



# Mayor and Common Council Borough of Flemington

August 8, 2016

Council Meeting Room

## Work Session Agenda (7:00 PM)

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

Tony Previte, 45 N Main Street inquired when the concrete would be moved from the agway site.

Steve Karpew, Allen Street asked for an update on the cat hoarding incident that took place in town and also stated that the sidewalks are impassable at the Grill Shack with the red door structure and the tables and chairs. Councilman Swingle stated they have looked at this in the past and will speak to the owner Roseanna.

Councilman Hain stated that he has received complaints from business owners that parking limits are not being enforced so they are looking into a solution. Councilman Swingle suggested looking into meters as a potential solution.

No other comments so the work session was adjourned at 7:10 PM.

## 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	Absent	
Marc Hain	Council Vice President	Present	
Brooke Liebowitz	Councilwoman	Present	
Michelle Oberst	Councilwoman	Present	
Brian Swingle	Council President	Present	
Phil Greiner	Mayor	Present	

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

Robert Shore, Broad Street stated that he would like to see the remaining funds from the disbanded BID used to fund a feasibility study for a potential merger with Raritan Township. It would eliminate the police department and public works.

Councilman Swingle responded that the remaining funds from the BID have not been returned to the Borough and there does not need to be any additional studies done at this time. The voters spoke and did not want a merger.

Jim Maley, Attorney representing residents asked if the redevelopment agreement would have input from the public. Attorney Goodman responded that it would be discussed at an open meeting but would not necessarily have public input for the drafting of the agreement. Mr. Maley then asked if the demolition of the hotel has been heard by the HPC. Mayor Greiner responded that the HPC has been involved and has seen the original plans.

Theresa Matthews, 149 Rockafellow Mill Road stated the redevelopment is headed in the wrong direction. A building that is that size is meant to be in NYC. The town needs to attract people to come in to shop and eat.

Mike Kleckner, 9 Vincent Drive stated he did support the merger of the two towns and urged the town to look at the tower project in Morristown which is a mess of a development near the south side.

Lois Stewart, 26 Spring Street asked when the redevelopment agreement was up for renewal and what would be the criteria for a new developer. Mayor Greiner stated the agreement was expiring soon and they would be working with Mr. Cust to renew the agreement. At this point there are no other interested parties to consider as redevelopers.

Alison Richard, 139 George Street asked if the Council had any reaction to the 200 people that showed for the rally and stated that Flemington is now on the nation's radar for this demolition.

Mayor Greiner responded that they did see the 200 people but they were the only ones on Main Street that day. Mayor Greiner stated that they are trying to fix that problem, bringing people into the town to shop and dine as the priority.

John Griffiths, 7 Altamont Drive asked if there was a plan to connect turntable junction with the Borough at some point and inquired how the Borough has solicited plans for other developers.

Mayor Greiner responded that we have gone through this. The current developer came to us and prior to that we went out for proposals. Mayor Greiner stated we still have a lot more work to do.

Kim Tilley, 68 Bonnell thanked the Council for their support of Mediatech and stated they did a re-enactment of the Lindbergh flight and the kids really had a great time.

Steve Tuccio, 61 Elwood Avenue asked Ms. Oberst to elaborate on this position of being transparent and not making back door deals and maneuvers to be open to the public and threatened that this would impact them hard at election time.

Mayor Greiner urged Mr. Tuccio to not plant ideas that are based solely on his conjecture.

Council woman Oberst stated the 2 prior developers wanted to preserve the hotel. The current developer is still in the planning stages and does not even own the buildings yet has agreed to present his preliminary plans with the town before acquiring properties. To opine this process is not transparent is totally grossly inaccurate. Ms. Oberst also stated that she has lived in the town for 30 years and has raised her children here. To suggest she would do something to ruin the town is ridiculous. Ms. Oberst stated the rules are different in an area in need of redevelopment and that the Borough is being transparent and the HPC will be involved.

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

- Everyone here knows that New Jersey had a major rainfall event around Sunday, July 31. According to an article on nj.com, Flemington had the highest rainfall in the state: 7.46". While not an official OEM incident, our EMT volunteers were out for several hours on Sunday with a few flooded areas in the borough, but they mainly helped out in Raritan Township, Readington Township, and Whitehouse Station. Police and fire department personnel were also called out to re-route traffic, check flooded vehicles, and pump out a few basements. We reported four incidents of a sanitary sewer overflow to the state, and our wet weather facility discharged into the creek, as it is designed to do in such events. This much rain is normally associated with hurricanes; indeed it is the most rain we have had since Hurricane Irene in 2011. Our thanks go out as always to our EMT, fire, and police departments for their rapid, professional response to this event.
- Attended Hunterdon Area Regional Transportation (HART) annual meeting and awards breakfast on August 4. Flemington's Police Department, and specifically Chief Becker and Lt. Rotella, received the Streetsmart Pedestrian Safety Award for their campaign earlier this year to reduce pedestrian accidents involving motor vehicles. At the conclusion of the campaign, there was a 25% increase in the observed use of crosswalks and a 50% decrease in the number of motorists not stopping for pedestrians in crosswalks. There was also a 63% reduction in observed motorist cell phone use and a 12% decrease in the observed use of cell phones by pedestrians.
- Met with the DPW committee on July 27 to review water capacity planning for the hotel area and other projects.
- There were some good comments at the last meeting about the need for a place on the borough web site for people to learn about the redevelopment project. I have contacted our web hosting company to arrange for this. Now we have to write material for the page and aim to have it available in late August.

- Last week members of council, the planning board, and the HPC reviewed updated architectural drawings of the Main Street facades, and they are fantastic. You could tell someone to meet you at the Union Hotel, and they would drive into town and say "there it is!". The Chorister Place and Spring Street facades should be available by sometime next week, at which time we will place them all in Borough Hall for the public to review at their convenience. We will announce their availability on our web site and Facebook page. It is important to note that, while these drawings show tremendous progress toward retaining the look of Main Street, architectural details such as trim, cornices, and window details, among other things, must still be completed. So, like the concept plan in February, they are still not final.

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

#### Councilman Brewer

Councilman Brewer stated he attended the rally for the hotel as he is the liaison to the HPC on Council. Mr. Brewer stated he listened to what people were saying and was impressed by their literature. However, ultimately in the end if not the Cust plan what are the alternatives?

Mr. Brewer stated that he was concerned over the status of the FBID funds not being returned at this point. Mr. Brewer stated they were de-designated in January and they voted to dissolve in June, it is now August and the funds are still in their possession. Mr. Brewer stated that these were tax payer's dollars and need to be refunded. Mr. Brewer stated he OPRA'd documents and would like an explanation as to where the unaccounted money had gone and wanted to know when Business owners can get their money back.

Council President Swingle stated that the original explanation for compensation given to the director is not where the funds went although that was what was recorded in the ledger. At this point the priority is to get the funds back into the Boroughs hands and see what is left and where it went. Mr. Swingle stated it was important to be accountable to the taxpayers and a decision should be made collectively once the funds have been returned.

Mayor Greiner clarified that the matter of Megan Jones-Holt's compensation for 2016 has been resolved satisfactorily; Councilman Swingle concurred.

#### Councilman Gorman

#### Council Vice President Hain

Council Vice President Hain stated there was no parks and rec meeting because there are so many activities happening during the summer.

Mr. Hain stated the environmental commission is working on the sustainable jersey application. Planning board met August 1 and the approved one use

variance and 2 HPC applications. Mr. Hain stated the Union Hotel redevelopment committee has been expanded to include members of the planning board and HPC.

Mr. Hain stated that Chief Becker will be retiring on August 31 and is currently out utilizing his sick time. Mr. Hain stated he has asked for resumes for the replacement chief from anyone in the department with a rank of sergeant or above.

Mr. Hain thanked public works, police, fire and rescue for all of their efforts during the storm.

#### Councilwoman Liebowitz

Councilwoman Liebowitz updated everyone on the cat hoarding situation at Hunter Hills. She stated a total of 61 cats and 1 dog was removed by the SPCA. They were called in because this was a public safety issue. Ms. Liebowitz stated some of the animals required medical attention but they were doing well.

#### Councilwoman Oberst

Councilwoman Oberst thanked the OEM, Fire and rescue squads for their efforts. Ms. Oberst stated she has worked with the admin committee to select an Acting Borough clerk and mentioned she looked forward to Sallie Graziano joining our staff. Currently the Borough will be looking for an administrative assistant to join the team as well.

Ms. Oberst stated that she met with the redevelopment committee and looked forward to adding two members from planning board and one from the HPC in the planning process.

Lastly Ms. Oberst stated she attended a Samuel Fleming House meeting and she was looking forward to getting all the issues with the porch resolved soon.

#### Council President Swingle

Council President Swingle stated the FCP continues to do a fantastic job and the beer garden has been a great success averaging 400 people per evening. Mr. Swingle stated Thursday Nite Lights has been a great event as well. Mr. Swingle stated the funds have not been returned to the Borough at this time from the former BID and stated the Council should consider hiring an outside audit firm at this point to see what remains and what was spent.

Mr. Swingle thanked Rob Ozimek, Steven Cottone, Andrew O'brien and Ken Diehl for making themselves available during the monumental rain storm to help residents on Brown Street from having their basements flooded.

Mr. Swingle stated that he desired to express his personal sentiments regarding the hotel. Mr. Swingle stated that he and his family own a historic home in the Borough and he has invested more than the home is worth restoring it. Mr. Swingle stated this is what you do when it's a home. You restore it and live in it and get more out of it with raising your family there rather than a return on your financial investment however a commercial property is completely different. Mr. Swingle stated it is unfair to expect this from a commercial property. The two former developers wanted to save the hotel and there was no return on their investment so they could not. Mr. Swingle asked that the group to stop packing the meetings so full of people that it derails productivity for the Borough. MR. Swingle urged them to make better use of their efforts to locate grants and fundraise to generate money to bridge that gap. Economically this borough needs this shot in the arm to revive the town. Mr. Swingle challenged the group to bring resources and solutions forward for this project as the Council exhausted all avenues trying to do that with previous developers.

#### 4. Approval of Minutes

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

<b>RESULT:</b>	<b>APPROVED [4 TO 0]</b>
<b>MOVER:</b>	Marc Hain, Council Vice President
<b>SECONDER:</b>	Brooke Liebowitz, Councilwoman
<b>AYES:</b>	Marc Hain, Brooke Liebowitz, Michelle Oberst, Brian Swingle
<b>ABSTAIN:</b>	Alan P. Brewer
<b>ABSENT:</b>	John Gorman

Motion To: **Approve Minutes: July 25, 2016 Regular Council Meeting**

<b>RESULT:</b>	<b>APPROVED [3 TO 0]</b>
<b>MOVER:</b>	Marc Hain, Council Vice President
<b>SECONDER:</b>	Michelle Oberst, Councilwoman
<b>AYES:</b>	Marc Hain, Brooke Liebowitz, Michelle Oberst
<b>ABSTAIN:</b>	Alan P. Brewer, Brian Swingle
<b>ABSENT:</b>	John Gorman

#### 5. RESOLUTION 2016-128: AUTHORIZING THE RELEASE OF A BOND FOR COUNTRYSIDE PLAZA

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

6. RESOLUTION 2016-129: APPROVING THE HIRING OF SALLIE GRAZIANO AS ACTING MUNICIPAL CLERK AS OF AUGUST 15TH 2016

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Michelle Oberst, Councilwoman
<b>SECONDER:</b>	Brooke Liebowitz, Councilwoman
<b>AYES:</b>	Brewer, Hain, Liebowitz, Oberst, Swingle
<b>ABSENT:</b>	John Gorman

7. Motion To: **Motion to Open the Meeting to the Public for comments on Ordinance 2016-14**

COMMENTS - Current Meeting:

Robert Shore, Broad Street urged the council not to pass this ordinance. Mr. Shore stated that 20% of the sewer infrastructure has been replaced already. Why is there a need for this.

Mayor Greiner stated we have been replacing what we could when funds were available. This increase allows the Borough to make necessary upgrades to the infrastructure.

Tony Previte, 45 N Main Street stated he attended the budget meetings and stated that there are many constraints on the Borough.

Denise Schmidt, 48 Broad Street thanked the Council and employees for their hard work and asked if any of the money from this increase would be going to fund upgrades for the Cust project. Mayor Greiner responded no this was for many other things independent of that project.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michelle Oberst, Councilwoman
<b>SECONDER:</b>	Alan P. Brewer, Councilman
<b>AYES:</b>	Brewer, Hain, Liebowitz, Oberst, Swingle
<b>ABSENT:</b>	John Gorman

8. ORDINANCE 2016-14: AN ORDINANCE AMENDING CHAPTER XI TITLED UTILITIES  
Councilman Brewer the DPW liaison stated that the Borough has looked at every avenue to avoid raising fees however this is very justified. There are many positive things that will come out of these upgrades.

Council Vice President Hain agreed with Councilman Brewers statement and informed the council there are no moving parts in these new meters and this will go a long way to increasing our firm capacity numbers.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Council President
<b>SECONDER:</b>	Brooke Liebowitz, Councilwoman
<b>AYES:</b>	Brewer, Hain, Liebowitz, Oberst, Swingle
<b>ABSENT:</b>	John Gorman

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

Edna Pedrick, 17 Capner Street stated that she sits on the planning board and she is pleased with the new plans. She stated she has a long history in Flemington and has been in the Borough since 1931. Ms. Pedrick stated no one wanted to see the hotel saved more than her however she has done some soul searching and has realized that neglect has set in and that the building is not rehab able. Ms. Pedrick stated no investor is going to come in and save the hotel. Ms. Pedrick stated that the town is shriveling and businesses are dying. She urged the public to see that this change is necessary for the betterment of Flemington to restore it back to the glory it used to possess.

Richard Giffen, 9 Highland Ave stated he is a structural engineer and certified that the building is structurally sound. The representation from Council that the structure has been compromised is completely incorrect. Mr. Giffen stated restoration of older buildings is very common and not very costly to do. Mr. Giffen stated the Borough is doing all that it can to help it fall down. Mr. Giffen urged the Council to allow the current agreement with Mr. Cust to expire and to go out to bid for other proposals.

Betty Ann Fort, Mayor of Readington Twp stated the Council was a small group that was making a huge decision to tear down a building that was not theirs to tear down. Ms. Fort stated Flemington was the heart of the County and the Council should consider how other people in neighboring towns feel.

Patricia Bally, 39 Meadow Lane, stated that the town needs development that is right for the community.

Chris Englehart, 180 Main Street asked who from the HPC would be appointed to the redevelopment committee and inquired why John Hatch a borough professional was not on the committee. Mayor Greiner responded that the HPC appointed Elaine Gorman to be on the committee and the Borough professionals are involved in the process, including John Hatch.



Denise Schmidt, 48 Broad Street stated that the development would impact the soul of the town and hoped new development would bring in business and she inquired if anyone has looked into trains and mass transit.

Mayor Greiner stated yes absolutely, that has been an ongoing process for the past few years.

Steve Karpew, 32 Allen Street stated the handicapped parking space at the post office is too far away for handicapped people and the Borough should look into a temporary space in front of the new entrance.

Kevin DeHaven, 33 Pennsylvania Ave stated he was from Lambertville and the Lambertville station was rehabbed and is now the center of town. Mr. DeHaven asked if Mr. Cust was clairvoyant as proposals were not solicited.

Linda LaBrachio, 53 Elm Terrace stated that 25 years ago the town was jumping and the center of everything was the Union Hotel. There were different artisans, the Borough needs to bring back who we are not change it.

Attorney Maley stated that the Council has not been forthright in showing plans. The Borough is in control of that and the residents need things done to make the process seem transparent.

Robert Shore, Broad Street stated that once again the FBID has been trashed by Councilman Swingle and called for his resignation. Mr. Shore went on the call the FCP the Flemington Conspiracy Partnership and stated the accusations are unfounded.

Steve Tuccio, 61 Elwood Ave stated that transparency is an issue with the current council and stated the Borough should be ashamed for how they treated the attorney representing the residents.

In closing Councilwoman Liebowitz stated that the Borough Council is extremely transparent and has been from the beginning. Ms. Liebowitz stated that the 3 minute rule has been in effect for many many years and just because someone is an attorney does not mean that what they have to say is any more important than what the residents have to say.

#### 10. Attorney's Report

None at this time.

#### 11. Payment of the Bills

Motion To: **Pay The Bills**

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

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

Adjournment

Motion To:     **Adjourn**

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