



Mayor and Common Council Borough of Flemington

September 11, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

No topic. Session opened at 7:05 p.m. Hunterdon County Democrat reporter Sophie Nieto-Munoz introduced herself to council. No business was conducted and the session ended at 7:10 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	

I. Mayor's Report

Mayor Greiner noted the date and said he attended a 9/11 memorial service at the courthouse steps this morning, organized by County Sheriff Fred Brown. He called for a moment of silence to honor victims of 9/11 including 16 Hunterdon County residents, and first-responders.

The borough's townwide yard sale will be Saturday and Sunday, Sept. 23-24. No banner is being hung, but ads are being taken out in the local newspaper.

Energy Aggregation renewal - No contract has been awarded based on contract proposals received by lead agency Raritan Township by the Aug. 15 deadline. If none is awarded by December, participants will revert back to JCP&L for supply. Prices have fallen and in the energy market, savings are not to be had.

Two Water Department ordinances are on the agenda. The bigger one addresses water tower repair and construction; the other would let the water company begin exploring for a new well. Both projects are being conducted in the regular course of business, and neither is related to the Tirpok fire or the planned hotel-area development.

On Aug. 16 the much anticipated Sites Council hearing was held regarding sale of a building near the hotel. The State Historic Preservation Office staff

recommended denial, but the Sites Council recommended temporary denial. Officials received a follow-up letter on Sept. 5 seeking more information. Parking and traffic discussions are taking place between the borough's engineer and the developer's engineer. We'll likely be introducing the redevelopment plan at the Sept. 25 meeting or as soon after that as it's finished. It will then go to the Planning Board for review, then come back to the Council for public hearing and a vote.

Flemington's Olympic hopeful Kimi Goetz qualified for the World Cup team, which means she's still in the running for making the U.S. Olympics team.

II. Council Members' Reports

Councilman Gorman

DPW - East Main Street water and sewer work has progressed. The gas company has been in there this week. Everything's going to be all new from Hopewell Avenue to the Monument. By the beginning of October the underground work should be done, and they'll start work on the curbing. Hopefully the project will be done by winter.

Recreation - The VFW has said they're not doing the Halloween Parade this year, due to the cost and lack of volunteers. I will be talking to Parks and Recreation to see how they can help. Nothing's been done so far, and there's not much time left to plan.

Council President Hain

Environmental Commission - They've submitted their Round 2 edits for Sustainable Jersey certification. The state will review that information and send back a final round of edits. The commission will meet on Sept. 18 at 7 p.m. to review the Lidl market plans.

Parks and Recreation - Meeting 9/12 to review the summer recreation program. Exercise equipment will be installed on the south side of the gazebo at Minebrook Park; Raritan Township has agreed with the proposed placement. It's across from the playground area.

Planning Board - Met on 9/5 to review plans for the Spice Factory; the next meeting is Sept. 26.

Police - Officer Bivona is back on full duty, but Detective Musacchio has resigned, and we've started the interview process for his replacement. July statistics include: 2,040 duty hours, 144 motor vehicle summonses, 9 parking summonses, 29 license plate reader summonses, 14 disorderly conduct summonses, 2,325 phone calls, 69 investigations, and 36 motor vehicle accidents.

Council Vice President Liebowitz

144 Main Street - the old gas station property. Our realtor has been going out and marketing it, but we need to go back to the DEP and ask about adjusting the price. The current price it's being offered at is what the DEP required.

Global Ag site - People who are working with the current owner are moving forward, toward more complete plans.

Councilwoman Peterson

Fleming Castle - She's happy to see that the \$6,900 check has been cut to reimburse Friends of the Fleming Castle for repairs made to the house's porch and steps. The money comes from Open Space funds received by the borough. They've added Whitehouse School to the list of schools bringing students to the Castle for historical programs. They've also hired a new secretary. The Apple and Spice program last Saturday discussed the origins of the spice trade and also honored Colonial women. On Oct. 14, 1-4 p.m., they'll have a pumpkin carving and painting event. These are all free family events. A Tricky Tray is set for Dec. 1, and businesses are welcome to donate for baskets and advertise in the program book. More than 200 people are expected to participate. Next spring they're planning movie nights and yoga in the garden.

HPC - We're getting a new bus shelter in the courthouse parking lot. Two new alternates are serving on the commission, and a resolution tonight would make them regular members, so positions will be open for alternates. The new members are already taking on tasks - Don Eckel is in charge of the website, Al Brewer is the Chamber liaison, and Lauren Imiolek is the new secretary.

DIY - This Friday it will be open during the Jazz Fest, and on Saturday it's planning a Fall Festival. DIY is launching a print shop in one of the rooms in back. They have their own insurance policy now.

Councilman Swingle

Welcome home to the Central Jersey Jazz Festival. It's great to see it coming back here.

Development - There's a lot happening.

FCP - Five Seward Johnson sculptures will be installed in town for three months. It's the first really big physical art display in the borough.

Yard Waste - DPW workers are going back to doing their normal yard waste pickup on the first Friday of the month. In between, people can bring their leaves - bagged in paper bags - and branches to the DPW shed. Drop-offs are the second and third Saturdays of the month, 2-5 p.m. The DPW shed is at 8 Main Street, down the driveway and at the back of the large parking area.

Public Works is prepared for the storm coming. They ran a successful test of the generator at Borough Hall recently.

Councilwoman Tilly

Fire Department - They've been doing drills.

Rescue Squad - They're still selling bricks to support their new building.

Schools - Board of Education meetings are tonight (9/11) and Sept. 25. Discount cards are for sale.

OEM - Staff has been following Hurricane Irma to see what develops here.

Administration - nothing to report.

Finance - We've switched banks and tax payments must now be made at Borough Hall, 38 Park Ave. They can be sent by mail or dropped off in person. The office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday. We've installed a lock box next to the front door if people want to leave a payment after hours. Cash should not be left in the lock box. Payments left in the lock box will be credited to the next business day.

The borough-wide yard sale is Sept. 23-24, 8 a.m. to 6 p.m. The Filling Station will be available for residents who can't have a yard sale at their residence. The space is first-come, first-served.

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

Tim Hester, Bonnell Street, said a few weeks ago he sent an email to Mayor Greiner asking to get a resolution on the agenda rejecting racism, and was disappointed when that was denied. He said a couple years ago there was a deli here that wanted a White History Month, and he's seen a misguided character driving around in a pickup truck with a Confederate flag. And Hunterdon has the Nazi Dad as a resident. The hotel issue doesn't make national news, but the White History Month and Nazi Dad do. Hate speech is a Flemington issue and an American issue, he said.

Mayor Greiner said his initial response was that the resolution was directly in response to what happened in Charlotte, and local officials shouldn't be getting involved in situations everywhere, because that would be endless. He said there were also a number of "whereas" clauses he questioned.

Councilman Swingle said he'd like to sit down with Mr. Hester and work on a resolution everyone can be comfortable with.

Mark Beckman, 81 Mine St., said he lives where a sewer runoff pipe was repaired, and there's a drainage problem. He's seeking help cleaning out the area; the pipe doesn't have a downhill exit. A bunch of properties are affected.

Joey Novick, 11 E. Main St., spoke in favor of Mr. Hester's resolution against racism, quoting that in order for evil to triumph, the only requirement is that good men do nothing. The resolution has been adopted by hundreds of municipalities, and the County Freeholders passed a resolution declaring hate speech unacceptable. He wants a commitment that the resolution will be on a future agenda.

Councilwoman Liebowitz said the resolution needs tweaking. She said as a Jewish woman with children, when she sees Nazis driving down the street with signs saying her family doesn't belong here, it hurts. She wants to make sure the resolution is crafted effectively.

Peg Amarosa, from Branchburg, read a resolution adopted by the Somerset County Freeholders rejecting white supremacy.

Nicole Manez, a business owner in town, said she supports such a resolution as a business owner. As a healthcare practitioner she hears people's stories, and some feel prejudice. She offered her help in working on the resolution.

Bill Johnson, 28 Main St., said it would mean a lot to him and his family to have the resolution adopted. When you're inclusive and bring other people's feelings into your agenda, we all win. It makes us realize you see us. It says something when you say nothing, too. Silence allows the hatred to grow. If you consider the resolution, you can be the leaders for other communities.

Alexi Thorne, a young girl in the audience, rose to say that hate is bad.

Lauren Brynowski said she doesn't live in Flemington, but asked why the automatic response is not wanting to get involved.

Mayor Greiner said as a personal note, he finds it reprehensible, naïve, and stupid that anyone feels superior to someone else because of what they were born with. Governments often rush to do resolutions that don't end up meaning anything and are just grandstanding. If someone doesn't feel safe, that's not going to help.

Alexa Offenhauer of Clinton, a founder of the Hunterdon Anti-Racism Coalition, said she'd be happy to work with officials to put action behind the words of the resolution.

Rosie Eftim, 11 E. Main St., said she doesn't think we've ever had a Latino or black person on Council, and sometimes white people only see what white people see. Regarding information cited in Mr. Hester's resolution, it's easy to google and see what's happened. If you don't do something specific to address racism, that's the reputation we're going to have.

IV. Approval of Minutes

Motion To: **Approve Minutes: Aug. 14, 2017 Regular Council Meeting**

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

1. Motion To: **Approve Minutes: Aug. 31, 2017 Special Council Meeting**

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

Consent Agenda

Motion to approve: Hain Second: Swingle Vote: All present voted Aye; Swingle abstained on Resolution 2017-158.

1. RESOLUTION 2017-158: AUTHORIZING AN OFF-PREMISE RAFFLE LICENSE ON NOV. 16, 2017 BENEFITING CRIME STOPPERS OF HUNTERDON COUNTY
2. RESOLUTION 2017-159: RENEWING THE APPOINTMENT OF SALLIE GRAZIANO AS ACTING MUNICIPAL CLERK
3. RESOLUTION 2017-160: RETROACTIVELY AUTHORIZING CLOSURE OF A PORTION OF ELWOOD AVE. FOR A NEIGHBORHOOD PARTY ON SEPT. 3, 2017
4. RESOLUTION 2017-161: AUTHORIZING THE MAYOR AND CLERK TO SIGN A TWO-YEAR LEASE WITH RARITAN TOWNSHIP FOR THE USE OF THE MUNICIPAL COURT AND OFFICE SPACE
5. RESOLUTION 2017-162: APPOINTING HISTORIC PRESERVATION COMMISSION ALTERNATE MEMBERS LAUREN IMIOLEK AND DONALD ECKEL TO REGULAR MEMBER POSITIONS

Regular Agenda

1. RESOLUTION 2017-163: GIVING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DEWEY AVENUE IMPROVEMENT PROJECT

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

2. RESOLUTION 2017-164: GIVING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HIGHLAND AVENUE AND ELWOOD AVENUE IMPROVEMENT PROJECT

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Gorman, Councilman
SECONDER:	Kim Tilly, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

3. ORDINANCE 2017-13: FIRST READING: SALARY ORDINANCE FOR 2017

Councilman Swingle said this sets salaries for non-union employees in the borough. He asked that it be table so a couple of specific situations can be addressed.

RESULT:	TABLED [UNANIMOUS]	Next: 9/25/2017 7:00 PM
MOVER:	Brian Swingle, Councilman	
SECONDER:	Marc Hain, Council President	
AYES:	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly	

4. ORDINANCE 2017-14: PROVIDING FOR DRILLING OF TEST WATER WELLS BY THE WATER UTILITY OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$215,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$215,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

Councilman Swingle said this is for drilling a test well. The location, at Paradise Golf, looks very promising. It's not too close to other wells. As wells age they produce less, and the borough is always talking with the DEP about the next wells to dig. It takes 5 to 10 years to bring a new well online. Councilman Gorman said Well 10, which was recently approved, took seven years.

RESULT:	INTRODUCED [UNANIMOUS]	Next: 9/25/2017 7:00 PM
MOVER:	Brian Swingle, Councilman	
SECONDER:	John Gorman, Councilman	
AYES:	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly	

5. Motion To: **Open Public Hearing on Ordinance 2017-11**

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

6. ORDINANCE 2017-11: SECOND READING: BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF A NEW WATER STORAGE TANK AND OTHER WATER SYSTEM IMPROVEMENTS BY THE WATER UTILITY OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$4,500,000 THEREFOR AND AUTHORIZING ISSUANCE OF \$4,500,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

Robert Shore, 47 Broad St., said residents just took a hit on water meters, and now the borough's talking about spending \$4.5 million on a water tower. Which expert gave you that number? Mayor Greiner said the whole DPW team participated. Mr. Shore asked how long the bond is for; CFO Bill Hance said it's a 20-year bond. Mr. Shore suggested that the bond be stretched out longer so residents pay less.

Mayor Greiner said the cost of the borough's water supply does concern him, but when you compare rates with New Jersey American our rates are well below what they would be if we went off our own utility. Mr. Gorman addressed

the \$4.5 million figure, saying it's an estimate to start out, then we'll go out to bid to see that the responses are.

Councilwoman Tilly double-checked that the bond would cover building a new tower and renovating the current tower; this was confirmed.

Councilman Swingle said we're coming out of a big recession when there was no money to do any work like this, but the waiting has cost us. HC Democrat reporter Sophie Nieto-Munoz asked how much surplus there is; CFO Hance said there's currently \$350,000 surplus in the water funds.

Mayor Greiner said since he joined council in 2011, every year during budget season the water tower's always been pushed to the next year's capital budget. Finally, this year, he said we have to look at this. If our tank breaks, it's a safety issue. Ms. Nieto-Munoz asked if there's any danger of the current tower breaking; officials said it's 10 to 15 years past its regular maintenance schedule but there's no indication of immediate danger. Still, it's well past time to address the maintenance issue.

Michael Harris, 173 Main St., said developer Jack Cust said all the infrastructure expense of his project would be borne by the developer.

Mayor Greiner said the water tower has nothing to do with the hotel. Mr. Harris said we just heard there's no imminent danger and it's been pushed off year after year. Has the borough considered other options?

Council Vice President Liebowitz said work sessions were held where all the options were discussed. Rebuilding the current standpipe without a new tank in place isn't feasible. Mr. Harris said the timing is suspect, and that development on Main Street should be paying for infrastructure. Mr. Harris said pressure in the town's water system comes from wells. Mr. Swingle said that's wrong, pressure doesn't come from wells, but from the holding tanks.

Steve Tuccio, 61 Elwood Ave., said it looks like the timing of this water tower project is to further the redevelopment project. Mayor Greiner said the water tank doesn't benefit the hotel project. Mr. Swingle said it doesn't create any additional capacity for development. Councilwoman Liebowitz said the nation's economy has gone up to the point Flemington can't kick the water tower maintenance issue down the road any further.

Betsy Driver, 50 N. Main St., asked about options to connect to New Jersey American temporarily while repairs are done to the existing tank. Councilman Swingle said the borough has an agreement with New Jersey American for emergencies, but it's unlikely New Jersey American could supply all the borough's needs fulltime. The borough's water pressure doesn't come from pumps, it comes from elevation. It's a gravity-fed system, and without gravity you have a problem. Now, he said, we have an opportunity not to have to fall back on New Jersey American. Councilman Gorman said he met with New Jersey American about 10 years ago, and it would have cost the borough \$3 million to increase the borough's water pipes.

Robert Shore said by building the new tower and adding 300,000 gallons of water storage, the system could serve higher demand. Mayor Greiner said no, capacity is provided by the wells, not by the storage tanks.

Addressing capacity, Mr. Gorman said the DPW is adding new wells because the old wells are drying up. You can't take the old wells off-line to work on them because then there wouldn't be enough water to serve the town. Mr. Shore said with the plans to dig test wells and build a water storage tank it looks suspicious and that maybe the borough is doing it to benefit the developer. Mr. Gorman said if the planned development is built, the developer will have to provide the infrastructure to support it.

Mr. Shore suggested putting up the new tower, getting the additional 300,000 gallons storage, then let the original one just sit there. Then when we need additional capacity or whatever you want to call it, we could have the developer pay for it. Mayor Greiner said you can't have a developer pay for a water tank that has nothing to do with their project.

Councilman Swingle moved to close the public hearing; Councilwoman Tilly seconded the motion. All present voted in favor of closing the hearing.

RESULT:	ADOPTED [5 TO 0]
MOVER:	Brian Swingle, Councilman
SECONDER:	John Gorman, Councilman
AYES:	Gorman, Hain, Liebowitz, Swingle, Tilly
ABSTAIN:	Susan Peterson

7. Motion To: **Open Public Hearing on Ordinance 2017-12**

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

8. ORDINANCE 2017-12: SECOND READING: AMENDING CHAPTER VII TRAFFIC, SCHEDULE XII PARKING RESTRICTED FOR USE BY HANDICAPPED PERSONS, BY ADDING A SPOT ON PARK AVENUE

No public comments. Councilman Swingle made a motion to close the public hearing; Councilwoman Tilly seconded the motion. All votes in favor of closing the hearing.

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

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

Robert Shore, 47 Broad St., said he was disappointed to hear that the VFW isn't organizing the Halloween parade this year, and said it's a reflection of a lack of recognition on the part of council for volunteer efforts in general - the FBID, the Fleming Castle. He said it's an election year, and said it's time to get rid of some of the people currently sitting on council.

Nicole Matta of Lebanon Borough said she spends a lot of time in Flemington, and that if she's even slightly suspicious that something about her or her friends won't be tolerated, that makes her uncomfortable. She said she hopes council members recognize how dangerous a statement it is to say racism isn't affecting you. That's how bad stuff happens.

Mayor Greiner said people all have issues they want put on the front burner.

Rosie Eftim, 11 E. Main St., said the incident in Charlottesville was national news, and towns around NJ are responding with statements that everyone is welcome there. Some people who live here don't feel welcome here. The resolution is a step.

Lauren Brynowski, who's not a Flemington resident, said it's council members' job to communicate what they're thinking clearly.

Tim Hester thanked Council members Swingle and Liebowitz for representing what he was saying. He said the resolution he sought isn't grandstanding, and that he thought the appropriate approach was to go to the mayor to get the resolution on the agenda.

VI. Attorney's Report

Municipal Attorney Barry Goodman gave an update on lawsuits. One lawsuit filed by the Friends of Historic Flemington, challenging the redevelopment designation, is still pending.

A new lawsuit has been filed in federal court and deals with the purchase of salt. The Borough was a member of the Morris County Cooperative Pricing Council in 2016 when, according to the complaint, the co-op requested proposals for salt delivery. Mid-American Salt went out and bought salt, but a lot of entities in the MCCPC didn't end up buying salt through the co-op. Mid-American Salt has now filed a lawsuit against the co-op and its members. Mr. Goodman said he'd like to have an executive session discussion about the lawsuit with council.

VII. Payment of the Bills

Motion To: **Pay The Bills**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kim Tilly, Councilwoman
SECONDER:	Brian Swingle, Councilman
AYES:	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly

VIII. Motion To: **Go into Executive Session for the Purpose of Obtaining Legal Advice Regarding a Lawsuit Filed by Mid-American Salt**

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

Executive Session to Obtain Legal Advice Regarding a Lawsuit Filed by Mid-American Salt (Action May Be Taken)

Minutes from Executive Session Meeting kept separately.

1. Motion To: **Return to Open Session**

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

Adjournment

Motion To: **Adjourn**

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