



# Mayor and Common Council Borough of Flemington

October 12, 2016

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historic Flemington Courthouse

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## Work Session (7:00 PM)

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

### 1. DISCUSSION OF REGULATIONS FOR FOOD TRUCKS

Mayor Greiner said the council discussed earlier whether it should change borough ordinances to make it easier for food trucks to be in town, and followed that up with letters to 53 restaurant owners, asking their opinions. Council received 5 responses back, and all those were not in favor of more food truck presence, arguing that there is not enough business energy in town yet to support the competition.

Councilwoman Liebowitz asked about the possibility of creating a zone where food trucks could park. One of the owners of the Chive and Thyme restaurant noted that the brick-and-mortar restaurant also has a food truck, and she would advise caution in opening up the town to more food trucks. She worried that people who are running restaurants here when times are hard wouldn't reap benefits when business picks up.

One restaurant owner said she never got a survey, and wondered why there wasn't a follow-up procedure to contact restaurants about the survey. Another restaurant owner said she couldn't imagine any restaurateur being in favor of more food trucks, saying they couldn't compete with someone paying \$300 for an annual license, while they pay thousands.

Councilman Swingle said council members have been approached by some businesses in areas where there isn't a lot of food options available, asking if the cumbersome process for getting a food truck could be eased. Mayor Greiner said council would have been remiss not to discuss the idea.

The general consensus of council was to let the idea drop for now. Mr. Swingle asked restaurant owners in the audience, "If some of these places that don't have food ask for help, can you help them?" He received assurances from several restaurant owners that they'd be happy to help.

With extra time left in the work session, council addressed progress in the application for a second-round Streetscape grant application. Engineer Rob Martucci said the sections of Main Street being considered are the south end and the north end. He noted that the sidewalks are in worse shape in the south end, but there are more construction issues there, with the north end being more stable. Mr. Gorman said he wouldn't want to see a checkerboard approach to street improvements. Several council members agreed that both sections had advantages.

Mayor Greiner said the people who worked most closely on the project seemed to favor fixing the north end, and there was general agreement on council to proceed with an application for the north end of Main Street. Council is planning to act on a resolution at the Oct. 24 meeting, to approve submitting an application.

## 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             | Absent  |         |
| 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)

Bob Schwade of 12 Park Ave. congratulated the council on the borough's latest newsletter, saying the mayor's message about the hotel development area seemed very fair, and was helpful to him.

Edna Pedrick, 17 Capner St., said she came to the meeting to apologize for going over 6 minutes in speaking at a previous council meeting.

Pete Cocco (owner of Cocco's on Main Street) said he felt the streetscape work would get better bang for the buck at the monument end of town.

Stan Prater, area manager for Jersey Central Power & Light, introduced himself as taking over for John Anderson, and said a public session is planned on Oct. 20 regarding remediation of an old manufactured gas plant.

Mike Kleckner of Raritan Township asked council members to use microphones when talking.

Lois Stewart, Spring Street, noted the selection of Flemington's Main Street by the National Historic Trust as endangered, and asked if the borough has had any contact with trust representatives.

Mayor Greiner said someone from the trust's New York office reached out a few days before the Trust's announcement, but that was just to let the borough know the area would be cited as among the most endangered sites in the country. Ms. Stewart asked if council or the mayor wasn't planning to talk with the trust. Mr. Greiner responded that if anyone has something to offer, they are welcome to bring it forward.

Ms. Stewart then asked Mr. Greiner about an Aug. 12 letter from the Historic Trust offering to meet with him. Mr. Greiner said he recalled getting a letter, and that it was a judgment call. The Trust didn't offer Flemington anything, he said. Mr. Swingle said that in the way of resources, the Trust doesn't normally have much to offer.

Steve Tuccio, 61 Elwood Ave., also asked about the Aug. 12 letter from the Historic Trust.

Jeanette Fullerton of Readington asked Mayor Greiner if he didn't feel that historic Main Street is threatened. Mayor Greiner responded, "We're trying to take care of the town, more than we're trying to take care of the buildings. The town comes first."

Joann Braun of Raritan Township said the buildings are part of the town, and that when people die, what do we have left? The buildings are our future, she said.

## 2. Mayor's Report

-9/27 - attended a Lion's Club where the Lions donated \$500 to the Fleming House, so we thank them for this generous contribution. This is part of a package of many donations they make to local non-profits.

-10/6 - attended ribbon-cutting for Bond/Andiola, an accounting firm with new offices atop the beautifully reconstructed Feedmill Plaza on Route 12

-We will file a response to the two lawsuits later this month. I have asked our attorneys to separate their billing for these lawsuits from their regular monthly billing, and we will provide these costs as they become known. The first costs, from late September, are not available yet. To those buying save-the-buildings T-shirts or otherwise supporting the Friends of Historic Flemington LLC, you might want to consider that your contributions are being used to sue us because of where we have held council meetings and because Edna Pedrick spoke for more than three minutes at one meeting. If you feel that is a wise expenditure that will effectively stop the redevelopment plans, then fine. Otherwise, you might want to ask who is making the decisions on how to spend the money you are contributing.

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

Councilman Brewer - absent

Councilman Gorman

Mr. Gorman said the DPW had been working on the roads and finding and repairing leaks. Last month the borough received \$80,000 in delinquent water bills.

He attended the Raritan Township Planning Board because Flemington wants to put an antenna on Raritan Township's water tower; that plan was approved.

Serving on the Streetscape Committee, he met with Judy Goodwin, executive director of the Flemington Community Partnership, who provided some information from borough businesses about the proposed work. He praised her efforts on behalf of Flemington businesses.

Council Vice President Hain

Mr. Hain reported that the Planning Board's next meeting is Oct. 25. The Parks and Recreation Committee is due to meet on Nov. 8, but there's a conflict and that meeting will need to be rescheduled. The Environmental Commission is meeting on Oct. 17, to discuss Sustainable Jersey certification.

On Oct. 13, 6:15-7:15 p.m. at the justice center, SAFE in Hunterdon is holding a candlelight vigil which will include honoring Corporal Lauren Bivona from the Flemington Police Department for her hard work in domestic violence.

The Police Committee will hold final interviews on Oct. 19 with 2 potential new hires; the department is currently down 2 people.

The PBA contract is up at the end of this year, and the committee is starting to look at renewal.

Mr. Hain noted that a rash of vehicle break-ins has stopped following the arrest of a suspect. He provided statistics for September including: 5,204 miles driven; 123 motor vehicles summonses

issued; 23 parking violations; 146 warrants; 6 criminal arrests; 28 disorderly arrests; 149 investigations, and 28 motor vehicle accidents.

Mr. Hain added later that he'll be asking police to pick up patrols on crosswalk violations. He said walking his dog he's noticed that drivers aren't stopping for people in crosswalks.

Councilwoman Liebowitz

Ms. Liebowitz reviewed that council has decided to address the north side of Main Street in phase two of the streetscape improvement project. Phase 3 would go to the Mine Street area, she said.

Regarding the Global Ag redevelopment committee, she said it's close to a draft for the Global Ag area, but needs to meet with the owner. She said it's very much based on the Terra Nova plan. "We're encouraged by the response of the new owner to work with the borough," she said.

The Fire Department is seeking a \$47,000 grant for an exhaust system, and she said there's a meeting next week with FEMA officials to find out what was wrong with previous grant applications for the project.

Councilwoman Oberst

Ms. Oberst discussed progress on the expanded redevelopment committee, saying they're going to be starting to work on planning standards soon.

She said the borough is pursuing a federal grant to help the Fire Department address problems with exhaust from the trucks permeating Borough Hall. With Councilwoman Liebowitz' help, they brought Rep. Leonard Lance to view the fire station on Thursday.

Regarding the Fleming House Museum, Ms. Oberst said fifth-graders from RFIS toured the house, and the organization is planning a tricky tray in December.

Council President Swingle

Mr. Swingle reported that the Flemington Community Partnership has been working on budgets, marketing and more. The redevelopment committee is working on standards. That committee is working on the Global Ag area as well. Regarding the borough's court, Prosecutor Robert Ballard has been named a Superior Court judge, and now Carl Taylor will served as municipal prosecutor while the borough opens up the process to find a replacement.

Mr. Swingle mentioned an idea that's spreading on social media about painting blue and red lines on streets to honor police and firefighters.

#### 4. Approval of Minutes

Motion To: **Approve Minutes: Sept. 26, 2016 Regular Council Meeting**

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Marc Hain, Council Vice President        |
| <b>SECONDER:</b> | Brian Swingle, Council President         |
| <b>AYES:</b>     | Gorman, Hain, Liebowitz, Oberst, Swingle |
| <b>ABSENT:</b>   | Alan P. Brewer                           |

APPROVE EXECUTIVE SESSION MINUTES: SEPT. 26, 2016

Tabled until Oct. 24, 2016 Borough Council meeting

### **1. Consent Agenda to Re-Vote Items Adopted on Aug. 8, 2016**

Move: Mr. Hain; Second: Ms. Oberst; Vote: all yes, except abstentions noted

REVOTING RES. 2016-128: AUTHORIZATION OF RELEASE OF BOND FOR COUNTRYSIDE PLAZA

REVOTING RES. 2016-129: HIRING OF SALLIE GRAZIANO AS ACTING MUNICIPAL CLERK

APPROVAL OF MINUTES FROM JULY 11, 2016 COUNCIL MEETING

Councilmen Gorman and Swingle abstained. Councilwomen Liebowitz and Oberst and Councilman Hain approved.

APPROVAL OF MINUTES FROM JULY 25, 2016 COUNCIL MEETING

Councilmen Gorman and Swingle abstained. Councilwomen Liebowitz and Oberst and Councilman Hain approved.

### **Consent Agenda to Re-Vote Items Adopted on Sept. 12, 2016**

Move: Ms. Oberst; Second: Mr. Hain; Vote: All yes, except abstentions noted

REVOTING RES. 2016-137: AUTHORIZING CLOSURE OF STANGL ROAD FOR FALL FESTIVAL

REVOTING RES. 2016-138: APPOINTING A COAH STEERING COMMITTEE

REVOTING RES. 2016-139: APPOINTING BRIAN SPUHLER AND RICHARD GIFFEN TO HPC

REVOTING RES. 2016-140: DESIGNATING JOHN J. CUST, JR., AS REDEVELOPER FOR UNION HOTEL AREA

APPROVAL OF MINUTES FROM AUG. 22, 2016 COUNCIL MEETING

Councilman Swingle and Councilwoman Liebowitz abstained from voting on minutes from the Aug. 22, 2016 council meeting.

APPROVAL OF MINUTES FROM AUG. 22, 2016 EXECUTIVE SESSION

This vote was tabled until the Oct. 24, 2016 regular council meeting.

### **New Consent Agenda**

Move: Ms. Liebowitz; Second: Mr. Hain; Vote: All yes

1. RESOLUTION 2016-151: REFUND OF AN OVERPAYMENT OF TAXES ON BLOCK 1 LOT 5.24 IN THE AMOUNT OF \$1,888.08 FOR A DOUBLE PAYMENT MADE AT THE TIME OF CLOSING
2. RESOLUTION 2016-152: AUTHORIZING SUPPORT FOR FIBRODYSPLASIA OSSIFICANS PROGRESSIVA AWARENESS EFFORTS

3. RESOLUTION 2016-153: APPOINTING SALLIE GRAZIANO REGISTRAR, REBECCA NEWMAN DEPUTY REGISTRAR, ALLISON PURCELL ALTERNATE REGISTRAR
4. RESOLUTION 2016-154: AUTHORIZING CLOSURE OF STREETS FOR HALLOWEEN FESTIVITIES
5. RESOLUTION 2016-155: AUTHORIZING THE BOROUGH TO LIST THE MUNICIPAL PROSECUTOR'S POSITION AS AVAILABLE
6. RESOLUTION 2016-156: AUTHORIZING AWARD OF CONTRACT FOR ADVANCED METERING INFRASTRUCTURE PROJECT TO HD SUPPLY WATERWORKS, LTD.
7. RESOLUTION 2016-157: AWARDING OF BASE BID FOR WATER METER AND RADIO EQUIPMENT REPLACEMENT PROJECT TO IN-LINE SERVICES INC.
8. RESOLUTION 2016-158: RATIFYING DECISION TO RELOCATE BOROUGH COUNCIL MEETINGS TO THE HISTORIC COURTHOUSE IN FLEMINGTON, AND TO RESCHEDULE THE OCT. 11 MEETING TO OCT. 12, 2016
9. RESOLUTION 2016-159: REVIEWING AND ACCEPTING THE RESULTS OF THE BOROUGH'S 2016 BEST PRACTICES INVENTORY

### Regular Agenda

#### REVOTING ORD. 2016-14: AMENDING CHAPTER XI TITLED UTILITIES

Mayor Greiner commented that while this ordinance was adopted following a public hearing on Aug. 8, 2016, a lawsuit against the borough alleges that the Aug. 8, 2016 meeting violated the Open Public Meetings Act, and seeks to have actions taken at that meeting voided. Therefore, the public hearing on Ordinance 2016-14 was opened on a motion by Councilman Gorman, seconded by Councilman Hain and approved by all members present. Little comment was made and the public hearing was closed. The ordinance was then adopted on a unanimous vote, with Councilman Brewer absent.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>               |
| <b>MOVER:</b>    | John Gorman, Councilman                  |
| <b>SECONDER:</b> | Brian Swingle, Council President         |
| <b>AYES:</b>     | Gorman, Hain, Liebowitz, Oberst, Swingle |
| <b>ABSENT:</b>   | Alan P. Brewer                           |

#### COUNCIL DISCUSSION ON DISPOSITION OF REMAINING FUNDS FROM THE BUSINESS IMPROVEMENT DISTRICT

Mr. Swingle said that after paying for borough plantings and giving money toward Thursday Night Lights, there's about \$30,000 left from the former BID. With about \$10,000 unaccounted for, he asked for discussion on whether or not to pursue an audit. Along with the audit cost of about \$10,000 to 12,500, there's also a logistical problem in getting information from an organization that no longer exists, he said. Mr. Swingle said he was wondering if the borough's

at a place now where council members have done their job, and the borough can now move on from this.

Ms. Oberst said with more than \$10,000 missing, she feels the BID took taxpayers' money, and really needs to be held accountable.

Mr. Greiner reviewed some of the history of the situation, saying that after a meeting in April, a BID staff person summarized expenses, and everything seemed to make sense except payroll records. Employees appeared to have been paid more than expected, but, after getting information from the payroll company, it was determined that the employees were not overpaid. There was a difference of about \$10,000, but there's no one left at the organization anymore, and it's hard to say to go back and see what the problem was.

Ms. Liebowitz said that looking at the cost of the audit, and how much money is missing, she's not sure she'd want to spend that kind of money on an audit.

Mr. Hain urged pushing for electronic assets, saying as long as the physical assets are returned, he would consider it a lesson learned for the future.

Mr. Swingle said most of the physical assets have been returned, except for a hard drive that the former director was in possession of that was never returned. The BID also has about \$7,000 left on hand to wrap up the rest of its affairs.

Ms. Oberst spoke of accountability, saying that back in January there was talk of over \$100,000 in assets, and she was amazed that only \$50,000 was turned over to the borough.

Some of the money went to Roger Brooks and some toward the website, Mr. Greiner said, noting all the expenses were reviewed and everything looked good except the one area.

Mr. Gorman said he tends to say he's done with the issue.

Mr. Swingle summarized that there seemed to be a consensus to move on, and looking at what's left, he supports issuing a credit back to the businesses that paid into the Business Improvement District tax. The council is planning a resolution on the agenda for the next meeting, Oct. 24, to give improvement district members a credit.

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

Alice Schwade said a town with buildings and no people isn't much of a town.

Chris Englehardt, Main Street, asked what will happen with the police when the building housing the station is demolished. Mr. Greiner said there's been some discussion about possibilities. A lot of requirements go into a police building, and the committee is getting together a list of what the police building will need, but it's not complete yet. Ms. Englehardt also asked about fire protection, and whether the fire department has an adequate ladder. Mr. Greiner said the committee has talked with fire safety officials, and has been assured the plan will meet codes.

Mike Kleckner of Raritan Township mentioned the Lindbergh exhibit at Morven in Princeton, and suggested a historic building with exhibits could be a draw.

Lois Stewart, Spring Street, asked about the Fleming House porch. Ms. Oberst said the work is finished. She referenced correspondence between the museum's director and the State Historic Preservation Office, and said she's accepted that as a final inspection, though the work wasn't done exactly to her satisfaction. People from the 1772 organization, which provided funds toward the project, approved it as well, she said.

Ms. Stewart also spoke about the Union Hotel redevelopment, saying the borough's economic well-being could be enhanced just as well "if this travesty were put out on Route 12 or some other location." Mr. Greiner said in general, people want revitalization to occur in the heart of a downtown.

Joann Braun, Raritan Township, asked about offers of funding, and Mr. Greiner said council members aren't aware of any grants that go to private enterprises.

Steve Tuccio, Flemington, said he found it ironic that just after designating Mr. Cust as the redeveloper, the council then says that precludes any consideration of other plans. Mr. Greiner said in council's opinion, Mr. Cust was properly designated in August.

Robert Shore, Broad Street, said the Friends of Historic Flemington LLC is going to appeal, appeal, appeal, and eventually Mr. Cust will walk away. He said the council needs to clean house and retain new legal representation.

Joanne Elacqua, Raritan Township, asked about philanthropic gestures to support redevelopment plans, and the council said any such offers should be presented to Mr. Cust. Mike Kleckner of Raritan Township asked if someone comes in with a grant, who should they contact, and Mr. Greiner advised that people could reach out to any council member.

"Even if there's a grant, there's a designated developer," Attorney Barry Goodman noted.

7. Attorney's Report

No report.

8. Payment of the Bills

Motion To: **Pay The Bills**

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                       |
| <b>MOVER:</b>    | Marc Hain, Council Vice President                 |
| <b>SECONDER:</b> | Michelle Oberst, Councilwoman                     |
| <b>AYES:</b>     | Gorman, Hain, Liebowitz, Oberst, Swingle, Greiner |
| <b>ABSENT:</b>   | Alan P. Brewer                                    |

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

None needed.

Adjournment

Motion To: **Adjourn**

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| <b>RESULT:</b>   | <b>APPROVED [UNANIMOUS]</b>                       |
| <b>MOVER:</b>    | John Gorman, Councilman                           |
| <b>SECONDER:</b> | Marc Hain, Council Vice President                 |
| <b>AYES:</b>     | Gorman, Hain, Liebowitz, Oberst, Swingle, Greiner |
| <b>ABSENT:</b>   | Alan P. Brewer                                    |