the Fleming Castle. Ms. Oberst stated she was awaiting an update from Kelli or the attorney regarding the approvals from SHPO and what will need to be amended.

Councilman Swingle

Updated the council on the status of the beer garden and stated he was very excited about the opening and thanked the FCP, Judy Goodwin and everyone that helped make this a success.

Stated the Hotel was making great strides on making changes and incorporating the concerns that have been expressed into the design. Council President Swingle stated that the preliminary sketches reflect more of the main street as it currently stands.

Informed the Council that Dave Turner needs to hire an inspector to assist with his inspections as he is stretched to his limit.

5. Approval of Minutes

Motion To: **Approve Minutes: June 13, 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: June 13, 2016 Executive Session**

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

1. Motion To: **Motion to remove Resolution 2016-116 out of the Consent Agenda**

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

1. RESOLUTION 2016-114: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE LIQUOR LICENSE NUMBER 1009-32-001-005 FOR FLEMINGTON CENTRAL LIQUORS FOR THE YEAR 2016-2017

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 2016-115: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE LIQUOR LICENSE NUMBER 1009-44-004-007 FOR FLEMINGTON CENTRAL LIQUORS FOR THE YEAR 2016-2017

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 2016-117: CREATING A COMMITTEE TO BEGIN THE INTERVIEW PROCESS TO FILL THE POSITION OF CHIEF OF POLICE FOR THE BOROUGH OF FLEMINGTON

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 2016-118: APPOINTING BOROUGH RESIDENT STEPHEN BOSSIO TO THE ENVIRONMENTAL COMMISSION AS AN ALTERNATE MEMBER AND APPOINTING ALTERNATE MEMBERS PATRICK BROWN AND KAREN GIFFEN TO REGULAR SEATS ON THE COMMISSION

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 2016-119: AUTHORIZING AN OFF PREMISE RAFFLE LICENSE TO BE HELD ON JULY 16, 2016 BENEFITTING THE HUNTERDON HELPLINE

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 2016-120: HIRING OF JESSICA KLEIN AS A TEMPORARY ADMINISTRATIVE ASSISTANT

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

1. RESOLUTION 2016-116: APPROVING THE TERMS OF CHIEF BECKER'S RETIREMENT

A discussion ensued regarding the resolution. Hain stated it needed to be amended as the Chief needs to remain as Chief until August 31. He will retain all of his equipment until September 1.

Councilwoman Oberst inquired why he was able to keep his car when he is not working here. Hain responded that he will still need to come in and sign certain things. Ms. Oberst strongly disagreed with this. Hain stated there will be an agreement in place that the Chief must respond when there is an item pending.

RESULT:	ADOPTED [3 TO 1]
AYES:	John Gorman, Marc Hain, Brian Swingle
NAYS:	Michelle Oberst
ABSTAIN:	Alan P. Brewer
ABSENT:	Brooke Liebowitz

2. RESOLUTION 2016-101: ADOPTION OF THE FCP BUDGET

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

3. Motion To: **Motion to Open Meeting to the Public for comments on the FCP Budget**

COMMENTS - Current Meeting:

Jim Gano of the FCP summarized many of the items the FCP has already done without a budget and this is Flemington's last chance to revive the town.

Lois Stewart, 26 Spring Street inquired why it was \$362,000 and not \$350,000 as it was in the past. Council President Swingle responded it is the same as it was in the past. There was \$12,000 for the DIY group.

Chris Englehardt, 180 Main Street asked if a director has been appointed yet. Karen Monroy responded no not at this time.

Robert Shore, Broad Street urged the Council to reject this budget as none of the businesses support this new bid. Mr. Shore stated that Jack Cust was going to revive the town and there was no need for a BID. Mr. Shore also stated that because of one councilman's personal vendetta the town has received seismic disruption.

Karen Monroy, FCP informed the public that even though half of the year has passed the budget is for a full year as they plan to achieve all of the same goals set for a full year in 6 months' time.

Councilwoman Oberst stated that she was excited with the new FCP and has seen great things happening already. Ms. Oberst extended a thank you to Jim Gano for coming back to the new BID as he was on the former BID, so she appreciated his loyalty to the task.

Mayor Greiner also stated he was glad to see the FCP get going , since the business community needs this type group. He had concerns also regarding a financial budget for a year when 6 months have already passed. He felt that a six-month budget was more appropriate.

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

4. ORDINANCE 2016-14: AN ORDINANCE AMENDING CHAPTER XI TITLED UTILITIES
Public Hearing set for July 11, 2016.

RESULT:	TABLED [UNANIMOUS]	Next: 7/11/2016 12:00 AM
MOVER:	John Gorman, Councilman	
SECONDER:	Marc Hain, Council Vice President	
AYES:	Brewer, Gorman, Hain, Liebowitz, Oberst, Swingle	

5. ORDINANCE 2016-15: AN ORDINANCE AMENDING SCHEDULE XII PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS

Public hearing set for July 11, 2016

RESULT:	TABLED [UNANIMOUS]	Next: 7/11/2016 12:00 AM
MOVER:	John Gorman, Councilman	
SECONDER:	Alan P. Brewer, Councilman	
AYES:	Brewer, Gorman, Hain, Oberst, Swingle	
ABSENT:	Brooke Liebowitz	

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

Richard Giffen, 9 Highland Ave inquired if the plans that the some members of Council have seen could be shared with the public. Mayor Greiner responded no not at this time as they are preliminary sketches, nothing final. Mr. Giffen asked if the Borough was utilizing experts to determine if the buildings could be preserved. Mayor Greiner stated that the Borough's professionals have been included in this process.

Robert Shore, Broad Street reminded the Council that this is the United States and tax payers have rights. If Mr. Cust owns the properties he should be allowed to do what he wants with them and that he feels that Mr. Cust is a local person that has Flemington's best interests at heart.

Lois Stewart, 26 Spring Street inquired where and when the new BID would meet. Councilman Swingle stated he did not have that information at this time and he would get back to Ms. Stewart. Ms. Stewart inquired if benefits like this would be paid out to all future police chiefs. Mayor Greiner stated that no there will be agreements in place to prevent this in the future.

Andy Cohen, 79 Main Street thanked Ernie Fletcher, Unity and the DPW for all of their work at the Filling station and also acknowledge Just Goodwin for her efforts. Mr. Cohen stated this was a refreshing process and it was great to see the community come together for this.

Tony Previte, 45 N Main Street thanked Judy Goodwin for her efforts and asked if the Borough needed to have a Chief of Police. Mr. Previte suggested the Borough look into other avenues.

Robert Shore, Broad Street asked Councilwoman Oberst what her intentions are with the porch on the Fleming House. Ms. Oberst replied she just wants to see it resolved and to ensure that the grants promised will still be paid to the Borough. Mr. Shore urged the Council to change legal firms as the advice given to Council has been poor and wrong in the past.

Barry Goodman, stated he has no clue what advice Mr. Shore was referring to but the BID did not take the legal advice offered by their counsel either which Mr. Goodman agreed with,

9. Attorney's Report

10. Payment of the Bills

Motion To: **Pay The Bills**

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

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

Adjournment

Motion To: **Adjourn**

COMMENTS - Current Meeting:

Meeting was adjourned at 9:03 PM

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