



Mayor and Common Council Borough of Flemington

November 21, 2016

historic Flemington Courthouse

Work Session (7 PM)

As there was no topic scheduled for this work session, Mayor Greiner opened the floor to questions from attendees.

Robert Shore asked if council was going to reconsider its legal representation. Mayor Greiner said that based on feedback from council members it would not. He said the firm of Greenbaum, Rowe serves the borough in many aspects - real estate development, as general counsel, everything except labor law. Mr. Shore said he thought there were many times when the firm's legal advice was far off the mark. Council members Liebowitz and Swingle said they felt the firm has represented the borough well.

Mr. Shore also questioned why meetings weren't being videotaped since they were moved from Borough Hall to the historic courthouse. Mayor Greiner said council would prefer to meet at Borough Hall, but the borough was sued over public access issues and is now holding meetings at the courthouse to accommodate larger audiences. Ms. Liebowitz asked if anyone had any suggestions about how to video-broadcast meetings from the courthouse; Mr. Hain said council members tried using a hot spot, but it wouldn't work. Steve Karpew asked for a progress report on work at the Post Office. Mr. Swingle said it was progressing, though it was moving slowly.

Mr. Shore asked whether council would ask the Planning Board to study widening the designated area in need of redevelopment to accommodate additional building plans; Mr. Greiner said in all likelihood yes, that it would be easier to deal with the area as one unit.

Mr. Greiner said the council's redevelopment committee would like to have a redeveloper's agreement ready for discussion at the Dec. 12, 2016 council meeting. Parallel to that, he said, the council's redevelopment committee has also been working on modifying the redevelopment plan that's on the books from a previous project. He noted the timeline will likely be: Redevelopment agreement; consideration of expanding the area in need of redevelopment; redevelopment plan; and presentation of the site plan before the Planning Board.

Regular Meeting

Flag Salute

Roll Call:

Attendee Name	Title	Status	Arrived
Phil Greiner	Mayor	Present	

John Gorman	Councilman	Present	
Marc Hain	Council Vice President	Present	
Brooke Liebowitz	Councilwoman	Present	
Michelle Oberst	Councilwoman	Present	
Brian Swingle	Council President	Present	
Kim Tilly	Councilwoman	Present	

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

Joann Braun, 77 Jefferson Court, Raritan Twp., asked the Borough Council to enforce the borough's ordinance about property maintenance, saying it needs to protect the Union Hotel from further deterioration with winter coming.

Lois Stewart, 26 Spring St., said at a recent rally for the hotel an architect from Califon offered to facilitate a meeting between the National Historic Trust and Mayor Greiner. She asked the mayor where that stood. Mayor Greiner said he gave the man his card so he could be contacted and hasn't heard anything, but he said he'd be willing to talk with him. Ms. Stewart also asked about a resolution on the agenda to replace the HVAC system at the Samuel Fleming House. Mayor Greiner said the borough owns the building, and the HVAC is considered part of the building.

Al Brewer, 1 Coppermine Village, congratulated the newly-elected council members and wished them success.

Robert Shore, 47 Broad St., commented on an ordinance on the agenda that would allow a late fee to be assessed against landlords who register late. He asked council to be sensitive when assessing fees like fire protection fees, continuing certificate of occupancy fees and the like. He also criticized the parking arrangements at Borough Hall, saying that spaces closest to the building should be reserved for residents, not employees. Ms. Liebowitz said regarding late fees, some people are 3 years overdue, and that's not fair to the rest of the borough's taxpayers.

Chris Englehardt, 180 Main St., asked if any study's been done forecasting impacts of the proposed hotel-area project on water, sewer, police and schools, and the like. Mayor Greiner said the project is to be self-contained, and needs to pay for itself.

Marilyn Wanzer, Locktown-Flemington Road, asked Mayor Greiner if he approved the municipal attorney's letters advising candidates not to attend a recent candidates' night. Mr. Greiner said he knew Attorney Goodman was going to send the letters out. Ms. Wanzer asked if council thought it was appropriate to use taxpayers' money in a campaign. Ms. Liebowitz responded that the candidates' night was sponsored by a group that is suing the borough.

David Hudson, 5 Honeyman Dr., Raritan Twp., said he grew up in Flemington and is disgusted by Mr. Cust's development plans, which he said will ruin Flemington's small-town charm.

Gretchen Gardiner, who lives in Raritan Township near Barley Sheaf School, said she shops in town and has contemplated moving to the borough when she retires. She said the buildings on Main Street are beautiful and the streets aren't wide like they are in Somerville, and she thinks the development plans are a travesty.

Steve Tuccio, 61 Elwood Ave., talked about the attorney's letter sent to candidates about the candidates' night, saying the language was intimidating.

2. Mayor's Report

-Welcome and congratulations to Kim Tilly as our newest member of the council. Congratulations as well to John Gorman on his re-election and to Susan Peterson for her election.

-10/28 – Toured the Large House with Chamber-of-Commerce officials to observe the status of the cleanout and renovations. They are progressing nicely.

-10/31 – Attended the swearing-in of new police officer Joe DeRocha.

-11/11 – Attended the Veterans' Day ceremony at the War Memorial, which also included a rededication of the wrought-iron fence that was restored by the Historic Preservation Committee. With the teaching of history and civics becoming less prevalent in our schools, I encourage all of us to teach our children and grandchildren the meaning of our veterans' service and sacrifice, so they do not take them or our freedoms for granted.

-11/13 – Attended the Friends of Historic Flemington rally on the sidewalk in front of the courthouse.

-11/14 – Attended a meeting of the North Jersey Transportation Authority in Newark to receive our second award for the Streetsmart Pedestrian Safety Campaign that was conducted by our police department in conjunction with HART TMA.

-Attended the League of Municipalities conference for three days last week. I moderated one of their seminars and attended seven other seminars on various topics of relevance to Flemington.

-Participated in numerous meetings on the streetscape, DPW, and redevelopment projects which others can report in more detail.

-Kimi Goetz is skating in a series of six World Cup competitions. She will have events in China and South Korea in December, and in Germany and Belarus in February.

-Turkey Trot is Thursday morning at 9:30. I will again run in the 5K, so come on out and run with the mayor! You can still register online through the CEA web site.

3. Council Members' Reports

Councilman Gorman

Mr. Gorman gave an update on the streetscape improvement project. Engineers have been contacted about rights of way. Public Works crews are continuing to pick up leaves as best they can. Mr. Gorman said some residents

are putting garbage and recycling out too early- it shouldn't go out until 5 p.m. the night before pickup. He reminded residents that the tree lighting will be on Dec. 2 and the Hunterdon Holiday Parade will be on Dec. 4.

Council Vice President Hain

Mr. Hain said the Parks and Recreation Committee met to review the past year's programs, looking at what went well and what needs improvement. Regarding the Police Department, he mentioned the officer being considered for hire, Phillip Canale, and said he sat in on the interview and thinks he will be a fine addition to the department.

Councilwoman Liebowitz

Ms. Liebowitz said she submitted a federal grant request to install an exhaust system at the firehouse, and has been working on a grant for Phase 2 of the Main Street streetscape improvement. The borough expects to break ground on Phase 1 of that project around May 2017. The council's Redevelopment Committee came up with a final draft for a redevelopment plan for the Global Ag property, which is based on the Terra Nova plan and past plans. When people see it go before the Planning Board, they won't be surprised by anything, she said. She also mentioned the recent League of Municipalities conference, saying she learned a lot of beneficial information.

Councilwoman Oberst

Ms. Oberst said the Fleming Castle group is holding a tricky tray on Dec. 2 at the old courthouse. The group is still looking for members from the borough. She said she's been approached about having Public Works paint a red line down the middle of Park Avenue, from Capner Street to Mine Street, honoring firefighters. Ms. Oberst also attended the recent New Jersey League of Municipalities conference, and said it was very worthwhile. In addition she attended numerous gathering and meetings, including the Veterans Day ceremony and the swearing-in of new Police Officer Joseph Darocha.

Council President Swingle

Mr. Swingle discussed the state League of Municipalities conference, saying he attended sessions including one on Narcan (an antidote to opiates), and what comes next in battling heroin addiction. He also talked about property maintenance issues including issues at 82 Broad St. Following a contempt of court order, the borough brought in a company to clean up the property, and placed a lien against the property to cover those expenses. That process may continue, he said, noting the borough has to set a standard and keep it. Mr. Swingle also mentioned that the FCP is starting to put up holiday decorations in town.

Councilwoman Tilly

Ms. Tilly thanked residents for voting her into office, saying she's humbled by the trust they've put in her. She's serving as a liaison to the Historic Preservation Commission, and reported that the group heard a presentation on Nov. 14 on Now Serving: Social Media. She also attended the NJLM conference, and said she found many of the seminars helpful.

4. Approval of Minutes

Motion To: **Approve Minutes: Oct. 24, 2016 Regular Council Meeting**

RESULT:	APPROVED [5-0, 1 abstention]
MOVER:	Brooke Liebowitz, Councilwoman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle
ABSTAIN:	Tilly

Consent Agenda

Motion to approve: John Gorman; 2nd: Brian Swingle; Vote: all in favor

1. RESOLUTION 2016-169: AUTHORIZING THE BOROUGH'S COAH CONSULTANT, ELIZABETH MCMANUS OF CLARK, CATON, AND HINTZ, TO PREPARE AN UPDATED HOUSING ELEMENT OF THE BOROUGH'S MASTER PLAN, BASED ON THE BOROUGH'S ANTICIPATED AFFORDABLE-HOUSING OBLIGATION
2. RESOLUTION 2016-170: IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRM THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT
3. RESOLUTION 2016-171: APPOINTING JOHN MOORE AS RISK MANAGEMENT CONSULTANT FOR THE BOROUGH OF FLEMINGTON
4. RESOLUTION 2016-172: AUTHORIZING THE APPOINTMENT OF SALLIE GRAZIANO, ACTING BOROUGH CLERK, AS THE FUND COMMISSIONER FOR STATEWIDE INSURANCE
5. RESOLUTION 2016-173: AUTHORIZING A \$575,000.00 TAX ABATEMENT FOR COUNTRYSIDE AFFORDABLE HOUSING, BLOCK 35 LOT 32
6. RESOLUTION 2016-174: AUTHORIZING \$300,000 TAX ABATEMENT FOR FEED MILL STATION LLC, BLOCK 35, LOT 38
7. RESOLUTION 2016-175: AUTHORIZING THE CLOSING OF STREETS FROM 7:45 A.M. TO 11 A.M. AND RESTRICTION OF VEHICLE PARKING ON THE SOUTH SIDE OF BONNELL STREET FROM 8 A.M. TO 10:30 A.M., ON NOV. 24, 2016, FOR THE TURKEY TROT
8. RESOLUTION 2016-176: AUTHORIZING A ZERO-SUM TRANSFER OF \$61,000 BETWEEN VARIOUS BUDGET ACCOUNTS BASED ON TEN MONTHS OF ACTUAL RESULTS IN 2016

9. RESOLUTION 2016-177: AUTHORIZING CHARGES FOR MAINTENANCE OF 82 BROAD STREET TO BE COLLECTED BY THE TAX COLLECTOR
10. RESOLUTION 2016-178: AUTHORIZING CHARGES FOR BOARDING UP WINDOWS, DOORS ON FIRST FLOOR OF 61 MINE STREET TO BE COLLECTED BY THE TAX COLLECTOR
11. RESOLUTION 2016-179: AUTHORIZING STREET CLOSURES FOR THE TREE LIGHTING TO BE HELD ON DECEMBER 2, 2016
12. RESOLUTION 2016-183: AUTHORIZING THE CLOSING OF STREETS FOR THE HOLIDAY PARADE ON DECEMBER 4, 2016

Regular Agenda

1. RESOLUTION 2016-180: AUTHORIZING THE PURCHASE OF A 2017 FORD INTERCEPTOR SUV IN THE AMOUNT OF \$29,645.75 UNDER CRANFORD COOP FROM BEYER FORD, SUBJECT TO RECEIVING AN ACCIDENT INSURANCE SETTLEMENT IN 2016

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

2. RESOLUTION 2016-181: AWARDING CONTRACT FOR SUPPLY AND INSTALLATION OF AN HVAC SYSTEM AT THE SAMUEL FLEMING HOUSE, BLOCK 15, LOT 38 - 5 BONNELL STREET

Mr. Gorman said the Samuel Fleming House is the oldest house in the borough, and it's been without heat for 3 years. Plans are to remove the old oil-based system and replace it with a new system that runs on gas. Mr. Swingle said the \$20,200 bill could be a tough pill to swallow, particularly if people are questioning if the house is really serving the public, but the borough is responsible for it. He said it's hard to chastise other property owners for not caring for their properties if the borough's not willing to take care of its own. Ms. Oberst said she thought the group should be self-sustaining, but the borough does need to preserve the building and what's in it. She urged council going forward to really look at the group's budget and what money council provides.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Gorman, Councilman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle, Tilly

3. RESOLUTION 2016-182: AUTHORIZING HIRING PHILLIP CANALE TO THE POSITION OF PATROLMAN SCHEDULE B WITH THE FLEMINGTON POLICE DEPARTMENT, AT A SALARY OF \$43,292.00 ANNUALLY

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

4. RESOLUTION 2016-184: AUTHORIZING AWARD OF CONTRACT FOR FLEMINGTON BOROUGH HALL ROOF REPAIR

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Brian Swingle, Council President
SECONDER: John Gorman, Councilman
AYES: Gorman, Hain, Liebowitz, Oberst, Swingle, Tilly

5. ORDINANCE 2016-17: FIRST READING: AUTHORIZING A FEE FOR LATE LANDLORD REGISTRATION

RESULT: **INTRODUCED [UNANIMOUS]**
MOVER: Brian Swingle, Council President
SECONDER: Michelle Oberst, Councilwoman
AYES: Gorman, Hain, Liebowitz, Oberst, Swingle, Tilly

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

Elaine Gorman, chairwoman of the borough Historic Preservation Commission, thanked the council for supporting replacement of the HVAC system at the Samuel Fleming House.

Alice Schwade, Park Avenue, said she opposed a proposal to have a red line painted down Park Avenue. She worries it would hurt the value of residences in the area. She said she's heard that people don't want to move onto streets where there's a double-yellow line, and the red line would make it even more objectionable. She suggested putting it on a more commercial street, or putting it on the more commercial area of Park Avenue, and not putting it on the residential section of Park Ave.

Richard Giffen, said he was concerned that the redevelopment committee doesn't have any people on it familiar with building concerns. He said demolishing four historic buildings to make way for 50 parking spaces doesn't make sense. He also questioned excavating 20 feet deep near Higgins' newsstand. He said that's feedback the committee should be giving the redeveloper.

Kevin DeHaven, 33 Pennsylvania Ave., asked about the status of the borough's wells, since there's a drought. Councilman Gorman said the borough has 5 working wells, and it hasn't been adversely affected by the drought. He said the borough's on target with the state in keeping up with maintenance on the system.

Al Brewer, 1 Coppermine Village, suggested that if people want to make a comment, they should include a solution. He referenced questions about a councilman seeking the municipal attorney's legal opinion, and said there's nothing wrong with that request, and people shouldn't look for reasons to snipe at council.

Steve Karpew, Allen Street, asked about properties in the borough being boarded up. Mr. Greiner responded that they were boarded up for safety reasons.

Lois Stewart, 26 Spring St., asked how many people work in the Police Department, and was told there are 15 officers including the chief, plus the administrative assistant. She also asked how much longer the borough is going to pay expenses for the Samuel Fleming House, and asked when the public will know about suggestions for the Global Ag property. Ms. Liebowitz said the Global Ag plan will likely be on the agenda for the Dec. 12 council meeting.

Joann Braun, Jefferson Court, Raritan Twp., asked how she should follow up to get the borough to enforce its ordinances and protect the Union Hotel for the winter. Mr. Greiner responded that it's private property, and the borough is doing the best it can to enforce the ordinances, noting that sometimes people just don't have the money necessary. He said it would be hugely expensive for the borough to take on such costs.

Robert Shore, Broad Street, said he's getting worried that the developer is going to walk away from plans for renovating the downtown area. He said it's up to the mayor to put together a committee, come up with a redevelopment plan, get a consensus and move forward.

Chris Englehardt, Main Street, asked if there's a marketing study saying Flemington needs the planned development downtown, and how the development would impact fire, sewer, water and police. Mayor Greiner said that he's said from the beginning that the project needs to cover its costs. He said he's addressed questions about police and fire coverage at previous meetings, and that the council doesn't think the borough will need any additional police or fire coverage. Ms. Oberst commented that the project will benefit the town in many ways, and council will not let it pass costs on to residents. She also said members of the redevelopment committee have constant contact with the borough's professionals, who guide them through the application review process.

Robert Shore suggested the borough get an administrator. He also criticized the Flemington Community Partnership's proposed budget, saying it's all fluff and nothing is long-lasting. He said the borough should take a break and not fund the organization for a year. Mr. Swingle said that for the first time the FCP and the area's businesses are finally coming together as a community, and that the FCP consists of a lot of people that were on the former BID board.

Richard Giffen said it's criminal not to put a lien on the Union Hotel for maintenance.

- 8. Attorney's Report
- 9. Payment of the Bills

Motion To: **Pay The Bills**

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

III. Executive Session For Legal Advice on the Borough's Future COAH Obligation, and Any Other Applicable Matter Identified During the Regular Meeting

Move to go into ex. Session: Marc Hain; 2nd: Michelle Oberst; all in favor

Adjournment

Motion To: **Adjourn**

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