



Mayor and Common Council Borough of Flemington

April 12, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

Presentation of maintenance options for the water tank on Shields Ave. -
Borough Engineer Robert Martucci, P.E.

Mr. Martucci was unable to attend the session, and Councilman Brian Swingle, liaison to the DPW, discussed the Shields Ave. water tank and options available. It's a huge ticket item, he said, and it's the borough's main water capacity. It's well past due for serious maintenance. It was installed in 1970.

John Gorman, the other council liaison to the DPW, said divers have been inside the tank and can't see down to the bottom, due to silt.

Officials are looking at 3 options: rehabilitate the current tank; build a sister tank with similar gallons and the two could be linked together; and keep this tank and build a second standpipe tank.

No one is recommending the first option; there's worry that if they drain it, clean it out and try to refill it, it will rupture, as happened in Milford with that borough's tank. Though it's the cheapest option, at \$3,175,000, it creates complications and service interruptions.

The second option, building a sister tank of similar size, would cost \$6 million. Mr. Swingle said it wouldn't address the pressure issue in the borough because it's the height of the column of water, not the capacity of the tank, that creates pressure.

The third option, keeping the current tank and building a standpipe tank, would cost around \$4.5 million. The standpipe tank could hold 500,000 gallons, about half the capacity of the current tank. Once the standpipe tank was built, staff could take the current tank out of service and repair it. This option would build redundancy into the water supply system and also address the pressure issue.

Councilwoman Tilly asked about the time frames for the different options. Mr. Swingle said it's about 26 months from start to finish, whatever option is chosen.

Councilwoman Liebowitz asked if it could increase capacity. Mr. Swingle said no, it will increase pressure, and will give the borough an extra 500,000 gallons of reserve, but it won't help with business capacity. Mayor Greiner asked if there are height issues with Raritan Township, and Mr. Swingle said it would be no higher than the current tank.

Ms. Tilly asked about a contingency if the current tank can't be rehabbed. Mr. Swingle said they could cut the bottom out of the tank, elevate it, and weld a new bottom on.

Ms. Liebowitz asked if adding a new well would add capacity. Mr. Swingle said Well 10 is getting ready to come online, the borough is still waiting on the state

for that. He said wells take 3 years to come online, and the borough needs to be thinking ahead to the next well once a new one comes online.

Regular Meeting (7:30 PM)

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

Flag Salute

Roll Call

Attendee Name	Title	Status	Arrived
John Gorman	Councilman	Present	
Marc Hain	Council President	Absent	
Brooke Liebowitz	Council Vice President	Present	
Susan Peterson	Councilwoman	Present	
Brian Swingle	Councilman	Present	
Kim Tilly	Councilwoman	Present	
Phil Greiner	Mayor	Present	

1. COUNTY ECONOMIC DEVELOPMENT UPDATE - MARC SALUK, COUNTY ECONOMIC DEVELOPMENT DIRECTOR

Marc Saluk, County Economic Development Director, spoke about the Hunterdon County Economic Development Initiative. He said it addresses the primary concerns of having an aging population, a declining population, and creation of primarily low-wage jobs.

The initial program focus is creating high-wage jobs that are low-impact and leave a small footprint. Upon questioning he said it's not to the exclusion of other types of jobs.

The effort is targeting clean and niche technology- information technology, research and development, biological and life sciences, financial technology, cyber security, and small scale components manufacturing. He noted the closest cluster of advanced industry is in the Allentown-Bethlehem (Pa.) area.

The initiative is taking a three-prong approach:

1-working with municipalities on targeted Industrial Growth zones, including expedited processes, waived fees, targeted incentives and special committees.

2-Education- coordinating exposure to enterprise, aligning training and engaging in company projects

3-Entrepreneurial- Creating an environment where good ideas can grow, with loan programs, angel investors, and business incubators.

The Hunterdon Hackathon, a 24-hour tech event planned for April 28-29, targets bringing tech people together to pitch ideas, and move ideas forward. Mr.

Saluk said it aims to get the tech community engaging with itself, get the tech community involved with area residents, and give planners an idea of what the market for this field looks like.

Mr. Saluk spoke of Red Wing, Minn., as an example of a business incubator. Robert Shore, Broad Street, asked what that community did to support the incubator, because he sees Flemington as business-unfriendly. Mr. Saluk said that studying the factors that led to success in other communities is going to be part of this effort.

The county is working on developing a brand for recognition. Mr. Saluk said people know of Clinton, Lambertville, Flemington, but they don't realize they're all in Hunterdon County. Mr. Saluk also said the new Economic Development website should be up by October.

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

Robert Shore, Broad Street, criticized the council for not seeking a comprehensive plan from Mr. Saluk. He said there's great excitement but no follow-through.

Mayor Greiner said it's not a Flemington initiative, but a county one, and borough officials are trying to see how the borough can fit into it. The session was designed to introduce what the county is doing.

Lois Stewart, Spring Street, asked about the resolution regarding work on the Fleming House. Councilman Gorman said a lot of piping was removed and repairs have been made. He said the borough has allotted \$15,000 for the extra work. Ms. Stewart asked where the money is coming from. Mayor Greiner said it will go against the capital ordinance previously approved.

Ms. Stewart also asked about the proposed DIY lease, how long it will be, since that building is for sale. Mayor Greiner said it's a month-to-month lease. Ms. Stewart asked who's paying utilities. Mayor Greiner said the borough has been paying that expense. Municipal Attorney Barry Goodman noted that the lease provides that the tenant, DIY, would pay for utilities.

Joann Braun, Raritan Township, asked if the Redevelopment Agreement has been signed. Mayor Greiner said it has been. Ms. Braun asked how the county's Comprehensive Economic Development Strategy study jibed with the planned hotel area redevelopment. Mayor Greiner said the CEDS study reported the need for rental units, Millennials living in urban areas with walkable spaces, and bring in higher education.

Michael Harris said the planned hotel development will likely have onerous infrastructure demands, and he hopes for a transparent process in the PILOT tax abatement process that brings into account the school community. He said the CEDS is a county plan with the borough as ground zero.

Richard Giffen, Highland Avenue, asked if the developer agreement has been modified. Mr. Greiner said no, the one signed is the one council authorized.

3. Mayor's Report

-For a long time Flemington residents and visitors have eaten at Jack's Pizza at 55 Main St. After 45 years in business, the owner, Sal Mannino has decided to put the business up for sale, as indicated by the sign in the window. Nevertheless, April 21 will mark 45 years in business for Jack's Pizza, and we have a resolution on our agenda to acknowledge their many years of service to the community. Please join me in extending congratulations and best wishes to Sal and the staff at Jack's.

-April 1 – attended the annual Fire Department Ladies Night at Copper Hill Country Club.

-The admin committee met with the office staff and Attorney Goodman on April 3 to discuss and agree upon a procedure to deal with some complex OPRA requests. If the clerk believes a request will take more than two hours to complete, she will notify the requesting party that there will be a charge for any estimated clerk, other employee, or attorney time. Such time would be charged at the current hourly rate of the clerk, other employee, and attorney. The requestor will have the option to accept or decline the estimated charge. If they accept, they will be asked to pay one-third of the estimated cost in advance. If they decline, the requested information will not be provided. This practice is within the auspices of the clerk under OPRA to administer and does not require a council resolution. That is why I am covering it now, just so the information is made known.

-We will hold the public hearing on the 2017 budget later in the meeting. I will provide an overview of the budget at that time, rather than now.

4. Council Members' Reports

Councilman Gorman

Mr. Gorman discussed the household water meter replacement project. Over 1,200 meters had to be changed, and by this week they were down to about 20 left to go. Many places where the work hasn't yet been done are vacant. Mr. Gorman said the water will be shut off to those places. He said he's gotten a lot of questions about why an outside firm was hired to do the meter replacement. Mr. Gorman said the borough's water company staff can't do that many that quickly, and the borough needs to get the new meters online.

Parks and Recreation - Fireworks are planned for July 3 at RFIS, with a rain date of July 5.

DPW - Spring cleanup work is starting. People can put bags of leaves at the curb for pickup.

Mr. Gorman also said there was a nice turnout for the recent Firemen's Ball.

Council President Hain

Absent.

Council Vice President Liebowitz

Ms. Liebowitz said there's been some interest in the Global Ag request for proposals, and some people have asked for extensions of the deadline. She said she thought a two-week extension would be fine. Attorney Goodman said there should be a resolution to that effect.

Ms. Liebowitz made a motion and Mr. Swingle seconded, to amend the agenda to include a resolution extending the deadline in the Global Ag RFP until April 28. All present voted in favor.

1. Motion To: **Amend the Agenda to add a resolution to extend the deadline for the Global Ag Request for Proposals**

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

2. RESOLUTION 2017-90: EXTENDING THE DEADLINE FOR GLOBAL AG AREA REQUEST FOR PROPOSALS TO APRIL 28, 2017

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

Ms. Liebowitz continued her report and discussed the Library roof project. The cost is about \$315,000, she said, and the borough needs authorization to pay for \$38,000 in soft costs (like engineering fees). She said the borough has money in its budget to go out to bid.

The doors at the library are very difficult to open and need replacement. She said Library Director Shawn Armington got three estimates, ranging from \$3,700 to \$5,400. She said she would be reviewing the quotes with the Library Commission and the Borough Engineer.

Ms. Liebowitz said she's concerned about a situation at the Herman Kapp senior residences. She said Penrose is proposing a 17% to 23% rent increase, and she doesn't think seniors there are getting complete information from Penrose about the proposal.

Ms. Liebowitz also suggested the council consider having the Borough Clerk post draft resolutions along with the agendas of upcoming meetings, so people can

see what will be discussed. Attorney Goodman said there was no reason that couldn't be done, but the resolutions should be marked as drafts.

Councilwoman Peterson

Ms. Peterson discussed the DIY lease for 90 Main St., and said she's also asking the group to come to at least one council meeting a month to say what they're doing there.

Beautification- A cleanup is planned for April 29, 8 a.m. start, ending with a barbecue at noon. The DPW will be assisting.

Historic Preservation- The commission's website is almost complete. Richard Giffen is the new administrator for the commission's Facebook page.

Fleming Castle- New bylaws were introduced and are being reviewed by the municipal attorney and the mayor. A dedication for the new porch is planned for April 27. Several activities are planned in the coming weeks, including a visit by area fifth-graders, Colonial Music in the Afternoon on June 10, and in the evening, historical drinks and tavern food. The museum group is looking into creating a teaching herb garden.

Councilman Swingle

Mr. Swingle said the meter replacement went well. There were some difficult situations, but our borough employees are professionals and they got a lot of praise from residents.

He noted the water tank on Shields Avenue was discussed in the work session. Hack Hunterdon is coming up, and Mr. Swingle volunteered to program for the 24-hour event.

A low-hanging tree branch over East Main Street has been taken care of.

Teamsters contract: Officials are getting close on that.

Councilwoman Tilly

Fire Dept: I attended the March 28th, Fire Officer's meeting. They discussed drills, repairs to 61 and Hunterdon County organized training later this year. The flower sale starts tomorrow and runs through Saturday or until they are sold out. If you don't need any flowers, please stop buy and purchase a 50-50 raffle ticket. Grand Prize is 35% of proceeds and second prize is 15% of proceeds. Next meeting is April 25th.

First Aid & Rescue Squad: Their monthly meeting was April 3. This month, 20 members will head to Virginia to participate in the 2017 Rescue Challenge, hosted by the Technical Rescue Association of Virginia. This annual event allows our members to work on some of the most complicated rescue situations imaginable. This trip will be the squad's third year in the Challenge. It is not a competition, but rather a series of eight scenarios over four days that are designed to test a team's skill and operational readiness. This year's Challenge will be in Virginia Beach, after the last two years in the Roanoke Valley. To view the 2016 challenge you-tube video, please see their Facebook page. Next meeting should be May 1.

Schools: April 23 is the FRSD 5k Color Run, 9 am, rain or shine. There are volunteer positions available. If you or someone you know is interested, please contact Jennifer Hill at jah241@yahoo.com.

OEM: Nothing to report

Admin: Met on April 4 to discuss changing Policies in regards to OPRA requests. We'd like to post more information on the website to possibly alleviate some requests. The Borough will start applying a special service charge as the law allows.

Finance: Nothing to report

Other: There is a fundraiser Saturday, April 22, at TGI Fridays in Flemington for 2018 Short and Long Track Olympic Hopeful Kimi Goetz. From 11am to 11pm, 20% of your food bill will be donated back to help Kim as she will need blades, skin suits and is hoping to be able to go to Korea this summer to train. At 8pm the band The Receptors will be playing. Please make sure to mention Kimi Goetz or show the flyer from your smartphone.

5. Approval of Minutes

Motion To: **Approve Minutes: March 27, 2017 Regular Council Meeting**

RESULT:	APPROVED [4 TO 0]
MOVER:	John Gorman, Councilman
SECONDER:	Brian Swingle, Councilman
AYES:	John Gorman, Susan Peterson, Brian Swingle, Kim Tilly
ABSTAIN:	Brooke Liebowitz
ABSENT:	Marc Hain

Consent Agenda

Motion to approve: Swingle; Second: Tilly; Vote: All present voted yes.

1. RESOLUTION 2017-77: APPROVING FIREWORKS FOR JULY 3, 2017 WITH A RAIN DATE OF JULY 5, 2017, WAIVING THE PERMIT FEE OF \$331.00
2. RESOLUTION 2017-78: AUTHORIZING CLOSURE OF FULPER ROAD FOR UNITED WAY HEALTH FAIR, APRIL 22, 2017
3. RESOLUTION 2017-79: AUTHORIZING THE RELEASE OF A PORTION OF THE EXECUTIVE SESSION MINUTES
4. RESOLUTION 2017-81: AUTHORIZING DEFENSE OF TAX APPEAL BY FLEMINGTON SOUTH, LLC BY SHOPPES AT FLEMINGTON, LLC TENANT-TAXPAYER, 80-102 REAVILLE AVE., BLOCK 49, LOT 10, AND COUNTERCLAIM
5. RESOLUTION 2017-82: AUTHORIZING DEFENSE OF TAX APPEAL AND COUNTERCLAIM RE: WAWA, 20 HIGHWAY 31, BLOCK 44, LOT 1

6. RESOLUTION 2017-83: AUTHORIZING DEFENSE AND COUNTERCLAIM RE: TAX APPEAL BY BILTMORE REALTY, 15 GARDEN LANE, BLOCK 1, LOT 3
7. RESOLUTION 2017-84: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2014-014 HELD ON BLOCK 42 LOT 22, 4 WALTERS LANE AND AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$5,220.92 PLUS A PREMIUM IN THE AMOUNT OF \$1,500.00
8. RESOLUTION 2017-85: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2015-014 HELD ON BLOCK 35.01 LOT 22.01, 98 MINE STREET AND AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$20,354.57 PLUS A PREMIUM IN THE AMOUNT OF \$18,000.00
9. RESOLUTION 2017-88: APPROVING PAYMENT FOR SUPPLEMENTAL BUILDING WORK AT THE FLEMING HOUSE ASSOCIATED WITH INSTALLATION OF THE NEW HVAC SYSTEM
10. RESOLUTION 2017-89: RECOGNIZING JACK'S PIZZA, 55 MAIN STREET, ON ITS 45TH ANNIVERSARY OF BEING IN BUSINESS IN FLEMINGTON

Regular Agenda

1. RESOLUTION 2017-80: AUTHORIZING A LEASE WITH FLEMINGTON DIY, INC., FOR USAGE OF BOROUGH-OWNED PROPERTY AT 90 MAIN ST.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Susan Peterson, Councilwoman
SECONDER:	Brian Swingle, Councilman
AYES:	Gorman, Liebowitz, Peterson, Swingle, Tilly
ABSENT:	Marc Hain

2. RESOLUTION 2017-86: AWARDING CONTRACT FOR EAST MAIN STREET WATER AND SEWER IMPROVEMENTS TO REIVAX CONTRACTING CO., INC.

Councilman Swingle said Reivax was the low bidder, and the borough has worked with this company before on the Capner and Allen Streets project, which went very well. There were 7 bidders.

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

3. RESOLUTION 2017-87: AUTHORIZING THE MUNICIPAL BUDGET FOR THE YEAR 2017 TO BE READ BY TITLE

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Tilly, Councilwoman
SECONDER:	Brian Swingle, Councilman
AYES:	Gorman, Liebowitz, Peterson, Swingle, Tilly
ABSENT:	Marc Hain

4. Motion To: **Open Public Hearing on 2017 Municipal Budget**

COMMENTS - Current Meeting:

Prior to entertaining the motion to open the public hearing, Mayor Greiner gave some highlights. He said the Finance Committee met with all departments and looked at every line item. The total budget is \$5,527,336, which is up 1.08% from 2016. The trend since 2009 is to have budget grow by about 1% a year, he said. The municipal tax rate goes up 1.8 cents, which will translate to \$47 a year on a house assessed at 259,900, the borough average. Last year's tax rate rose 3.4 cents, translating to an \$87 increase on a house assessed at \$256,000, the borough average in 2016.

The budget surplus is \$448,000 and change. The surplus was highest in 2005, at \$2.1 million. It got down to \$31,000 at the end of 2014, recovering to \$448,000 in the past two years. He said he thinks \$500,000 is a reasonable target surplus, and any excess could be used to fund projects or reduce the tax levy.

The net debt was \$6.1 million at the end of 2016. It's declined each of the last two years, and is more than \$1 million less than at the end of 2014.

The budget includes a 2% salary and wage increase. The Police Department is budgeted at \$1,301,000; insurance and Social Security at \$620,000; debt service at \$574,000 and pensions at \$545,000. And \$75,000 is budgeted for capital reserve. The budget includes money to buy one police vehicle and one DPW vehicle without incurring debt, and \$18,000 is being put toward an ambulance for the EMT service. The sewer budget includes the plan, previously approved, for a \$25 increase in August to cover wet weather facility repairs. Water rates will remain unchanged in 2017.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Brian Swingle, Councilman
SECONDER:	John Gorman, Councilman
AYES:	Gorman, Liebowitz, Peterson, Swingle, Tilly
ABSENT:	Marc Hain

5. RESOLUTION 2017-68: PUBLIC HEARING ON THE 2017 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON

Public hearing opened at 9:10 p.m.

Lois Stewart, Spring St., asked if the 2% salary increase was for all employees.

Mayor Greiner said the PBA and Teamster contracts are still being finalized. Ms. Stewart said that if unions know the borough has 3% available in the budget for

them, what's to keep them from fighting for that amount. Councilman Swingle said officials are negotiating face to face, working their way through the numbers. He said they're balancing saving money for residents with offering fair compensation for employees. He said the borough had these workers taking 0 and 1 percent increases for a long time. Ms. Stewart said officials have to recognize that the people who live in this town are low-wage people.

Ms. Stewart also asked about the \$67,000 increase in the water budget. CFO Bill Hance said \$24,000 goes toward leak detection, \$25,000 toward salaries and around \$20,000 for debt service. Mayor Greiner said there's some surplus in the water and sewer budgets, and in the future officials can look at applying that to pay down the debt. He said officials are trying to manage the surplus with a policy in place. Ms. Stewart said having too much surplus isn't fair to residents. She then asked about the police budget, and a vehicle budgeted for purchase. Mayor Greiner said the vehicle purchase is the normal rotation of buying one new vehicle a year to replace the oldest vehicle.

Robert Shore, Broad St., said there's around \$950,000 surplus, yet the borough is still increasing the meter fee \$25 a month. He said that's reprehensible.

Steve Tuccio, 61 Elwood Ave., asked about the Planning Board budget's "other expenses" category, which has \$53,150 budgeted. Mr. Hance said that's for all the professionals the board hires, office supplies, and it includes \$12,000 for the Historic Preservation Commission. Mr. Tuccio noted there's no different between the amounts set aside in 2016 and 2017. Mayor Greiner said professional expenses are the biggest variable for the Planning Board, and they look at projects from the previous year and consider what's coming up. He said that gives them a rough idea of what expenses will be, and they budget at the aggregate level, not for specific projects. Mr. Tuccio asked about expenses for planner Beth McManus to review the proposed expansion of the Union Hotel redevelopment area. Mr. Greiner said according to the redeveloper agreement, the developer will be paying for most of the professional services. Mr. Tuccio asked how much escrow had been set aside by the developer; Mr. Hance said \$15,000 was put into an escrow account about a year ago, and that was drawn down and Mr. Cust has replenished it.

Robert Shore, Broad St., asked about the \$1.3 million being spent on the police department, and why officials haven't approached Raritan Township about providing the service instead. Mayor Greiner said he doesn't intend to have discussions with Raritan Township about police, that it's a politically charged issue. He said Raritan Township pays its officers more than the borough, and if the two forces merged, Flemington would have to cut officers to maintain the same budget. The borough would also be giving up a degree of control over the department. He said he'd have to detect a lot more sentiment of public opinion in favor of that move before considering it. Mr. Shore said he knows it's a politically charged issue, but officials are making assumptions and should at least get the facts, that there's no harm in getting the numbers. Mayor Greiner said there is harm. Councilman Swingle said officials have looked at the issue

multiple times, and don't believe there's any savings to be had. He said there would definitely be a loss of control. He added that residents enjoy their interaction with the police, and opening the issue would sap employee morale. Elaine Gorman, New York Ave., said it's distressing this issue keeps coming up. She said she's comfortable walking around the community and knowing some of the officers. She said it would be detrimental for the police and for the community to consider a change. She said she feels privileged to be able to pay their salaries.

Richard Giffen, Highland Ave., asked if the budget reflects the police department's potential move from its current quarters. Mayor Greiner said there's no plan for that now, because officials don't know the time frame. But part of the move will be funded by the savings from not having to pay off the cost of the building anymore. Mr. Hance said that cost runs about \$60,000 a year, and there are about nine years left of payments.

Mr. Shore asked how much is budgeted for attorneys. Mr. Hance said \$145,000 last year, and \$135,000 this year. Mayor Greiner said that covers everything - labor attorney, redevelopment, tax appeals, DEP, anything that comes the borough's way.

Councilman Swingle moved to close the hearing at 9:50 p.m. Second by Councilwoman Tilly. All present voted in favor. The vote on the budget was then held.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Swingle, Councilman
SECONDER:	Kim Tilly, Councilwoman
AYES:	Gorman, Liebowitz, Peterson, Swingle, Tilly
ABSENT:	Marc Hain

6. Motion To: **Open Public Hearing on Ordinance 2017-7**
COMMENTS - Current Meeting:

Mr. Swingle said this ordinance addresses commercial meters. The intent is to treat commercial businesses the same as home owners, having them all uniformly monitored so everyone is treated fairly.

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

7. ORDINANCE 2017-7: SECOND READING - AN ORDINANCE AMENDING CHAPTER XI TITLED UTILITIES SECTION 11-1.3 WATER METER REQUIREMENTS

Opened at 9:55 p.m.

Mr. Swingle said that for commercial meters, the borough currently doesn't have the level of oversight it would like.

Mr. Gorman said the state has regulations that the borough track its water usage, and this change will help the borough do that. Mr. Swingle added that the state requires meters to be replaced every 10 years.

Robert Shore, Broad St., asked how much the borough will be saving by going to these remotely-read meters. Mayor Greiner said the borough expects there will be some savings, but how much isn't yet known. It's not a case of putting these in just for personnel savings, he said - a major reason is to reduce the gap between the amount of water being pumped and billed.

Mr. Shore said the borough should take savings from the surplus to offset expenses. Mr. Gorman said the utility can't operate on a net-zero basis. He said \$300,000 isn't that big a number for surplus - the borough may have to re-do a well, and the surplus might help avoid the necessity of getting a bond to do it.

Mr. Swingle moved to close the public hearing, seconded by Mr. Gorman. All present voted yes. The hearing was closed at 10:00 p.m. and the vote was held.

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

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

Lois Stewart, Spring Street, said she'd heard that a "Black Lives Matter" event held by DIY led to the SWAT team being called in. Mayor Greiner said that wasn't the case, but that the borough incurred overtime fees for police coverage topping \$3,000. Ms. Stewart said that was a lot of money for the borough to have to spend. Mayor Greiner said that's why the borough is pursuing a lease with DIY for use of the borough-owned property.

Ms. Stewart also asked about the status of selling the Hineline property, 144 Main Street. Ms. Liebowitz said the borough has gotten a response from Max Spann Realty, the sole bidder in response to an RFP that was issued, regarding the difference between holding an auction and selling the property in a traditional way. The council is reviewing the matter.

Robert Shore, Broad Street, asked about the PILOT program in place for the Herman Kapp residences. Mayor Greiner said they're paying \$34,000 a year. Ms. Stewart asked when that PILOT will end. CFO Bill Hance said he wasn't sure. Ms. Stewart asked how many PILOT programs the borough has; Ms. Liebowitz said that's the only one. Ms. Stewart said she'd like to know how many tax abatement programs the borough has operating. Mayor Greiner said total exemptions are about 1% of values.

Mr. Giffen asked Councilman Swingle for an update on his plan to talk with the borough's building official about the condition of the Union Hotel. Mr. Swingle said he's had the flu and hasn't yet had a chance to talk with the building official, but is planning to discuss the issue with him soon.

9. Attorney's Report

Attorney Barry Goodman talked about the lawsuits filed by the Friends of Historic Flemington. One has been completed. It challenged the designation of the hotel area in need of redevelopment. That suit sought to invalidate votes on the project because people couldn't get into a meeting for lack of space, and invalidate action at a subsequent meeting that was moved on short notice to accommodate another large crowd. Those counts were dismissed earlier. The suit was amended to say that the state Historic Preservation Office wasn't consulted, and that count was also dismissed. A final count alleging that one resident spoke for too long at one time was dismissed voluntarily without prejudice. Mr. Goodman said the attorneys have been notified that the borough considers the claim frivolous.

Two other suits are pending, concerning the Open Public Records Act. One involved two voluminous requests filed last summer. All documents have been provided, and Mr. Goodman's staff has asked that the suit be dismissed. A second suit concerns a November 2016 OPRA request, and all those documents have been provided as well, Mr. Goodman said. The firm has been sent a frivolous litigation letter, since the documents were provided before the suit was filed, Mr. Goodman said. He's waiting to hear if they will voluntarily dismiss the suit.

10. Payment of the Bills

Motion To: **Pay The Bills**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Tilly, Councilwoman
SECONDER:	Brian Swingle, Councilman
AYES:	Gorman, Liebowitz, Peterson, Swingle, Tilly
ABSENT:	Marc Hain

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

None needed.

Adjournment

Motion To: **Adjourn**

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