



Mayor and Common Council Borough of Flemington

June 26, 2017

Historic Flemington Courthouse

Executive Session (6:30 PM)

Motion to go into Executive Session for the purpose of updating council members on negotiations among the borough, RTMUA, and the NJ DEP regarding the wet weather sewer facility. Moved: Tilly; Second: Swingle; Vote: Gorman, Peterson, Tilly and Swingle, all ayes.

Work Session (7:00 PM)

1. Mayor Greiner discussed the Purple Heart resolution, saying there's a group in the area, the Military Order of the Purple Heart, which approached him about recognizing Purple Heart recipients, noting that Aug. 7 is national Purple Heart Day. The resolution states the borough's support for recipients of the Purple Heart, and recognizes Flemington as a Purple Heart Community.

2. School Board elections: Mayor Greiner said there have been numerous discussions about the Flemington-Raritan School board, and he's received an email suggesting the community consider moving school board elections back to April. The bottom line, he said, is that can't be done right now. County Clerk Mary Melfi advised that a commission is studying issues related to the new law that enabled school districts to move elections to the general election in November, and there will be no changes until the commission makes its recommendations, which will not occur until May, 2018, at the earliest.

3. EMTs Shannon Giuliani and Karen Hoffman from the Flemington-Raritan First Aid & Rescue Squad presented a demonstration of the squad's LUCAS chest compression system. The device attaches to a back plate and delivers pulses to a patient's chest. It's consistent and doesn't fire out, Ms. Giuliani said, adding that after 2 minutes doing compressions by hand, people aren't that effective. Ms. Hoffman said the squad has had the device about 6 months, and used it a couple of times already. Ms. Giuliani said it can be used with an AED. The squad has 2 devices; each cost about \$15,000. Ms. Giuliani said the system takes a lot of stress off responders and often has better results for patients. It can be used to provide pulses while a patient is being transported.

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. Flemington Community Partnership (FCP) quarterly review - Judy Goodwin, FCP Executive Director

Judy Goodwin, outgoing executive director of the FCP, summarized activities for the last quarter. The group addresses four areas, she said - visual, economic development, marketing, and administration. For the visual, she spoke of design improvements at the Route 12-Main Street circle. In addition, 5 Seward Johnson lifelike sculptures will be installed in the borough from September to November. They won't interfere with any of the streetscape work planned, she said. The FCP also rolled out its street-front improvement program, which offers up to \$1500 in matching funds for facade improvements. Recent projects include a Mansard roof at 127 Main St., and a new patio at Lone Eagle Brewing.

Economic Development- Phase 1 this year was to ID local tech and create a network. There are monthly meet-ups now. Hack Hunterdon was a 24-hour coding event sponsored by the FCP, the county and the county Chamber of Commerce. Phase 2 focuses on education - supporting tech in high schools. Underground Cinema- the FCP is negotiating with local artists and securing a location. People can make suggestions by email to ideas@flemingtoncp.com. Marketing- The Filling Station is attracting regular attendees, who bring along new people to the borough. The website is being rolled out, and Ms. Goodwin gave a demonstration of what it will look like. Billboards and an ad campaign are also planned to give the new brand, Explore Flemington, a big push.

Administration- Ms. Goodwin said the FCP has completed a full voluntary audit, which is available online. She then introduced the FCP's new executive director, Ann Meredith.

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

George Stafford of Wharton, NJ, representing the New Jersey Highlands Coalition, asked council to consider a "Keep It Green" resolution. The coalition is looking for a program for the state of NJ that will provide sustainable funding for open space preservation. The big issue is water, he said, and open space allows for groundwater recharge.

Joann Braun, Jefferson Court, Raritan Twp., asked if any additional wells are being developed. Mr. Gorman said there are areas the borough is investigating,

and we have a new well coming online that should be operational soon. Mr. Swingle said the borough investigates additional well locations all the time, so that when one well is being finished, they've already started to look for another one. Ms. Braun then asked about maintenance of the Union Hotel, suggesting the FCP foot the bill for putting a roof on the hotel, because it would benefit the whole town. Mr. Swingle said she could make that suggestion to the FCP board. Lois Stewart, Spring Street, asked about the status of streetscape improvements. She said once they're completed, nothing can be done affecting the improved area for 5 years. Mayor Greiner said that's one of the first items borough officials discussed with Mr. Cust regarding his planned downtown development. It's been written into the redeveloper agreement. He said the borough can work with the developer, putting in pass-through conduits under the sidewalks so they don't have to be disturbed later. Ms. Stewart then asked what locations are being considered for future wells. Mr. Gorman said one is near the driving range on Route 12.

Chris Englehardt, 180 Main Street, asked for an update on communication with the state DOT over signage about weight loads on roads, and the path of Route 523 through town. Mr. Gorman said the engineer is providing information to the borough clerk. Mayor Greiner suggested she call one of council's DPW liaisons after the meeting to discuss her questions further.

Kevin DeHaven, 33 Pennsylvania Ave., commented on the Underground Theater proposed by the FCP, saying Flemington used to have a theater, but because it was old we got rid of it, and now we want one again.

Michael Harris, Main Street, discussed a letter the state Historic Preservation Office (SHPO) sent to Mayor Greiner, saying officials are characterizing 2 pages of technical and professional deficiencies as expected. Residents have been asking for project details for months, but that's been falling on deaf ears. He said residents are used to borough officials refusing to discuss aspects of the project when the answers are not popular, then asked if council will now comply when the state asks. Mayor Greiner said he would discuss the SHPO letter in his mayor's comments.

Steve Tuccio, 61 Elwood Ave., asked specifically what the borough's criteria are for enforcing its property maintenance ordinance. Mayor Greiner said the question has been asked and answered many times.

3. Mayor's Report

- Attended the opening of Moe's Southwest Grill. The restaurant will be employing 30 people.
- SHPO letter - Though the letter was addressed to me, several people were cc'd by email, but I got mine by paper mail, when it was already being discussed on Facebook. To get a project to the sites council hearing is akin to the way the Planning Board works. The first vote is on whether the application is complete, then it is heard by the board. The State Historic Preservation Office is deciding on the borough application's completion. When you look at the application, it asks

for a number of things. For example, SHPO asked to see the historical element of our Master Plan, but the blank application document doesn't ask for that. They've also asked us to list alternatives considered, which are included in our initial application; they have a few more they'd like us to consider. I was down in Trenton and listened to an application being heard by the sites council, and they asked about alternatives for the project, which means that project got to a sites council hearing without listing alternatives. Our goal is to get everything submitted by July 10.

4. Council Members' Reports

Councilman Gorman

Water main work is continuing on East Main Street. They're near New Jersey Avenue. When they're finished with the water mains, they'll do the sewer lines. Parks & Recreation - Fireworks are on July 3, with a rain date of July 5. There's a banner up in town now.

DPW - We're dealing with different issues - wells, sewers, roads. On the 15th, we had a preconstruction meeting for the Well 10 project; we'll be getting started on that a little later. On the 19th we had a water meter update. Bigger meters are being changed out for the businesses in town.

Council President Hain

Absent.

Council Vice President Liebowitz

Global Ag - Regarding plans for the site, I've spoken with developers who are interested in working with owners there. Things are moving, but it will probably still be a couple months or so.

Streetscape - The state has been slow in providing information we need. It looks like it will be early fall to late spring.

Library - roof and door project - Engineers have been out, and work is proceeding.

I'd also like to thank Judy Goodwin for all she's done, and I'm encouraged about the new director.

Councilwoman Peterson

Friends of Fleming Castle is looking for more Friends. Ms. Peterson showed a print being offered to people who sign up. Events at the castle have been completed until the annual tricky tray in December, which is held at the historic courthouse.

DIY - Fire code violations have been fixed. We're now looking at JCP&L and Elizabethtown Gas bills to evaluate how to split them with the Police Department, which shares the services. They have a new calendar up in their front window, which is so creative. It's 3-feet by 2 1/2 feet and made of metal, with slots for events to be posted in.

Councilman Swingle

FCP - Attended the recent Business Train, which was great. A firm in town has already hired one of the participants in the recent Hackathon. Outgoing Executive Director Judy Goodwin came in under a very difficult situation, and she's done an amazing job. Her replacement, Ann Meredith, is world class, with experience in massive projects.

At our last council meeting a comment was made that I thought was chauvinistic in nature about Judy Goodwin, and it hit a nerve with me. I sort of lost my cool. I apologize to the community, and will work harder to maintain my temper in the future.

Councilwoman Tilly

Fire Dept. - Last call for cash raffle tickets. Tickets are \$5. Drawing will be during the fireworks celebration at RFIS. Next meeting is June 27.

First Aid & Rescue Squad - Thank you to the rescue squad for their demonstration tonight. These are the life-saving items that are purchased with your donations. Anyone wishing to donate to the Rescue Squad's new building fund will have their choice of a gift, either a water bottle or a pin. There is a minimum donation to qualify. Please see the brochure at Borough Hall for details. Next meeting is July 10.

FRSD Schools - The BOE has approved the contract for Johanna Ruberto as Interim Superintendent. The name may sound familiar as she is currently HCRHS' interim superintendent until 6/30/17. There will be a Special Education Parent Advisory Group meeting on 7/11 at 7 p.m. in the JP Case media center. This is a new parents' group started by Flemington Borough resident Lauren Imiolek.

OEM - I hope everyone realized the tractor-trailer fire happened in Raritan Township and not in the borough. I understand it was full of paint in tins and cans.

Admin - nothing to report

Finance - The borough is consolidating all accounts into one bank. This allowed the borough to attract a better interest rate and pay no miscellaneous fees. The anticipated savings and additional interest income should total between \$35,000 and \$40,000 per year.

5. Approval of Minutes

Motion To: **Approve Minutes: June 12, 2017**

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

Consent Agenda

Moved: Tilly Second: Swingle Vote: All members present voted in favor.

1. RESOLUTION 2017-120: AUTHORIZING THE RELEASE OF A PORTION OF THE EXECUTIVE SESSION MINUTES
2. RESOLUTION 2017-121: HONORING PURPLE HEART RECIPIENTS
3. RESOLUTION 2017-122: AUTHORIZING STREET CLOSURES FOR THE CENTRAL JERSEY JAZZ FEST
4. RESOLUTION 2017-123: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2016-005 HELD ON BLOCK 27 LOT 5, 82 BROAD ST.
5. RESOLUTION 2017-124: APPROVING THE 2017-18 SCHOOL LEVY PAYMENT SCHEDULE FOR THE HUNTERDON CENTRAL REGIONAL HIGH SCHOOL BOARD OF EDUCATION
6. RESOLUTION 2017-126: AMENDING RESOLUTION 2017-55 TO CHANGE THE AUTUMN YARD SALE DATES FROM OCTOBER 7TH AND 8TH TO SEPTEMBER 23RD AND 24TH
7. RESOLUTION 2017-127: AUTHORIZING INTEREST-FREE TIME PAYMENT FOR INSTALLATION OF WATER SERVICE FOR 34 PARK AVENUE

Regular Agenda

1. RESOLUTION 2017-125: AWARDING CONTRACT FOR EAST MAIN STREET ROAD IMPROVEMENT PROJECT TO BLACK ROCK ENTERPRISES, IN THE AMOUNT OF \$354,831.00

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

2. ORDINANCE 2017-8: FIRST READING: AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON," 1975, SPECIFICALLY "TRAFFIC SCHEDULE V" "ONE WAY STREETS"

Mayor Greiner said this ordinance follows up on discussions held at a work session a while ago. This addresses a short portion of Park Avenue, in front of Steve's Store. People will still be able to turn right from Corcoran Street onto Park Avenue, but Park Avenue will be one-way heading toward North Main Street from the northern curb of Corcoran Street. A public hearing on the ordinance will be held July 24.

RESULT:	INTRODUCED [UNANIMOUS]	Next: 7/24/2017 7:00 PM
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)

Tony Previte, 45 N. Main St., asked if now that the borough's making Park Avenue one-way, is anything specific going to be done about the driveways at Steve's store. Mayor Greiner said the one-way direction of Park Avenue would mean drivers would have to turn right out of the driveway. Mr. Previte suggested concrete barriers to discourage left turns. Mr. Swingle noted that while conversations are continuing about entrances and exits to the store, making Park Avenue one-way is certainly an improvement.

Joey Novick, E. Main St., asked about all borough money being put in one bank. He asked if there was any consideration of whether the bank is reinvesting in the community, employing local people, or giving back to community groups.

Mayor Greiner said a bank had come forward with a proposal so the borough put out a Request for Proposals and received responses from about a half-dozen banks. He said they compared many terms, but most were financial.

Betsy Driver, N. Main St., asked if people will be allowed to turn left from Park Avenue onto North Main Street; Mayor Greiner said no.

Jack and Mimi Koontz, Park Avenue, both thanked the council for addressing the issues on that section of Park Avenue.

Lois Stewart, Spring Street, asked Councilwoman Liebowitz what kind of development is being discussed for the Global Ag site. Ms. Liebowitz said talks are very preliminary, but it's looking like townhouses. Ms. Stewart asked about the former gas station property at 144 Main St. Ms. Liebowitz said a real estate broker has been selected to start marketing the property.

Chris Englehardt, 180 Main St., said she attended the recent high school graduation, and students looked so confident. Delaware Township had held an essay contest and the mayor gave a scholarship to the winner; she said she thought that would be a nice idea in Flemington.

She also asked if the borough will require a performance bond from Mr. Cust's LLC. Mayor Greiner said the borough doesn't have a performance bond, but the bank that's financing the project brings a level of oversight greater than

what the town could do. Mayor Greiner said performance bonds are routine on road paving projects and things like that, and normally run about 2% of the project's cost. But with a development like Mr. Cust has proposed, the cost of a performance bond would be enormous.

Tony Previte, N. Main St., said Judy Goodwin was a pretty positive energy force. He'd like the new director to consider shifting some energy to the north end of town. He asked Ms. Liebowitz if anything is happening with Nilkanth, owners of the former Agway feed store property, and she said they are not interested in working with the people who are looking at developing the Global Ag site across the street.

Robert Shore, Broad St., said it's a great thing the council is doing with Park Avenue. He said his biggest concern is that appeals, delays and lawsuits are going to squelch Mr. Cust's project. He gives the project a 50-50 chance of happening. He said council should convene a meeting with Mr. Cust, the Friends of Historic Flemington, the planning board, the developer and SHPO so that everyone comes out happy. He also mentioned the RFP for banks, saying the council is long overdue to put out an RFP for its professionals.

9. Attorney's Report

Municipal Attorney Barry Goodman gave more details about the most recent lawsuit that's been filed against the borough, which he mentioned at a recent meeting.

The newest lawsuit, filed by Friends of Historic Flemington, challenges the Redeveloper Agreement signed with Jack Cust on 6 counts, including that it makes some aspects conditional on other areas being designated in need of improvement, it makes reference to eminent domain, and it has the council and planning board simultaneously reviewing the project in violation of municipal land use law. He said he's reviewed the lawsuit and there's a likelihood the complaint has no merit. His firm has filed a motion to dismiss the complaint. Friends of Historic Flemington has asked for additional time to respond; a court hearing is now set for Aug. 4.

Two other lawsuits are still pending, regarding Open Public Records Act requests. A third lawsuit filed by Friends of Historic Flemington, which challenged the process by which the developer was designated, has been dismissed.

10. Payment of the Bills

Motion To: **Pay The Bills**

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

Executive Session For Legal Update on the Hotel-Area Lawsuits, Open Public Records Act lawsuits, and Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

Motion to go into executive session

Moved: Liebowitz Second: Gorman Vote: All present voted in favor.

Adjournment

Motion To: **Adjourn**

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