



Mayor and Common Council Borough of Flemington

June 12, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

Council members Swingle and Liebowitz were absent.

With no stated topic, the work session was opened to general questions.

Councilwoman Tilly asked if there was any news about state DOT grants sought for work on Dewey Avenue. Mayor Greiner said the borough has been notified that neither of the borough's 2 applications was approved. They were for work on Dewey Avenue and Highland/Elwood Avenues.

Councilwoman Peterson asked about the status of the Streetscape Improvement project. Mayor Greiner said the borough hasn't gotten state approval yet, but is seeing signs of life. Once the borough gets the money from the state, the project can go out to bid.

Elaine Gorman, 34 New York Ave., asked about changes in the agenda. Mayor Greiner said in the consent agenda, item 14 - Resolution 2017-19, has changed. A check that was expected didn't arrive for a tax sale certificate redemption, so that item was removed. In substitution, an application came in for a young man wishing to join the state Firemen's Association. The session ended at 7:05 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	Absent	
Susan Peterson	Councilwoman	Present	
Brian Swingle	Councilman	Present	
Kim Tilly	Councilwoman	Present	
Phil Greiner	Mayor	Present	

1. Statement regarding agenda changes

Mayor Greiner noted that two changes have been made to tonight's agenda. Under the Consent Agenda, item 14- Resolution 2017-119 - has changed. A check expected for a tax sale certificate redemption didn't arrive so that item was removed from the agenda. In its place, an application came in from a young man seeking to join the state Firemen's Association.

2. Motion To: **Add Resolution 2017-102 to the Regular Agenda**

Councilman Swingle moved to add Resolution 2017-102, which was tabled at the council's last meeting, to tonight's agenda. Following the vote, Resolution 2017-102 was added to the regular agenda.

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

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

Elaine Gorman, 34 New York Ave., said she attended an incredible event at the Samuel Fleming House museum over the weekend. There was music in the

garden, food from Teaberry's, and a tavern was set up serving tavern-style drinks. They all took a break to attend the symphony concert, then returned to the museum for a wine-and-cheese reception and a performance by a trio. She encouraged residents to attend the next event planned at the museum. Bob and Alice Schwade, 12 Park Ave., asked about changing the date of the fall town-wide yard sale, since a marathon race is planned for the same weekend. Mrs. Schwade suggested switching the yard sale to Sept. 23-24. She said she's sent in an application to place a banner across Main Street, but needs to make sure of the date. Mayor Greiner said he would check to see if there were any conflicts with changing the date.

Steve Tuccio, 61 Elwood Ave., said he wanted the mayor to clarify the objective criteria for applying the borough's property maintenance ordinance. Mayor Greiner said we've covered the topic over and over again. He respects that Mr. Tuccio does not like the answer but does not see the point of having the same conversation over and over.

Rich Cornelison offered his compliments on the landscaping at the Main Street-Route 12 circle, saying it makes a great entrance into the borough. Councilman Swingle noted that was an effort headed by the Flemington Community Partnership.

Michael Harris, 173 Main St., addressed Mayor Greiner about infrastructure costs in connection with the planned hotel-area development. He said Mayor Greiner stopped him at the last meeting when he commented about the project covering 8 stories, but he said 7 stories of residential space and 1 level of parking makes 8 stories. He also said the redeveloper's agreement says for utilities and public improvements the redeveloper will pay up to \$2 million in costs, but later it gives him a dollar for dollar credit for water system improvements, so it seems we cap the redeveloper's expenses at \$2 million, then credit it back. He also said costs of infrastructure improvements have been estimated at \$33 million by a qualified expert.

Mayor Greiner said the \$2 million has nothing to do with providing infrastructure; that has to do with providing an additional well to backfill the reserve capacity. As for infrastructure in the site area, the agreement is clear that the redeveloper is paying for that. Regarding the \$33 million estimate, that number has nothing to do with this project. As part of the certification process for the borough's wet weather facility, there was some discussion that if there were no facility at all and the borough had to route storm water with a new pipe, that could cost \$33 million or thereabout. That is not associated with the hotel project, he said, and it is not anything that is being considered. Mr. Harris asked if the mayor has prepared an alternate number, and Mayor Greiner responded that the borough is working with the DEP on alternatives for the wet weather facility.

Robert Shore, Broad St., said he doesn't see the redevelopment happening without all parties coming together. Regarding the respect issue brought up at council's last meeting, he said as a tax-paying member of the public he has every right to be heard. He said the FCP has done very little if anything to bolster the community. Branding has been reduced to a third-class slogan, and the FCP lacks sophistication. He said there's no oversight. He said borough officials have looked the other way because they're enamored with a pretty face. The borough threw away something that worked and replaced it with something that's failing.

Lois Stewart, 26 Spring St., asked if the mayor had received a letter from the state DEP, which is copied to various community groups, about deficiencies in the borough's application regarding 90 Main St. Mayor Greiner said he hadn't received his copy yet, but had heard about it. Mrs. Stewart asked how he will respond. Mayor Greiner said he'd be covering that in his mayoral report later in the meeting. Mrs. Stewart noted the IRS has recognized the group Friends of Historic Flemington as a 501(c) 3 nonprofit.

Chris Englehardt, 180 Main St., asked about weight-limit signs that were supposed to be posted for Park Avenue, according to an agreement with the

state Department of Transportation. She said the DOT needs a letter reminding them of the agreement, and asked that it be sent. She also said she's worried about water pressure. During the fire at Tirpok's cleaners, she didn't have water pressure, and that fire was only in one location. She wanted to know what the town's doing about increasing water pressure.

Councilman John Gorman said the borough's water tank was over half-full during the fire; the issue was that tankers were drawing water faster than it could be piped in from the tank. Mayor Greiner said borough officials are working on a long-term solution to water pressure issues with the water tank.

Richard Giffen, 9 Highland Ave., said the redeveloper's agreement includes only 2 certainties - Per 4.4a, the redeveloper will do all work inside the site boundary, and per 4.4c, he will pay up to \$2 million toward a new water source. He said other work is unclear, and the agreement has no ambiguity or arbitration clauses.

He also said officials probably assume that section 4.4b on public improvements requires the developer to do other work, but he said that section states work "that is included in the plans." He said the developer will aim to do the minimum amount of work possible. If existing pipes need repair or replacement, he'll claim he's not responsible. No sewer treatment upgrade work is in the contract.

Mr. Giffen said Section 4.4c of the contract gives the redeveloper a dollar for dollar credit for improvements against water and sewer connection fees, but that water and sewer connection fees aren't defined in the contract and could be interpreted to mean the future quarterly water supply and sewage discharge fees.

He also said that at the March 13 council meeting the mayor illegally dismissed his comments as misinformation. At a follow-up meeting he thought he'd reached an understanding with the mayor about inadequacies in the contract, but on April 12, officials chose not to correct the redeveloper's agreement. He said Mayor Greiner needs to stop saying the agreement will have no cost. Mayor Greiner said these are Mr. Giffen's interpretations, and that is not how they discussed it.

4. Mayor's Report

Hunterdon Garden Guild has once again planted many flowers at the war memorial, being ready for the Memorial Day parade, and also at the library. We wish to thank them for their efforts every year in helping our town looking its best.

Participated in the Memorial Day parade, in the rain

Filling Station – 5/26

May 30 - Fleming House tour and meeting with 16 exchange students from Weinheim, Germany. Thanks to Edna Pedrick for volunteering to do the tour.

June 10 – Participated in Parks & Rec's annual seniors' luncheon at Hunterdon Central, the Fleming House's tavern drinks and music concert, the Whitehouse Wind Symphony's Flag Day concert at the courthouse park, and the car show on Main Street.

June 8 – held a successful fundraiser at Main Street Manor for Olympic hopeful Kimi Goetz, including a Skype Q&A session with Kimi, who is living and training in Salt Lake City. Olympic trials will be in December.

On the hotel front: Planning Board on June 5 voted unanimously to approve expansion of the redevelopment area to include several properties along Spring St. and Bloomfield Ave. that are currently owned by Flemington Fur. This should be adopted by resolution at the board's June 27 regular meeting and come back to Council at its July 10 meeting. In parallel with the planning board steps, the borough and redeveloper are working through the SHPO approval process. An application has been submitted and reviewed by SHPO. They have asked for some additional information, and we are currently working toward a Sites Council hearing on August 16. Public notice will be provided well in advance of any hearing by that council.

5. Council Members' Reports

Councilman Gorman

In meetings with the Department of Public Works, they've discussed the water system, sewers and everything that's coming up. Council talked about proposals for a new water tower several weeks ago.

A bid opening was held recently for the East Main St. road improvement project; the bids are under review now.

Attended the Fleming Castle event Saturday; it was a very nice function.

The fundraiser for Kimi Goetz drew about 50 to 75 people to Main Street Manor.

They talked with Kimi by Skype; she's out training in Salt Lake City, Utah.

Council President Hain

The Environmental Commission submitted its application for bronze status with Sustainable Jersey.

Parks and Recreation - May 9 meeting, discussed having a modified fireworks display to reduce debris. Some of the fireworks won't go as high. Fireworks are set for July 3, with a rain date of July 5. Rita's Ice will be there, and DJ Dan will be there too. The commission also is working on getting quotes to address lighting concerns at Tuccamirgan Park. They're looking for sponsors to help with the cost of installing new, metal exercise stations at Minebrook Park.

Planning Board - At its June 5 meeting the board was in favor of expanding the hotel redevelopment area. It granted a waiver for light variances at Burger King - the restaurant used existing lighting on the building. The planning board's next meeting is June 27.

Police - HART is still analyzing the results of the spring pedestrian safety campaign. Work continues on the PBA contract. April police statistics: 6,847 miles driven; 2,204 hours worked; 337 motor vehicle summonses issued; 51 tickets issued in connection with the license plate reader; 362 warrants issued; 10 criminal arrests; 861 phone calls; 98 investigations; 34 motor vehicle accidents.

Council Vice President Liebowitz

Absent.

Councilwoman Peterson

Historic Preservation Commission- Its new website is operating - flemingtonhpc.com. A postcard mailer is going out soon. Since Mrs. Gorman will be away for 6 weeks this summer, Ms. Peterson thinks the commission needs another representative. Beautification- Regarding mural proposals, she said she doesn't believe Flemington knows what the town's theme is. She's been hearing complaints about the Guitar Boy mural, that it's peeling.

DIY- Multiple events are planned, including a reading group and musical events. On June 22 from 7-10 p.m. a poetry and acoustical night is planned. She said she's working with DIY to figure out how it will split paying utilities with the Police Department - 90-100 Main St. is under one account. DIY is almost done fixing violations found by the fire marshal.

Fleming Castle - Friends of Fleming Castle are finishing up new bylaws. A resolution on tonight's agenda addresses an addendum to the lease for the building. They've discovered a whole stack of "Painted Ladies" posters featuring homes in Flemington, and a poster will be offered free to new members.

Regarding the old Flemington BID - Ms. Peterson said she was chair of that for a time, and thought they did a lot of really good work. She said she thinks Flemington needs to get past all that. She said she learned from that experience that council is where decisions are made. She said she agreed with Robert Shore that she hasn't seen new businesses coming in, but people in the community need to work together.

Councilman Swingle

He's been in talks with the state Department of Transportation about posting signs about trucks not using Park Avenue. Maps showing the path of Route 523 have to be changed, he said. They're getting close on resolving this longstanding issue.

GIS - A resolution on tonight's agenda addresses modernizing our infrastructure. He'll discuss that more when the resolution is considered.

FCP - Executive Director Judy Goodwin wanted to stay, but her family is moving closer to New York City. They've received 50 applications for the position, and narrowed it down to a handful. Working with Ms. Goodwin has been a great experience. She's very professional. The FCP's efforts have included the beer garden on Fridays on Main Street and at Lone Eagle Brewing on Saturdays, replanting the Route 12 circle, and there's a Business Train event set for next Monday. The group's relationship with the county and the Chamber of Commerce is incredible, and they're doing more and more projects together. Coupon books have been well received by stakeholders. To characterize the director as a pretty face is rude, uncalled for, and reflects as a reason why the former organization isn't functioning anymore.

Hotel- He said he owed Richard Giffen an explanation about arrangements for examining the roof on the hotel. Under code, there's no access allowed to anyone but the construction official. Mr. Giffen said that wasn't the case, and Mr. Swingle said he'd have to get back to him.

Councilwoman Tilly

Fire Dept. - Cash raffle tickets are still available. Robert Motzel III is hoping to join the Fire Department. He's part of the first class to graduate from the Hunterdon County Firefighting program.

First Aid & Rescue Squad - CPR classes are being offered.

Hunterdon County DARE program is looking to offer trips to the New Egypt Speedway.

Flem-Rar schools - On May 30 the board accepted the resignation of Superintendent Maryrose Caulfield. They're interviewing for an interim superintendent. They've named Business Administrator Stephanie Voorhees as acting superintendent, and placed Caulfield on administrative leave, so she will have no interaction with staff. Anyone interested to learn more about the situation in the schools can listen to audio on the school board's website, frsd.k12.nj.us.

She attended the event for Kimi Goetz, our hometown Olympic hopeful. In mid-June, a Ride for the Red Shield event is being planned to benefit the Salvation Army.

6. Approval of Minutes

Motion To: **Approve Minutes: May 22, 2017 Regular Council Meeting**

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

1. Motion To: **Approve Minutes: May 22, 2017 Executive Session**

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

Consent Agenda

Moved: Hain Second: Tilly Vote: All present voted in favor.

1. RESOLUTION 2017-104: AUTHORIZING A CONTRACT FOR MARKETING BOROUGH-OWNED PROPERTY AT 144 MAIN ST., BLOCK 38, LOT 1.01
2. RESOLUTION 2017-105: AUTHORIZING THE RENEWAL OF CLUB LIQUOR LICENSE NUMBER 1009-31-005-001 FOR THE VETERANS OF FOREIGN WARS POST 7856 FOR THE YEAR 2017-2018
3. RESOLUTION 2017-106: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NUMBER 1009-33-002-006 FOR THE BRIAD GROUP, DBA TGI FRIDAY'S, FOR THE YEAR 2017-2018
4. RESOLUTION 2017-107: AUTHORIZING THE RENEWAL OF PLENARY RETAIL DISTRIBUTION LIQUOR LICENSE NUMBER 1009-44-004-007 FOR FLEMINGTON CENTRAL LIQUORS, DBA LITTLE BROTHERS BEVERAGE, FOR THE YEAR 2017-2018
5. RESOLUTION 2017-108: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE LIQUOR LICENSE NUMBER 1009-32-001-005 FOR FLEMINGTON CENTRAL LIQUORS FOR THE YEAR 2017-2018
6. RESOLUTION 2017-109: AUTHORIZING EXPANDED RELEASE OF EXECUTIVE SESSION MINUTES FROM OCT. 22, 2012
7. RESOLUTION 2017-110: AUTHORIZING FLEMINGTON-RARITAN SCHOOL TAX PAYMENT SCHEDULE
8. RESOLUTION 2017-111: GRANTING RIGHT-OF-WAY USE TO CROSS RIVER FIBER
9. RESOLUTION 2017-112: AUTHORIZING AN AMENDMENT TO THE BOROUGH'S LEASE WITH FRIENDS OF FLEMING CASTLE
10. RESOLUTION 2017-115: WAIVING PROPERTY TAX LATE FEE AND INTEREST IN THE AMOUNT OF APPROXIMATELY \$39.01 FOR BLOCK 17, LOT 2 (57 PARK AVE.)
11. RESOLUTION 2017-116: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2015-011 HELD ON BLOCK 35 LOT 66, 15 CHURCH STREET, AND AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$28,504.77 PLUS A PREMIUM IN THE AMOUNT OF \$18,000.00
12. RESOLUTION 2017-117: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2016-007 HELD ON BLOCK 35 LOT 7, 3 LLOYD AVENUE AND AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$5,073.67 PLUS A PREMIUM IN THE AMOUNT OF \$2,700.00
13. RESOLUTION 2017-118: INCREASING THE HOURLY BILLING RATE FOR THE BOROUGH ENGINEER
14. RESOLUTION 2017-119: APPROVING SUBMISSION OF AN APPLICATION FROM ROBERT MOTZEL III TO THE NJ STATE FIREMEN'S ASSOCIATION

Regular Agenda

1. RESOLUTION 2017-113: APPROVING A REVISED PERSONNEL MANUAL FOR THE BOROUGH OF FLEMINGTON

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

2. RESOLUTION 2017-114: 2017-114 : BID THRESHOLD INCREASE

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

3. 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

Councilman Swingle said the GIS system would allow Water and Sewer systems to position and map out digitally all the connections. It will increase efficiency and accuracy, and funds have already been allocated for this work.

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

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

Betsy Driver, 50 N. Main St., asked what Mr. Cust's financial contribution was to the preliminary report for expanding the area of redevelopment. Mayor Greiner said the borough has been billing most of the project-related work to the developer, and this report, just recently completed, will be as well.

She asked about a sign near the post office saying road work will be starting shortly. Mayor Greiner said that is likely for construction that is due to start on East Main Street.

Ms. Driver told council members that any text messages they send during meetings are subject to ORPA requests.

Al Brewer, 1 Coppermine Village, noted that council meetings conflict with when school board meetings occur, and he said council should consider a special appointment of a liaison so it can have a presence at the school board. Councilwoman Tilly, the school liaison for council, said Flemington's school board representatives are Jessica Abbott and Sandra Borucki.

Joanne Braun, Raritan Twp., addressed Councilman Swingle, saying that since they're not going to let Mr. Giffen into the hotel, what's the plan to protect the building, because it's getting worse. Mr. Swingle said there's an unsafe structure notice on the hotel and that building isn't safe for anyone other than the construction official. He'd be willing to work with the owner, technically it's still Liam Burns. Mr. Cust is aware of how bad the situation is, he said, but the case is still in bankruptcy court. Ms. Braun asked about enforcing the property maintenance ordinance; Mr. Swingle cited the expense that would have to be paid by taxpayers.

Richard Giffen, Highland Ave., said this was outrageous. He brought up the idea of protecting the roof 13 months ago, and at every meeting he gets rubbish answers. He said council has chosen not to enforce the property maintenance ordinance. He said he knows the code, and the construction official could allow Mr. Giffen to go into the hotel with him. Mr. Swingle said it was the construction official's call; Mr. Giffen said there's a process here, and the borough could issue a demand to the owner and get a quote for the work.

Lois Stewart, Spring Street, asked who has jurisdiction over murals in town; she'd been told by the Planning Board that it was not under that board's control. She also asked Council President Hain to keep in mind during PBA contract negotiations that if the hotel redevelopment plan goes through, it could require more police coverage. She also said that people haven't mentioned concerns about trash pickup and expense that will happen with creation of 250 apartments in the hotel redevelopment. Mayor Greiner said the borough was

not expecting that housing to generate any additional cost to taxpayers. Ms. Stewart also said she's seeking a manual from when Erica Edwards was head of Economic Development, created by Clark, Caton, Hintz, that dealt with historic preservation in the borough. She said the borough paid \$20,000 for it, and she'd like help remembering when it was. Mayor Greiner said he didn't know anything about such a manual, and since that time there has been major reworking of ordinances and the Master Plan that may include any input from the manual. Robert Shore, Broad Street, said the Union Hotel is a mess and it's representative of the town. He said we need to paint curbs, lines on the streets, parking spaces, clean up the DPW lot. He said it looks like no one cares. He said there's no reason issues with Park Avenue couldn't have been addressed four years ago. He also said council should hold the school board accountable.

Tony Previte, North Main Street, suggested repositioning the first public comments session until after the mayor and council members give their reports. He also suggested having a separate comments session for Union Hotel issues, saying that takes up a lot of time. He suggested that unless people have the power to change things, money-wise, they should just let it go.

Chris Englehardt, Main Street, asked Mr. Gorman if he'd be sending the state DOT a letter about weight-limit signs on streets. Mr. Gorman said Ms. Englehardt went and talked to Trenton, talked to the borough's engineer; everyone wants to run circles around the borough council, and he'll issue what he can. Ms. Englehardt said she was just trying to help make the town safer. Mayor Greiner said there's already been action on the issue since the last council meeting. Mr. Swingle said it just makes more work when there are multiple tracks going on. Michael Harris, 173 Main St., said it's not just the hotel itself that's raising concern, it's the project as a whole, the years that have led up to this, and those responsible for it taking years. He said the tension is fear - we're looking at an LLC that refers to itself as urban renewal, and we're not a city. He wants to know what the process is, what the costs are. He urged transparency.

Al Brewer, Coppermine Village, said the board of education is broken. He said council should pay attention to what's going on over there, that it's all about the money. He said the council needs to have a presence at school board meetings, and again urged council to appoint someone to be the voice of the people. He said school ethics laws mean that the school board members representing Flemington can't say anything negative about the board without facing ethics charges.

8. Attorney's Report

None.

9. Payment of the Bills

Motion To: **Pay The Bills**

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

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

None.

Adjournment

Motion To: **Adjourn**

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