



Mayor and Common Council Borough of Flemington

April 24, 2017

Council Meeting Room

Work Session (7:00 PM)

Brief update on options for traffic pattern on Park Avenue at Steve's Store. Council members Swingle, Peterson, Gorman and Liebowitz in attendance, and Mayor Greiner.

Mayor Greiner said he, Council President Hain and Councilman Swingle met with the Borough Engineer on April 7 to discuss the traffic situation, and went through the different options that have been considered. Three options that are currently being discussed are to make Park Avenue one-way, headed out toward North Main St.; making it one-way headed in toward town; and not changing the traffic, but creating a space across from the driveway at Steve's Store, to create more turning room.

Mr. Greiner said the group seemed to favor the one-way option best, but it cuts off all access to Steve's Store, and they don't want to do that without first discussing the situation with Steve's. They're looking at dates the first week of May to talk.

Jack Koontz, who lives on Park Ave. near the store, said everyone wants to appease Steve's Store, but residents deserve some consideration. He said the store has 4 driveways. Mr. Koontz asked about creating a cul-de-sac.

Mr. Swingle said officials had understood that a cul-de-sac at the end of Park Ave. wouldn't be an option because there wouldn't be enough room for cars to turn around. He said he'd ask traffic experts about that again. Mr. Greiner said if you close one end of the street down, you can't also make it a one-way street. Mr. Koontz said the neighborhood has put up with a lot of quality-of-life issues, and since borough officials weren't taking any action tonight, he was submitting his insurance deductible bill for damage to his vehicle that was hit.

Mr. Swingle said he understood the contentious nature of the relationship between Steve's Store and the neighbors, but officials made agreements, and if they go back now and change things, they could end up in court. If the borough is going to court, he said, officials have to go through a process, and they're doing that. He noted that none of the options currently being considered are to do nothing. Mayor Greiner noted that all the options have issues.

Mr. Swingle said officials will meet with Steve's, come up with a proposed solution, they may have to do a traffic study, and then an ordinance amendment could be introduced. Mayor Greiner said he's not sure a new traffic study is needed.

Lauren Imiolek, 106 Park Ave., asked about a timeline. Mayor Greiner said by mid-May they should have some idea of what direction to take.

Ms. Imiolek asked if officials do a study, could they include Park Avenue and North Main, where the crosswalk is located? She said she saw a pedestrian almost get hit there recently. She mentioned the possibility of light poles that flash when a pedestrian is crossing.

Mr. Gorman moved to adjourn the work session, seconded by Mr. Swingle. All present voted aye.

Regular Meeting (7:30 PM)

Flag Salute

Moment of Silence for former Mayor Robert B. Hauck

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	Absent	
Phil Greiner	Mayor	Present	

2. Mayor's Report

Mayor Greiner noted that flags in the borough flew at half-mast on Friday to honor former Mayor and longtime Clerk Bob Hauck, who died the previous Sunday. Memorial services are planned for Sunday, May 7, from 2:30 to 4 p.m. at the historic Flemington Courthouse, followed by a service.

On Tuesday, the borough's COAH plan will be heard in open court in Somerville, and Mayor Greiner plans to attend. It's a fairness hearing, and he is hopeful the hearing will result in final approval for the borough's affordable housing plan. The court is at 20 N. Bridge St.

Later this week, an Arbor Day ceremony is planned at Reading-Fleming Intermediate School.

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

Councilman Gorman

Mr. Gorman mentioned former Mayor Bob Hauck, who died Easter Sunday. He was on council when Mr. Hauck came to the borough as clerk, and he said he was a go-to guy who will be missed.

Water Meters - 1,237 units have been done, almost 100%. Now the borough is moving ahead to replace larger meters used in apartment complexes and larger buildings.

Financial Disclosure - It's time for people working on some of the commissions and boards in the borough to file financial disclosure statements.

DPW - Workers are picking up leaves and branches blown down over the winter. The East Main Water & Sewer improvement project contract has been awarded. Arbor Day will be celebrated Thursday at RFIS, with a tree planting at 1:45 p.m. There will be a free raffle for the kids - the winner will take home a tree to plant. Bids were opened for the new Well 10 project; a contract has not yet been awarded.

Council President Hain

Absent.

Council Vice President Liebowitz

Library Commission - At the commission's last meeting, they explored getting estimates for roof repairs. The main door also has to be replaced; several bids have been received and are currently being reviewed.

Ms. Liebowitz said there's still some uproar at the Herman Kapp senior residences over a proposed rent increase.

The Request for Proposals for the Global Ag area has brought forward one group that's been in contact with one or more of the parties who own property, Ms. Liebowitz said. She noted the intent of the RFP was to stimulate development, and she thinks it did that.

Animal Control - St. Hubert's is handling animal control services for the borough, but it doesn't deal with wildlife, just domestic animals. It can refer people to agencies that can help, though.

Ms. Liebowitz also talked about Mr. Hauck. She said her first year on council was Mr. Hauck's first year as mayor, and he was always very gracious and supportive of her.

Councilwoman Peterson

The townwide cleanup is Saturday, starting at 8 a.m. Ms. Peterson held up a neon-yellow shirt volunteers will get when they show up at the DPW lot at 8 Main St. A barbecue will be held at noon.

90 Main St. - A lease is ready; borough officials are waiting for signatures from DIY.

Samuel Fleming House - The porch dedication is April 27. Ms. Peterson thanked Mr. Gorman for getting safety edging installed on the steps. The group's by-laws have been approved by its board, and they're now going to be reviewed by the mayor and municipal attorney. In mid-May, docents will meet with RFIS fifth-graders. Events planned include a Colonial Chocolate event on May 20, and a Colonial Music event the afternoon of June 10, followed by wine and cheese in the tavern that evening.

Historical Preservation Commission - the group is very busy now with homeowners undertaking spring projects. She noted it's important not to buy

materials before getting HPC approval for a project. The commission is considering a workshop on the photography of historic buildings. She noted the commission now has a space on the Planning Board agenda, rather than having to wait for the public comments session.

Councilman Swingle

Lots of meetings have been held recently, between the water tank, water meters, the Flemington Community Partnership and more, Mr. Swingle said. The Hack Hunterdon event is coming up April 28-29, bringing up to 40 or 50 professionals to the Feedmill Plaza. Mr. Swingle is going to participate. He also commented on Mr. Hauck's passing, saying they found themselves to be political opposites, but Mr. Hauck always remained gracious, and was a very hard worker.

Councilwoman Tilly

Absent; attending Flemington-Raritan School District meeting as council liaison.

4. Approval of Minutes

Motion To: **Approve Minutes: April 12, 2017 Regular Council Meeting**

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

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

Lois Stewart, 26 Spring St., asked who is submitting paperwork to the State Historic Preservation Office for the Cust development. Mayor Greiner said the application is being prepared by the developer on behalf of the borough, which is appropriate. He said it was ready to be submitted for SHPO's April agenda, but that was booked up, so the developer took the application back and it hasn't yet been resubmitted.

Ms. Stewart asked Councilwoman Liebowitz if she was aware of Woodlands Wildlife Refuge, which deals with wildlife issues; Ms. Liebowitz said that's one of the agencies St. Hubert's refers callers to when necessary.

Robert Shore, 47 Broad St., said he attended an event Saturday in Raritan Township at which three elder statesmen, Mr. Stothoff, Mr. Kuhl and Mr. Shuman, shared funny stories about Flemington of yesteryear. He said the program should be presented again, and filmed for posterity.

Mr. Shore suggested that for Arbor Day, the borough could pick a street each year to plant trees on, and in 50 years Flemington would have nice, tree-lined streets.

Mr. Shore addressed Councilman Swingle, saying he frequently interrupts and talks over the Mayor, and he should show more respect. He also said that contrary to Mr. Swingle's report, the Flemington Community Partnership hasn't been performing well, and there's little happening for business in the borough. Mr. Swingle said he certainly apologizes if he's been talking over the mayor. He also said there's no secret Mr. Shore has a personal issue with him. He said the FCP has an abundance of events planned - the beer garden, a Hackathon this weekend, bringing in Seward Johnson sculptures in the fall, bringing back a day of the Central Jersey Jazz Fest to Main Street. And he said everyone's been able to operate without all the hostility experienced with the former BID.

Jack Koontz, Park Ave., shared a picture taken seven years ago of then-mayor Bob Hauck supporting his efforts to address the parking situation in his neighborhood. He also thanked the police for their efforts over the last two weeks to enforce traffic laws. He said even though people come in angry and upset, they have things they see daily, and he offered his front steps for council members to come see what he sees.

Lois Stewart, Spring Street, asked about the Hineline property's status. Ms. Liebowitz said an auctioneer responded to the initial RFP seeking marketing proposals, and council felt an auction probably wouldn't elicit enough money to satisfy requirements of the state DEP. A new RFP is being issued, she said. Ms. Stewart asked when, and Ms. Liebowitz said probably Tuesday. Ms. Stewart also asked if council members had had a chance to read 2 articles about renovation that were shared with them. Mayor Greiner said he had read both, and noted that in those instances, there were investors willing to invest in the buildings. Ms. Stewart said adaptive reuse is happening all over the world, except in Flemington. Mayor Greiner listed some sites in Flemington that have been renovated - the Stangl factory, Feedmill Plaza, the Large House.

Robert Shore, Broad Street, said council should weigh the pros and cons of options for the Park Avenue traffic issue and make a decision. The work is sorely needed, he said. He also said Council hasn't built a consensus for the Cust plan for the hotel area. He said they should come up with a compromise so the project can move forward, and not be dogged by 10 years of delays.

6. Attorney's Report

Municipal Attorney Barry Goodman addressed the COAH lawsuit, which is the subject of a court hearing on Tuesday. He said the court had asked a special master for recommendations about a plan and settlement, and that master's recommendation is for approval of the plan for Flemington.

Mr. Goodman also said that at the last meeting, when he was giving an update on three different lawsuits and discussed 2 OPRA lawsuits, he neglected to include the fact that timeliness of response was an issue with the first one, though he's repeatedly mentioned that in previous reports.

DIY lease- Mr. Goodman said the possibility has arisen of amending the DIY lease before it's presented for signature. Mayor Greiner said council adopted a

resolution to OK a lease with the DIY group, then the Mayor signed the lease and Ms. Peterson presented it to DIY for their signature. Mr. Greiner said they came back with a couple questions, and one was about notice a month in advance of events.

Ms. Liebowitz made a motion, seconded by Mr. Swingle, that tonight's agenda be amended to include a brief discussion of possible changes to the DIY lease. All present voted in favor.

That discussion immediately ensued. Ms. Peterson said a clause could be added asking DIY to let council know what events are planned, five days before the first council meeting of each month. This way, events will be on the record. She said their attorney has come back and said they don't like that provision. She said council doesn't want any questionable events where the borough might incur expenses. Mayor Greiner said it's not a question of content, it's about public safety issues.

Attorney Goodman said the DIY group's attorney, Joey Novick, is on a plane or he would likely be at the meeting.

Ms. Liebowitz asked if the clause under consideration raises any censorship issues. Mr. Goodman said it focuses on safety issues and extra costs that may be incurred. He said when a Black Lives Matter event was held previously by DIY, it resulted in considerable borough expense in police overtime. He said it's not a question of shutting down programs. Also, he said, this is a lease, with negotiated terms.

Mayor Greiner asked about a deadline for signatures - council agreed that close of business on Friday would be suitable.

Mayor Greiner called for a motion to approve a resolution to revise the lease to add a clause calling for a calendar of events to be submitted five days before the first council meeting of each month, with council having the authority to approve or disapprove activities.

Ms. Liebowitz said she's fine with knowing what's coming up, but not comfortable disapproving events. She said council could amend the lease at any time, if problems started coming up, couldn't they? Attorney Goodman said an amendment of the lease requires agreement by both parties. He advised council to deal with the situation up front, so everyone knows their rights and responsibilities. Several council members said any council member uncomfortable with voting on approving or disapproving events could abstain from voting.

Councilwoman Peterson made a motion to adopt a resolution as indicated above, and Councilman Swingle seconded the motion. Council members Gorman, Peterson and Swingle voted yes; Councilwoman Liebowitz voted no. Mayor Greiner noted that several moves the council has made recently, with respect to taxis and DIY, are based on practical concerns that have arisen. They were not intended and should not be interpreted as social statements.

7. RESOLUTION 2017-91: REVISING LEASE WITH DIY TO ADD CLAUSE REQUIRING CALENDAR OF EVENTS TO BE SUBMITTED 5 DAYS BEFORE FIRST COUNCIL MEETING OF EACH MONTH, WITH COUNCIL HAVING AUTHORITY TO APPROVE OR DISAPPROVE ACTIVITIES

RESULT: **ADOPTED [3-1]**
MOVER: Susan Peterson, Councilwoman
SECONDER: Brian Swingle, Councilman
AYES: John Gorman, Susan Peterson, Brian Swingle
NAYES: Brooke Liebowitz
ABSENT: Marc Hain, Kim Tilly

8. Payment of the Bills

Motion To: **Pay The Bills**

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

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: John Gorman, Councilman
AYES: John Gorman, Brooke Liebowitz, Susan Peterson, Brian Swingle
ABSENT: Marc Hain, Kim Tilly