



# Mayor and Common Council Borough of Flemington

May 22, 2017

---

Historic Flemington Courthouse

---

## Work Session (7:00 PM)

Creative Placemaking Summit - Joey Novick

Councilman Gorman and Councilwoman Tilly arrived around 7:15 p.m.

Mr. Novick said that about 4 years ago, then-Mayor Erica Edwards began a creative team in the borough, and that team joined the Creative Placemaking Consortium, which focuses on creating spaces to enhance creativity. For every \$1 invested in the arts, it yields \$3 in economic activity, he said.

Recently, he joined about 200 people from around the country at workshops exploring what communities can do to spur creativity. He said the borough is a good example of what the consortium supports - Flemington DIY offers classes and activities that blend generations; workshops use public spaces to allow people to engage in creative activities. He noted that anytime anyone talked about a concept during the workshops, like bringing in an outside festival to enhance the community, he realized that Flemington is already doing that. At the workshops he shared the Thursday Night Lights concept, with musicians performing at area restaurants and public spaces, and said that's very much in line with what the consortium supports. Flemington has an advantage over some larger municipalities, he said - its locally owned establishments are more likely to support arts initiatives.

Mayor Greiner asked if there was any participation from nearby towns in the workshops, and Mr. Novick said he didn't see any.

Mr. Novick said other communities have arts councils; in Flemington there's a lot going on, but it's not under one umbrella.

Ms. Liebowitz asked what work was done most recently by the borough's creative team. Mr. Novick said during his last year on council, the last task the creative team did was to put together an inventory of spaces for performances both inside and outside, and potential partnerships and resources.

Mr. Greiner said he'd heard there was a new Jewish youth lounge opening on Fulper Road. Ms. Liebowitz said Chabad of Hunterdon County has a teen hangout on Fulper Road.

The workshop was opened for general questions, and Alice Schwade, Park Ave., asked about the annual yard sale. She said most people didn't know about it. She suggested the town put up a banner across Main Street to advertise the next borough-wide yard sale. Mr. Swingle said the borough needs to get someone to take the lead on getting word out about the yard sales, and he asked Mrs. Schwade if she could do it. She agreed.

A question was raised about whether there's a potential conflict between the next yard sale planned for Oct. 7-8, and a marathon that will run that weekend between Clinton and Flemington.

The Work Session ended at 7:24 p.m.

### 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	Present	
Brooke Liebowitz	Council Vice President	Present	
Susan Peterson	Councilwoman	Present	
Brian Swingle	Councilman	Present	
Kim Tilly	Councilwoman	Present	
Phil Greiner	Mayor	Present	

#### 1. Discussion of Union Hotel area redevelopment project - saving the hotel and 90 Main St. structures

Mayor Greiner summarized that for the two previous plans for the hotel-area development, the developer was present to show the plans. This latest proposal is to save most of the exterior walls of the hotel and the 90 Main St. building, he said, and doesn't require a large town meeting. This is the first time council has met as a group since seeing the drawings in small groups, he said, and he wanted to give council members a chance to share their thoughts. If council likes the new plans, they may want to incorporate the changes into the development plan, he said.

Mayor Greiner said he was surprised to see the drawings. They do make the project a little less appealing financially to the developer, he said, but if he's willing to do it, it adds value to the town. He said he supports the changes himself, and has heard some favorable reaction.

Ms. Liebowitz said she liked the changes but had no comments to make.

Mr. Swingle said we all hoped we'd land here. It's a good middle-of-the-road position, with the two most iconic buildings being kept. He said he thinks it's a great project, and will help revitalize Main Street.

Mr. Gorman said he's pleased to see they're trying to do something with the hotel and 90 Main St. He said his wife, chairwoman of the Historic Preservation Commission, would like to see more, but he feels we're moving forward. He said back when this proposal started he felt we can't keep doing nothing. He said he wanted to see something positive happen, and he sees that happening.

Mr. Hain said he likes the proposed changes. Obviously, Mr. Cust has been listening, he said. He noted the drawings displayed on the borough website are the same as those that council members saw.

Susan Peterson said preserving most of two buildings is a start, but how long will it take to get the proportions right? 78 Main St. should be kept for its beauty, she said, adding that a community that respects history respects itself.

Ms. Tilly said she was most impressed with the Spring Street side of things, that Spring Street is now strictly residential in the plans.

Lois Stewart, Spring Street, said the pictures on the borough website didn't show anything about Spring Street. Mr. Greiner said council would try to get a drawing posted. He also said the height of planned buildings along Main Street is reduced in the new drawings, and the higher buildings are set further back from Main Street.

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

Al Brewer, 1 Coppermine Village, thanked the Redevelopment Committee for being open-minded enough to work with Jack Cust. He said he's not surprised they came up with a compromise, and there may be future opportunities for compromise. It's important to keep the dialogue going, he said, adding that he didn't want to dismiss all the hard work that's been done to this point.

Robert Shore, 47 Broad St., said he knows this council had nothing to do with making these changes.

Chris Englehardt, 180 Main St., asked what will happen with 100 Main St., where the Police Department is located. Mayor Greiner said it would be demolished. Ms. Englehardt then said it's great about saving the hotel's facade, but what will happen to the inside of the hotel? She asked about procedures for documenting historic buildings before they're demolished, and if council can assure that's done. Mayor Greiner said the Redevelopment Agreement will allow access - people can go in and do that documentation. There's not too much to document inside the hotel now, he added.

Alice Schwade, Park Ave., said compromise means concessions on both sides. What the developer has done is great, she said - the larger buildings are set back so you really don't see them at all.

Richard Giffen, Highland Avenue, said there are only a few renderings on the website, and they left out Spring Street. He said there's no reason for demolishing 78 Main St.

Lois Stewart, Spring Street, said the changes give her hope we'll get to something acceptable to this town. Eight stories is too big. Mayor Greiner said it's seven stories, not eight. Ms. Stewart said she cannot accept eight stories, or seven stories, on her corner. Special circumstances do not permit the doubling of what we had previously, she said. She added there's nothing wrong with the Potting Shed building at 78 Main St.

Bill Flahive, a Lambertville attorney and member of the county Chamber of Commerce, said the chamber continues to support Mr. Cust's plan.

Rick Cornelison, Flemington resident, said he applauds what efforts have accomplished so far. Let's not take too long to bring the parties together and move forward, he said. He sees property values dropping.

Joanne Braun, Raritan Township, said she's glad her group, Friends of Historic Flemington, didn't give up their fight. We were told it couldn't be done, and now it's being partially done, she said. But the plan is exactly the same except for the two buildings. 78 Main St. is a precious building in town, she said, why would Mr. Cust build a new building and demolish that gem? Susan Peterson said she asked Mr. Cust that question. Ms. Braun said that since the plans are still the same except for the facades, where is the draw for Flemington, and where are the studies that say the town can handle the water, traffic etc. She said during the recent fire at Tirpok's there was no water in town. Mayor Greiner said that's not true.

Michael Harris said the reversal on the hotel is welcome, but there's still limited information. It's not just the Union Hotel, it's not just the water, the revised plan will still require multi-million-dollar sewer and water upgrades at taxpayer expense, he said. Mayor Greiner said that's not the case, and asked Mr. Harris to speak accurately. Mr. Harris continued to say eight parking stories, 250 condo units, the project still burdens the taxpayer. What will the undisclosed tax abatement be, he asked. Nothing, Mayor Greiner replied.

Nobody's desperate, Mayor Greiner said. The path we're on is unsustainable. If you stay on an unsustainable path long enough, you eventually become desperate. We're not desperate now, but we need to take action.

### 3. Mayor's Report

A fundraising event for Olympic hopeful speedskater Kimi Goetz is planned for Thursday, June 8, at 5:30 p.m. at Main Street Manor. Several events over the last few years have raised \$13,000 for Kimi, and have helped her train for six weeks in South Korea.

-Saturday- attended the PBA Community Day on Stangl Road

-May 21- attended the annual Girls on the Run 5K event, which drew 1,000 registered participants, and handed out ribbons at the finish line.

-Energy Aggregation - Raritan Township Mayor Karen Gilbert confirmed that the township has also agreed to extend the energy aggregation agreement.

- Council, Planning Board and HPC members met in small groups to review new sketches for the Union Hotel project.

- The borough received a draft from the New Jersey Department of Environmental Protection regarding a proposed Administrative Consent Order for the Wet Weather Facility. Officials are continuing to work with the DEP on an ACO on which all parties can agree. There have been longstanding issues, and the alternative to working things out is to update the facility to today's standards.

- The Memorial Day Parade is Monday, May 29, at 10 a.m. It starts at the corner of Church and Main streets.

#### 4. Council Members' Reports

Councilman Gorman

Shade Tree Commission - The group is meeting at the same time as tonight's council meeting, so he isn't attending.

East Main Street - Preconstruction talks are underway for the water and sewer work.

Department of Public Works - People should not put their yard waste out in plastic bags. They will no longer be accepted. Paper bags that will degrade should be used.

The Memorial Day parade is Monday at 10 a.m.

He and his wife went to Mystic Seaport and he said the town is very historic. He added that there's only so far you can go.

He attended the Parks and Recreation meeting that Mr. Hain reported on.

Kimi Goetz was his neighbor when she was little, and he supports her efforts to skate in the upcoming Olympics.

Fleming Castle- 350 kids went through the museum recently. He was thankful the new air conditioning worked when they were there, since the temperature was in the 90s.

Council President Hain

The Environmental Commission met on May 15; work continues on pursuing Sustainable Jersey certification; applications are due June 4.

Parks and Recreation - Met on May 9. Summer recreation classes are being planned. They heard a presentation about creating a workout area near the playground in Minebrook Park. Fireworks are set for July 3, with a rain date of July 5.

Police - working on finalizing the PBA contract. The Click It or Ticket enforcement program will run May 22-June 4. The PBA event last weekend was very successful.

Planning Board - meets Tuesday night, May 23. It will look at preliminary and final site plans for the Spice Factory, Burger King is seeking a design waiver for lighting, and there are Historic Preservation Commission applications to review.

Council Vice President Liebowitz

Ms. Liebowitz said it's taken a lot of Redevelopment Committee meetings to get where we are. We've saving 3 walls of the hotel, 4 walls and the roof of 90 Main. We need to do something and we need to move forward. She also recognized the Friends of Historic Flemington for pressing on historic issues, saying they were heard.

144 Main St. - Two responses were received for our Request for Proposals on marketing the property. We will be reviewing these submissions shortly, and presenting summaries to council.

Global Ag - One developer has an agreement with a current owner. The project closely resembles what we put out. She is expecting an email about the proposal, and wants to meet with council and the Redevelopment Committee to review it.

Streetscape - This project is stalled due to the state's unresponsiveness to several requests. We will have to light a fire under them.

#### Councilwoman Peterson

The Historic Preservation Commission website is up and running. The group recently had a long discussion about the Cust plan, and wants to see more done to preserve historic buildings in the borough.

Beautification - An artist has contacted her, who's interested in painting a mural in the borough. Planters have all been planted.

Fleming House - Revised by-laws for the Friends of Flemington Castle are being reviewed by the Borough Attorney and Mayor. Fifth-graders from Reading-Fleming Intermediate School were at the house recently, as docents brought the borough's history to life. Sixty-five people attended a recent chocolate event at the museum. A Colonial music event is planned June 10.

DIY- The group did a large cleanup over the weekend of its space at 90 Main St. It's getting insurance, and will be picking up the utility costs. Several events are coming up shortly.

#### Councilman Swingle

There was a great turnout for the PBA party over the weekend.

Mr. Swingle addressed Fire Marshal David Turner, saying he was sorry to see him go.

Regarding water pressure during the Tirpok fire, Mr. Swingle said the borough maintains a specific level in its tank, and while water pressure may have dropped a bit while the fire was being fought, there were no problems.

Hotel and Redevelopment Committee work is requiring a lot of time.

#### Councilwoman Tilly

The Fire Department is still selling raffle tickets; winners will be drawn at the July Fourth celebration.

- Received the 2017-18 detailed school district budget she had to submit an Open Public Records Act request for. She's still reviewing that. She received correspondence from FRSD Taxpayers, and asked if someone from that group could contact her.

She was a little late for tonight's work session because she was attending a reception for Jeffrey Moore, the new superintendent at Hunterdon Central High School.

## 5. Approval of Minutes

Motion To: **Approve Minutes: May 8, 2017 Regular Council Meeting**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marc Hain, Council President
<b>SECONDER:</b>	John Gorman, Councilman
<b>AYES:</b>	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

### Consent Agenda

Moved: Hain      Second: Tilly      Vote: All ayes

1. RESOLUTION 2017-97: AUTHORIZING A 50/50 RAFFLE AND A MERCHANDISE RAFFLE TO BE HELD JUNE 11, 2017, BENEFITING REACH EDUCATIONAL SERVICES
2. RESOLUTION 2017-98: AUTHORIZING FLEMINGTON'S CONTINUED PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR CERTAIN MULTI-FAMILY DWELLINGS FOR THE PERIOD OF JULY 1, 2017, THROUGH JUNE 30, 2018
3. RESOLUTION 2017-99: SUPPORTING THE CLICK IT OR TICKET MOBILIZATION MAY 22-JUNE 4, 2017
4. RESOLUTION 2017-100: AUTHORIZING SUBMISSION OF A RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
5. RESOLUTION 2017-101: CONFIRMING FUNDS ARE AVAILABLE FOR ENVIRONMENTAL MONITORING AT BOROUGH GARAGE

### Regular Agenda

1. RESOLUTION 2017-102: AUTHORIZING THE AWARD OF A CONTRACT TO CME ASSOCIATES FOR THE DEVELOPMENT OF A GIS SYSTEM FOR THE BOROUGH'S WATER AND SEWER SYSTEMS IN THE AMOUNT OF \$24,890.00

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Councilman
<b>SECONDER:</b>	John Gorman, Councilman
<b>AYES:</b>	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

2. RESOLUTION 2017-103: ACCEPTING THE RESIGNATION OF FIRE MARSHAL DAVID TURNER AND APPOINTING HIS REPLACEMENT

Mr. Swingle thanked Fire Marshal David Turner for his service, saying what he did with the Fire Marshal's Office was nothing short of remarkable. He cleared the whole thing up so that now it's very solid, and can operate with very little oversight.

Mayor Greiner said he was on council when there was a vacancy in the Code Enforcement office, and he got to see first-hand how Mr. Turner dug in and walked the streets. He wished him all the best.

Mr. Swingle introduced Ken McCormick, who will be the new Fire Marshal, saying he comes with a wealth of experience.

Following the vote on the resolution, Mr. McCormick spoke briefly. He just retired as police chief in Raritan Borough, Somerset County, and has many years of firefighting experience. He thanked council for the opportunity.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Brian Swingle, Councilman
<b>SECONDER:</b>	Kim Tilly, Councilwoman
<b>AYES:</b>	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

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

Tony Previte, N. Main St., said it's overbearing the way other people come to borough council meetings, where they get involved in other things, and there's no time for him to discuss his concerns.

He compared the hotel area in Flemington to Las Vegas, saying Las Vegas is transforming into New Vegas. He remembered when the Ex Caliber was new, and he was back recently and said the Ex Caliber looked like it was dead. The rest of the city has moved on, he said, likening that to the situation of the Union Hotel.

Jack Koontz, 102 Park Ave., asked what's happened with the traffic situation by Steve's Store. Mayor Greiner said officials have met a couple of times, and spoken with the traffic engineer and borough engineer. He said officials know what they want to do, and they want to finalize things. Mr. Koontz said the borough should pay for his deductible on his car, because it's the fourth car that's been lost, or the borough can take the amount off his taxes.

Bob Schwade, 12 Park Ave., said he's having trouble at the other end of Park Avenue. His insurance company has told him they're concerned about the number of hit-and-run accidents reported. Park Avenue isn't where the expensive houses are, he said, adding that council has to understand that concerns of people like him matter.

Councilman Gorman said the borough didn't change Route 523 to run on Park Avenue instead of Main Street, the State did, so Mr. Schwade shouldn't be blaming council.

Mr. Swingle said that, as with the circle, council has very little control of the situation with Park Avenue.

Kevin DeHaven, Pennsylvania Ave., said the only egress out of town now is Highland Avenue.

Mr. Swingle said the borough struggles with the state to get funding for road projects, while some of the state's traffic patterns cause the damage.



Al Brewer, Coppermine Village, thanked the Friends of Historic Flemington for voicing their concerns. He said change doesn't occur without someone at the other end acknowledging their concerns. He asked people to let council work with the developers, saying that unless residents give them a little respect and leeway to get the job done, it'll never get done. If it wasn't for the Redevelopment Committee and Jack Cust's willingness to listen, he said, we wouldn't be this far along. The big question, he said, is scale, and he suggested the Redevelopment Committee address that issue.

Mimi Koontz, Park Ave., said it's sad that residents need to come to Borough Council meetings and plead for help.

Alice Schwade, Park Ave., said they get 18-wheelers trying to make the turn from Mine Street onto Park Avenue, and that should never have been allowed.

Elaine Gorman, New York Ave., said Route 523 changed from Main Street onto Park Avenue when the state decided to do work on Route 31. It's impacted Park Avenue, Pennsylvania Ave., and she said New York Avenue is backed up at 7:30 a.m.

Councilman Gorman said people get used to going through town, they'll stick to that.

Chris Englehardt, 180 Main St., asked where police will relocate once 100 Main St. is sold, and when will we know? Mayor Greiner said he doesn't know. The borough can't sign leases when we don't have dates for when things will happen. Ms. Englehardt asked if Mr. Cust would pay for moving the police. Mr. Greiner said no, it's not on him. The town will pay for the P.D. as they pay now, in that the borough is paying off buying the building at 100 Main St.

Lois Stewart said the council should put on the website the situation with water, traffic, sewer, the number of planned apartments, the number of children expected, so people can have that information and see if a project of this magnitude is what they want. What is the water situation, she asked, saying she'd heard that fire people had said they couldn't fight the fire at Tirpok's. Mayor Greiner said firefighters would rather fight a fire in this new building than in the current hotel. He also said information has been provided, but it's misstated repeatedly. Council says in black-and-white the building will be 7 stories tall, but that gets passed around as 8 or 9 stories. Whether council puts it in black and white or not, people say what they want to say, he said.

Robert Shore, 47 Broad St., said the former RTMUA director said significant upgrades would be needed for the sewer line for the project. Regarding Park Avenue, he said Route 523 should take traffic around to the circles. He mentioned Councilman Swingle, referring to him by just his last name, and Mayor Greiner asked him to show respect. Mr. Shore objected and Mayor Greiner pounded his gavel, ending the discussion.

A motion was made by Ms. Liebowitz and seconded by Ms. Peterson to go into executive session for legal advice regarding the Samuel Fleming House. All voted yes.

## 9. Attorney's Report

Nothing to report, aside from what will be discussed in executive session.

## 10. Payment of the Bills

Motion To: **Pay the Bills**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marc Hain, Council President
<b>SECONDER:</b>	Kim Tilly, Councilwoman
<b>AYES:</b>	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

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

1. Motion To: **Go into Executive Session for legal advice on bylaws for the Friends of Fleming Castle**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Brooke Liebowitz, Council Vice President
<b>SECONDER:</b>	Susan Peterson, Councilwoman
<b>AYES:</b>	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

Adjournment

Motion To: **Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Marc Hain, Council President
<b>SECONDER:</b>	John Gorman, Councilman
<b>AYES:</b>	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly