



Mayor and Common Council Borough of Flemington

July 10, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

Discussion of the Hunterdon County proposal for paid firefighters - Fire Chief Scott Williamson

Mr. Williamson introduced past Fire Chief Robert Motzel, a member of the county Fire Chiefs Association, to describe the association's proposal to have paid firefighters in the county to help with daytime staffing.

Mr. Motzel said about 3 years ago the county started seeing a decrease in the daytime of people able to respond to calls. They tried the LOSAP program, which works well in retaining firefighters in Flemington, but countywide it wasn't a working solution. One problem is that to achieve basic certification, firefighters have to undergo about 200 hours of training.

The Fire Chiefs Association started a program at Polytech this year for 15- to 17-year-olds interested in police, fire and EMS. Five participants are from the borough. The idea is that when they get out of high school they'll already have their certification so they can start right away.

The current proposal breaks the county into regions, and Flemington would be in the south region. It would need 6 jurisdictions to host the paid firefighters.

Fire Chief Williamson said there are a lot of unknowns about the proposal, including who would be responsible when someone takes a truck out. He said he recognizes that people's time constraints make staffing difficult. Having paid firefighters may not be the best solution, he said, but it is one solution. If you're going to pay someone \$25 to sit at a station and he's taking a day off work to do that, he's not sure that would appeal to many people.

Mayor Greiner asked if municipalities hosting the paid firefighters would get reimbursed. Mr. Williamson said they'd get a stipend of perhaps \$250 a month, but how much will that cover? He said a tire for a fire truck costs \$800. And firefighters would be putting a lot more wear and tear and maintenance on a vehicle that right now isn't seeing that much use. Responding to another question from Mayor Greiner, Mr. Motzel said the cost for the paid firefighters program would be about \$22 for a house assessed at \$300,000.

Mr. Motzel said the program is estimated to cost \$12,000 a year for capital operations, and he acknowledged that there is a possibility the paid firefighters are going to unionize. Even if they did, they'd still fall under the jurisdiction of the chief in whose municipality the call originates.

Mr. Williamson said the proposal right now is very fluid and he's not sure the county level is best for implementation, saying he thinks the local level might work better.

Mr. Motzel said the chiefs association is willing to entertain any ideas.

He said looking at the numbers, and how the county is growing, from his perspective he wants to get something close to Flemington.

Al Brewer, 1 Coppermine Village, asked for an evaluation of current response times. If there is a move to paid staff, he wants to be able to justify the need. Mr. Motzel said Flemington has 3,000-5,000 people. He said standard response times are on the scene within 10 minutes. Mr. Williamson said the fire department handles around 300 calls a year.

Kevin DeHaven, 33 Pennsylvania Ave., asked about training and certifying policemen to make fire calls. Mr. Williamson said the drawback is that most police departments are tightly staffed, and officers might not have the freedom to answer fire calls.

Lois Stewart, 26 Spring St., asked how many of the 300 calls/year are in the borough. Mr. Williamson said he would have to look at the numbers to determine that.

Betsy Driver, North Main Street, asked about the insurance implications if a paid firefighter is driving a borough fire truck. Mr. Williamson said the county is considering that it would have the insurance for the paid firefighters.

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	Absent	
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	

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

Lois Stewart, 26 Spring St., asked if the revised SHPO application was submitted regarding the hotel area in need of redevelopment. Mayor Greiner said to the best of his knowledge it was. Ms. Stewart asked if a copy would be available in Borough Hall. Mayor Greiner said the 12-page cover letter he signed to accompany the application was available, and the supporting documents would be available within a few days.

Ms. Stewart asked about moving the first Public Comments section to after Mayor and Council reports. Mayor Greiner said he'd discuss it with council; he hasn't been getting a lot of requests for that.

Marcia Karrow, 61 Elwood Ave., asked if the Redeveloper's Agreement has been fully executed by both parties. Mayor Greiner said yes.

Robert Shore, 47 Broad St., seconded Ms. Stewart's request to move the public comments session. He then said his main concern about the redevelopment of Main Street is that he feels the project is in jeopardy due to the possibility of further appeals and delays. He said it's in the community's best interest to make it happen, and that requires collaboration. He urged officials to convene with objectors and a mediator and get it worked out.

Al Brewer, Coppermine Village, asked about the costs of litigation. Mayor Greiner said from May of last year through the end of May 2017, legal bills were \$28,000. That doesn't include June's bill, and the \$5,000 OPRA lawsuit settlement being voted on tonight.

Chris Englehardt, 180 Main St., asked if there's been any marketing study of whether the proposed development is viable for our kind of town. Mayor Greiner said there have been a number of studies related to Flemington, but the borough hasn't undertaken a marketing study for this project. He said the developer has hired someone to study the economic impact of the development on the town. Ms. Englehardt asked if anyone is going to compare costs and benefits. Mayor Greiner said some benefits such as a better climate are pretty soft and hard to quantify, whereas the tax impact is pretty concrete. Ms. Englehardt said she meant about the impacts on traffic and parking and the like. Mayor Greiner said that's all part of the site plan review.

Richard Giffen, 9 Highland Ave., said he reviewed a recording of the June 5 Planning Board meeting, which he couldn't attend, and objected to the fact that Jack Cust said Mr. Giffen had approached him to retain his services, and Mr. Cust declined the offer. Mr. Giffen said he never approached Mr. Cust for a job. He did offer to provide advice free of charge, but there were no discussions about Mr. Giffen working for Mr. Cust.

Steve Tuccio, 61 Elwood Ave., said he noticed a vacant home's lawn had been recently mowed, and asked for the borough's criteria for applying its property maintenance ordinance. Mayor Greiner said the question has been asked and answered in multiple meetings. He then asked about the application before SHPO, saying if the realignment of the redevelopment area is necessary now, why wasn't it necessary before? And the opportunity for further expansion was acknowledged by the planning board.

Municipal Attorney Barry Goodman said in light of the pending lawsuit, he'd rather leave it at that right now. He noted that the planning board has a statutory obligation to review something the council sends to it.

Joanne Braun, 77 Jefferson Court, asked about enforcement of the borough's property maintenance ordinance. Councilman Swingle said cutting a lawn at a house is very different than going into a building with tens of hundreds of dollars of expense, in a building the borough doesn't even own. Ms. Braun asked if there was anything new going on with the Cut Glass project. Mayor Greiner

replied no. Mr. Tuccio was cautioned for using obscene language during this comment and response.

Tony Previte, 45 N. Main St., noted there's a window open on the front of the hotel. He then discussed the E. Main St. project, asking if the ugly yellow pole at the monument can be replaced with an iron curb or concrete cricket during the project.

II. Mayor's Report

The Hotel Area Redevelopment Committee met last week. Once the expansion area is adopted, the next step is the redevelopment plan. Work on writing that will begin shortly. Supplemental information for the SHPO application was submitted today; we're hoping to be on the agenda for the August meeting. The police and the Police Explorers group are planning a kickball game on Saturday, Aug. 19, at Flemington-Raritan Baseball field No. 1, on Route 31 by the American Legion.

He met with Ann Meredith, the new FCP Executive Director.

Question for CFO Bill Hance - have you heard any information about school funding impact in light of the state budget? Mr. Hance said he hadn't.

The Tax Collector has noted that tax bills are due to go out by Saturday, July 15, but there's been a hiccup due to the state budget's changes to individual school funding.

Salsa Night will take place on Main Street on Saturday, July 15, 4 to 10 p.m.

III. Council Members' Reports

Councilwoman Gorman- Absent.

Council President Hain

The Environmental Commission hasn't heard back yet from Sustainable Jersey on its recertification. He's been told it might take until September for a decision.

Parks & Recreation - will be meeting on the 13th, topics will include the summer recreation program. Fireworks were held July 3. They were shot off at 9:20 p.m., and the show lasted 25 minutes. Modified fireworks were used, and he heard positive comments. No injuries were reported. There was a call about a vehicle's fabric roof sustaining damage.

Tuccamirgan Park - the P&R committee is working on additional security at the park.

Planning Board - meets tomorrow.

Police - Work continues on the PBA contract renewal; he's hoping it will be ready for the next council meeting.

Police statistics for June:

6 criminal arrests; 60 investigations; 113 open investigations; 5168 miles driven; 217 summonses issued; 14 parking summonses; 308 warrants.

Council Vice President Liebowitz

The borough now has a contract nearly completed with Re/MAX Realty regarding the marketing of 144 Main St.
Streetscape - The project is on pace for an August-September start date.
Ms. Liebowitz said her son is in the police Explorers' group, and she offered people a half-price discount on tickets for the kickball tournament.

Councilwoman Peterson

Fleming Castle - The grounds are available for parties, and reminds everyone that there's a small gift shop. The next event will be a silent auction in December.
HPC - there are 7 projects before the board.
90 Main St. - Upcoming DIY events include Mondays: knitting, 6:30-9 p.m.; Tuesdays: reading, 8-9 p.m.; Thursdays: theater rehearsals; Saturday: Tai chi.
Three concerts are planned, July 14, 22, and on July 30 a Scottish band. The movie "Nashville" will be shown on July 15. A film festival on July 31 will feature a traveling film festival from Indiana.
Ms. Peterson is meeting with the DIY group tomorrow (7/11) to go over utility bills to determine a split with the police department, which shares the utility account.

Councilman Swingle

Route 523- The state has agreed to get the signage done marking the route and posting weight limits for Park Avenue. He's waiting to hear back on when specifically the signs will be put up. He said Route 523 will follow Route 31, rather than coming down through town.
Work on the Teamsters contract continues.
Redevelopment meetings - Overall, he doesn't think committee members are that far apart. He's looking forward to seeing this move forward.
Ann Meredith, the new executive director of the FCP, has hit the ground running, and he's looking forward to seeing what happens under her direction.

Councilwoman Tilly

Thanks to Scott Williamson and Bob Motzel for their presentation on the proposal for the countywide paid firefighter program. She thanked people for participating in the department's recent cash raffle. Next meeting is July 25.
First Aid & Rescue - Meets tonight (7/10); next meeting is Aug. 7.
Schools - Joanna Ruberto has taken over as interim superintendent. She serves for the 2017-18 school year. Ms. Tilly urges residents to check the school district's website, which is continually updated.
OEM - Nothing to report.
Administration - Nothing to report.
Finance - Last week they met with the PBA to finalize the contract.

IV. Approval of Minutes

1. Motion To: **Approve Regular Council Meeting Minutes of June 26, 2017**

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

2. Motion To: **Approve Early Executive Session minutes of June 26, 2017**

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

3. Motion To: **Approve Late Executive Session minutes of June 26, 2017**

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

Consent Agenda

Moved: Hain Seconded: Tilly Vote: All present votes Aye

1. RESOLUTION 2017-128: NORTHFIELD BANK ADDED TO DEPOSITORIES FOR 2017
2. RESOLUTION 2017-129: AUTHORIZING AN OFF PREMISE RAFFLE LICENSE TO BE HELD ON JULY 15, 2017 BENEFITING HUNTERDON HELPLINE

Regular Agenda

1. RESOLUTION 2017-130: DESIGNATING AN AREA OF THE DOWNTOWN IN THE VICINITY OF THE UNION HOTEL AS AN AREA IN NEED OF REDEVELOPMENT, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

Councilwoman Susan Peterson said she does not believe this is the right course for the borough. Partitions at the back of the hotel could be removed and there's plenty of parking for a restaurant, so what if it's a BYOB. She'd rather see the Cut Glass and Global Ag properties developed first, and see how they go.

RESULT:	APPROVED [4 TO 1]
MOVER:	Brian Swingle, Councilman
SECONDER:	Marc Hain, Council President
AYES:	Marc Hain, Brooke Liebowitz, Brian Swingle, Kim Tilly
NAYS:	Susan Peterson
ABSENT:	John Gorman

2. RESOLUTION 2017-131: APPROVING GLOBAL SETTLEMENT OF OPRA LAWSUITS AND OPRA REQUESTS

Mayor Greiner asked Attorney Goodman to summarize. Mr. Goodman said this settlement covers two lawsuits over OPRA requests and 4 other OPRA requests filed by the group with the borough. The settlement is painful for both sides a little bit. They wanted \$11,000 in attorney's fees and the Borough had the right to assert a claim for its attorney's fees based upon its claim that the second OPRA lawsuit was frivolous; the \$5,000 being paid to them is a compromise of the attorney's fees issue. In addition, the borough agreed to provide a privilege log, and they've agreed to pay Clerk Sallie Graziano's time at her hourly rate. They've also asked for another search, and we've agreed to do that at Sallie's hourly rate. That is essentially the settlement.

Councilwoman Peterson said it's no surprise to her what has occurred. The situation calls for a mediator, a healing force, to direct us and transform these adversarial relations to cooperation. There's more that ties us together than actually divides us. Are we going to have power with each other, or power over each other? Do we have to be told what will be done? This settlement is about paying \$5,000 to members of this community who don't feel listened to.

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

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

Lois Stewart, 26 Spring St., asked what the length is for the proposed PILOT. Mayor Greiner said 30 years. She asked Mr. Swingle what he meant about the developer and the redevelopment committee not being far apart; Mr. Swingle clarified that he said all of the redevelopment committee members are working in the same direction. Ms. Stewart said she'd like to see the borough save all four historic buildings from destruction, reduce the height of the project to four stories, and keep Spring Street residential.

Robert Shore, 47 Broad St., asked that council make the school funding formula public. His concern is the new development may not generate a lot of students,

but its value could affect residents' taxes. He said he knows assessed value is a key number. Mayor Greiner said PILOT properties are tax exempt. Mr. Shore said if that's the case, he needs to know more to feel comfortable with it. He said he'd like to donate \$250 to the Explorers' kickball tournament, so participants can enjoy refreshments. Mr. Shore said that when new signs are put up marking Route 523 and the weight limit on Park Avenue, that the DOT should add signs restricting air brakes. He also said the stop signs at Broad and Maple streets should go; they just add to air and noise pollution. He then asked if another lawsuit has been filed against the borough. Mayor Greiner said the most recent lawsuit was filed in April.

Michael Harris, 173 Main St., thanked Councilwoman Peterson for her statements and leadership, and called for transparency and accountability in leadership. It's coming on 4 months from the Redevelopment Agreement and the community wants details. He said the development on Main Street isn't about one building, it's about the community, and the PILOT is a big question. Residents haven't heard about the tax base and ratables, and they need the information. Al Brewer, 1 Coppermine Village, spoke about the regional school district, saying it spends a large chunk of tax dollars, and over the last 10 years there have been 23 fewer students. Projections are that enrollment will drop further. The school budget affects everyone and there are no checks and balances. He urged council to have a presence at all school board meetings.

Chris Englehardt, 180 Main St., asked Mayor Greiner if he knows of any other small historic town in New Jersey that has destroyed their historic district in the name of development. Mayor Greiner said he doesn't think that's what we're doing here. He said he doesn't know of any town our size that's doing what we're doing, but mentioned Morristown. Ms. Englehardt said shouldn't that be looked into, to see if it worked or not? Mayor Greiner said we're past that point. Tony Previte asked about Nilkanth's view of changing Park Avenue to a one-way street. Mayor Greiner said they prefer it remain two-way, but he's reluctant to give other people's reasons, and expects a representative will be at the public hearing for Ordinance 2017-8 on July 24.

Joanne Braun asked Councilman Swingle how he came up with numbers for the cost of repairing the hotel roof. Mr. Swingle said replacing the roof on his home cost just under \$20,000. She then said people have offered to provide services for free. Attorney Goodman said the hotel is private property, and if they want to make an offer, they should make it to the owner. Ms. Braun then said people are throwing out false narratives on Facebook, including Mr. Swingle, when he said how do people know members of the Friends are not out there for their own financial gain. Mr. Swingle asked her to put out a members' list.

Richard Giffen, 9 Highland Ave., told Mr. Swingle to stop making misleading statements. The project is only preserving parts of the facade.

Robert Shore, 47 Broad St., said he's concerned about Flemington Fur's buy-in to this project. He asked if the borough has anything in writing that gives confidence they will participate.

Al Brewer, 1 Coppermine Village, said he'd like to see the council take a vote of no confidence in Anna Fallon's leadership of the Flemington-Raritan school board.

Councilwoman Kim Tilly noted that there's no moving school board elections until after 2018.

VI. Attorney's Report

None.

VII. Payment of the Bills

Motion To: **Pay The Bills**

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

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

None needed.

IX. Adjournment

Motion To: **Adjourn**

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