



Mayor and Common Council Borough of Flemington

October 23, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

1. Periodic update on police department activities and responses - Chief Jerry Rotella

Chief Rotella gave commendations to Patrolman Corey Garrabrant and Cpl. Louis Hribik. He rarely gives out commendations, but said Patrolman Robert Godown recommended these commendations and he wholeheartedly agreed. Patrolman Garrabrant was conducting a safety check on a property when he saw a person in the kitchen who appeared to be in distress. He found that the person needed medical attention, after trying to take her life. Officers Garrabrant and Hribik intervened, got her the medical care she needed, and the person is now very grateful for their efforts, the chief said. He handed certificates of the commendations to the officers who received a long round of applause from the audience and council members.

Chief Rotella then called up new Patrolman Greg Zytko, who talked about the K-9, Jax, that he'll be working with. Jax is patrol-certified and narcotics-certified. That means he can help track missing people and criminals, do building searches 10 times faster than officers can. Officer Zytko will be doing some demonstrations with Jax in the future, showing what he can do. He and the dog are required to get certified twice a year, and have training twice a month, he said.

Chief Rotella said he appreciated council's and the community's support for getting Jax, and noted a significant contribution from D.J. Wright, and donated fencing that will create an area for Jax in the parking lot behind the police station.

The drug epidemic is affecting Flemington too. The chief said from January to now, there have been 125 narcotics investigations, and the department is currently running about 500 investigations right now. The epidemic endangers police officers and everybody, with needles and the dangers of fentanyl. Jax will be a big help in the effort to address the epidemic, he said. He added that borough officers have used Narcan twice this year to revive overdose victims; one of those treated with Narcan eventually died. There have been 23 times in the county this year that Narcan has been used. Chief Rotella said it's a never-ending fight, but police are vigilant, aware, and doing the best they can with their resources.

Traffic - Police aren't seeing the numbers they used to see of people sitting around outside Steve's store. Making Park Avenue one-way there is making a difference in terms of traffic issues, he said. Police have also been monitoring the stop sign at Court Street and Park Avenue, and speeding along Broad and Mine streets, and they're seeing a drop in problems there as well. East Main Street speeding was an issue before work on that road began; when it's finished in another couple weeks, police will be running a zero-tolerance campaign to enforce the speed limit, issuing tickets.

Car burglaries - A few cars that have been left unlocked have been burglarized. The chief advised residents to lock up their cars and their outbuildings. Officers haven't been seeing broken windows on locked cars.

Mayor Greiner asked if there were any other trends to report. Chief Rotella said the number of traffic accidents has remained stable. He said officers continue to respond to domestic violence calls. He noted that police are out on foot, on bikes, and moving around to patrol the borough.

Al Brewer, 1 Coppermine Village, asked what's the best thing to do if there's a trespasser on your property and you don't have access to a phone or computer. Chief Rotella said if there's an open avenue of escape take that, because you don't know what you could come across.

Lou Reiner, Route 12, Raritan Twp., a Committeeman from Raritan Township, congratulated Chief Rotella on the job his department is doing. He said they have the gratitude of two communities.

Caitlyn Giles-McCormick asked about property seizure laws. Chief Rotella said everything is based on guilt, but people have the potential to lose possession of property until a trial is over. Once property is forfeited, all law enforcement agencies involved get a piece of the pie, he said.

2. Mayor Greiner asked council members about moving the Reorganization Meeting for 2018 from Tuesday, Jan. 2 to Wednesday, Jan. 3, since borough employees are due to have Monday and Tuesday, Jan. 1-2, off for the holiday. Everyone agreed that moving the Reorg. Meeting to Jan. 3 makes sense. Kim Tilly moved to end the work session, seconded by Brian Swingle. All voted in favor.

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. Introduction of Flemington Community Partnership's 2018 budget - Ann Meredith, FCP Executive Director

Ann Meredith, FCP executive director, gave an overview of the proposed 2018 budget for the special improvement district. Revenues are projected to rise from \$608,481 in 2017 to \$627,129 in 2018. Total expenses are projected to rise from \$442,603 in 2017 to \$593,507 in 2018.

Revenues: The assessment projected to be collected by the Borough from members of the special improvement district rises from \$360,500 in 2017 to \$362,000 in 2018. Rollover revenue from the previous year will drop from \$210,000 in 2017 to \$165,879 in 2018. Money from sponsorships is expected to rise from \$18,456 in 2017 to \$73,500 in 2018. Tickets and product sales and vendor fees are expected to rise from \$925 in 2017 to \$10,750 in 2018.

Expenses: They fall in five categories.

Economic Development: up from \$112,034 in 2017 to 201,238 in 2018 - includes \$75,000 to start up a new independent theater

Visual Improvements: Up from \$58,647 in 2017 to \$78,500 in 2018 - includes a rise from \$10,357 to \$30,000 in grants through the Storefront Improvement Program.

Marketing & Advertising: Down from \$159,424 in 2017 to \$116,500 in 2018

Administration: Up from \$90,092 in 2017 to \$143,204 in 2018: She noted the 2018 figure is 22.83% of the budget

Operations: Up from \$17,234 in 2017 to \$31,464 in 2018

Professional Services: Up from \$5,521 in 2017 to \$23,205 in 2018.

Al Brewer, 1 Coppermine Village, asked if money could be saved by hiring Ms. Meredith and the FCP's operations manager as consultants, forgoing payroll taxes. Municipal Attorney Barry Goodman said the Department of Labor has been cracking down on entities misclassifying employees as independent contractors. There are issues about the amount of control an entity has over a consultant, and how many employers the consultant works for.

Ms. Meredith mentioned plans to update the mural on the old Agway building entering town from Walter Foran Boulevard, and Lois Stewart, 26 Spring St., asked if it will be the same picture or different. Ms. Meredith said she's quite sure it will be different. An Arts and Culture committee has just started, and she says community engagement will be part of the effort.

Ms. Stewart asked about the potential location for a movie theater, and Ms. Meredith said it's important that it be on Main Street.

Tony Previte, 45 N. Main St., suggested something be done with defunct properties at the north end of town.

ORDINANCE 2017-18: FIRST READING: FLEMINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT BUDGET FOR 2018

RESULT:	INTRODUCED [UNANIMOUS]	Next: 12/11/2017 7:00 PM
MOVER:	Brian Swingle, Councilman	
SECONDER:	John Gorman, Councilman	
AYES:	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly	

II. Mayor's Report

- The next council meeting will be at the courthouse on November 13, rather than on the 20th as originally scheduled. This is so that the public hearing on the redevelopment plan will not have to be done during Thanksgiving week.
- Signed a letter to the state Alcoholic Beverage Control Commission in support of Skunktown Distillery establishing a presence in the borough;
- Attended the PBA fall festival Saturday- it was well received and a great event.
- Redevelopment Plan - Procedurally, it will be introduced tonight, but there will be no formal discussion by council. Next it will go before the Planning Board, which will hold a hearing here at the courthouse on Oct. 30. The Planning Board will be considering if the plan is consistent with the borough's master plan, and make recommendations. It will not hold a formal public hearing. Council will then consider the matter at a second reading on Nov. 13, and that will include a public hearing as is standard. The plan is up on the website.

III. Council Members' Reports

Councilman Gorman

For the Halloween parade, one of the new things will be a costume contest for dogs.

The DPW is meeting Wednesday.

Leaves - The DPW will be starting to collect them in another week or so. People should try to keep leaves out of the water inlets if possible.

East Main Street project - We're milling the road, and next week, Monday and Tuesday, we'll be coating it if the weather cooperates.

Council President Hain

Parks & Recreation - The exercise equipment for the park is in, and it's being stored for now at the Raritan Township garage.

Halloween Parade - Oct. 31, 5-7 p.m. on Main St.

Environmental Commission - Met on Oct. 16, but had no quorum to discuss Lidl. One seat is open on the commission; anyone who wants to be considered can contact Council President Hain.

Police - Getting insurance in place so one officer can work with a dog.

Mansfield is holding its second reading on Oct. 25 for an ordinance to transfer the dog to Flemington.

Administration - This committee hasn't met.

Planning Board - meets Oct. 24.

Police - Patrolman Darocha has resigned; his last day will be Oct. 24.

Council Vice President Liebowitz

Gas Station property - The state DEP granted approval to lower the price. We're going to be lowering it to probably around \$300,000.

Library project - Met with Director Shawn Armington, DPW, Engineer Rob Martucci, about the library roof and door project. We're hoping the work is all done before children get out of school for the summer.

Councilwoman Peterson

FCP - Met with Executive Director Ann Meredith - I'm beginning to get re-energized for the borough.

Fleming Castle - A Tricky Tray event is planned for Dec. 1, here at the courthouse.

HPC - Welcome back to Elaine Gorman; Richard Giffen did an admirable job chairing meetings in her absence.

DIY - They're holding a community meeting on Nov. 2 at 7:30 p.m., looking for program and class ideas. The Oldwick Community Players are having a show there. The Jazz series is continuing; on Oct. 26 they'll be hosting an ensemble. Thanks to Robert Shore, who helped when there was a glitch in the fire alarm system.

Beautification - Snowflakes. Met with JCP&L and they had the DPW test all the poles; only 1 doesn't work.

Councilman Swingle

The FCP has been doing some good work.

The E. Main St. project has gone smoothly - everyone's pretty happy about the work done, and how it was done. Thanks to Engineer Rob Martucci and the DPW for all their efforts.

Jax - Speaking as a parent, my daughter is 5 years clean of heroin this year. In this community I see people going through the beginning stages of dealing with this epidemic. Hopefully Jax can interdict things that can snatch the life from people, leaving kids and victims in their wake.

Councilwoman Tilly

Schools - On Oct. 19 there was a small fire in the 9/10 building at Hunterdon Central High School.

Rescue Squad - Accepting applications for fulltime Emergency Medical Technicians.

School district - Looking for Strategic Planning volunteers.

Flemington-Raritan Education Foundation - Nov. 4 it's holding a Comedy Night fundraiser.

Thanks to Robert Shore and SDG for sourcing materials needed for 90 Main St.

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

Richard Giffen, 9 Highland Ave., asked when the SHPO response would be filed. Mayor Greiner said it's due Nov. 5. Mr. Giffen said it's crazy to consider the development plan tonight when there's been no SHPO decision on 90 Main St. Mayor Greiner said the Redeveloper Agreement calls for both parties to move forward, and timelines are involved. He said the Redevelopment Plan and the process with SHPO are moving forward in parallel, not in series.

John Hughes, 4 Summer Shade Lane, said he supports the Redevelopment Plan, as it would bring greater commercial activity for small business owners, and there's a balance between the historical needs of the borough and commercial needs.

Lois Stewart, 26 Spring St., said her front door is 145 feet from the corner of Spring and Chorister streets, where they want to build 8 stories, and she thinks it's not the best plan. She asked if the redevelopers will do an archaeological dig. Mayor Greiner said he wasn't sure that a Phase 1 archaeological study requires a dig. The redevelopers would need to go through the normal process for gaining access to a borough property, and he hasn't heard of that happening.

Jeff Hersch, of Flemington DIY, thanked Robert Shore for his help when the organization had to shut down for a few days due to a wiring problem. He also thanked Council President Hain for calling him to update him on the situation. Don Schuman, Main Street, said he's been doing business in the borough for decades, and the huge number of vacant parking spaces on Main Street is the worst he's seen since the 1930s. We've got to jump-start the town, he said.

Joanne Braun, Jefferson Court, Raritan Twp., said the hotel is really getting to be in bad shape, and urged the council to do something to maintain the structure. Councilman Swingle said it doesn't take an architectural engineer to look at the building and see we're running out of time there. The property's in foreclosure, he said, and for the borough to try to do something would mean heightened exposure to residents for big bills. He suggested Ms. Braun contact hotel owner Liam Burns with offers of help.

Steve Tuccio, Elwood Court, made a loud sneeze sound that was an expletive in response to Councilman Swingle's comments, and was asked to leave the meeting. Mayor Greiner asked Patrolman Zytko to escort him out of the room, since Mr. Tuccio had been asked two other times in the past to refrain from such cursing in response to comments. Mr. Tuccio left accompanied by the patrolman.

Lou Reiner, Route 12, Raritan Twp., asked for the timeline of when SHPO will decide up or down on the status of 90 Main St. Mayor Greiner said the borough has until Nov. 5 to respond to SHPO, then SHPO has 60 days to make a ruling.

Lee Roth, an attorney with an office on Main Street, asked how much money the borough will get from sale of the gas station property. He said it's become a great gathering place for residents. Mayor Greiner said proceeds from the sale will be split, with the state getting 75%, the federal government getting 12.5% and the borough getting 12.5%. We're required to try to sell the property, he said, because the state wants to get reimbursed for the expense of the cleanup conducted there. The borough's agreement with the DEP says that any offers under \$380,000 are subject to approval or rejection by the DEP. Municipal Attorney Barry Goodman noted that the state has liens of more than \$1 million on the property, and could foreclose at any time. The borough's agreement with the DEP about selling the property would discharge the lien.

Al Brewer, 1 Coppermine Village, asked that people be sure to give their name and street address when commenting.

Robert Shore, 47 Broad St., said it's amazing that he can pull up at 55 Main and park at lunchtime. The development project needs to proceed as quickly as possible. He's concerned about delays and lawsuits, and said council needs to come to a compromise with project opponents.

Consent Agenda

1. RESOLUTION 2017-185: AUTHORIZING STREET CLOSURES FOR THE TREE LIGHTING TO BE HELD ON DECEMBER 1, 2017
2. RESOLUTION 2017-186: AUTHORIZING RETURN OF \$250 ESCROW FEE FOR A STREET OPENING PERMIT ISSUED FOR 81-95 N. MAIN ST.
3. RESOLUTION 2017-187: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2015-006 AND 2016-003 HELD ON BLOCK 22 LOT 6 - 82 MAIN STREET
4. RESOLUTION 2017-188: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE #2015-009 HELD ON BLOCK 33 LOT 17 - 61 MINE STREET

Regular Agenda

1. Motion To: **Open Public Hearing on Ord. 2017-16**

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

2. ORDINANCE 2017-16: SECOND READING: PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, APPROPRIATING \$220,000 THEREFOR, AND AUTHORIZING ISSUANCE OF \$209,000 BONDS OR NOTES TO FINANCE PART OF THE COST

Robert Shore, 47 Broad St., asked what's included in the ordinance. Mayor Greiner said the largest item is putting \$100,000 toward the future purchase of a firetruck. There are a number of items for the Police Department, including an SUV, bike equipment and radios. About \$10,000 will go to equipment for OEM and \$10,000 for the Shade Tree Commission. Mayor Greiner noted the borough doesn't need a firetruck now, but it's such a big-ticket item that the decision was made a few years ago to put away some money when possible to build up funds for the eventual purchase. Mr. Shore said he was concerned about the optics of this - putting aside money for a firetruck while considering a plan for an 8-story building. Mayor Greiner said they're not related. Mr. Shore asked about needing another police vehicle, saying they all seem new. Mayor Greiner said the department has 10 cars, and they've been replacing about 1 a year.

Kevin DeHaven, 33 Pennsylvania Ave., asked about the water tower, and why council hadn't been setting aside money for that project. Mayor Greiner said that's a good question, but the bottom line is that it didn't happen.

Michael Harris, 173 Main St., said part of the ordinance is to bond for money so it looks like we're not spending as much as we are. CFO Bill Hance said we haven't borrowed money yet, and won't until we buy the vehicle. This is appropriating the money. Mayor Greiner added that we're bonding for it, but not borrowing it yet. We don't start paying until we actually borrow.

Tony Previte, 45 N. Main St., suggested that merging some services with Raritan Township would save money.

Lois Stewart, 26 Spring St., asked if the items for the police department add up to about \$100,000. Council President Hain said there's \$33,000 for an SUV, about \$25,000 for an e-ticket reader, which computerizes the process of issuing and paying for traffic tickets; about \$4,000 for equipment for bike patrols; about \$17,000 for radios; about \$10,000 for vests and other equipment. Ms. Stewart asked what percentage of the borough's budget goes to the Police Department. Mayor Greiner said it's roughly 22%.

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

RESULT:	ADOPTED [5 TO 1]
MOVER:	Marc Hain, Council President
SECONDER:	Kim Tilly, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Swingle, Tilly
NAYS:	Susan Peterson

3. ORDINANCE 2017-17: ADOPTING THE REDEVELOPMENT PLAN FOR THE UNION HOTEL REDEVELOPMENT AREA

Mayor Greiner said the Redevelopment Committee, which included himself, Council Members Swingle and Liebowitz, Planning Board Chairman Todd Cook, Vice Chair Susan Englehardt and HPC Chair Elaine Gorman, have met over several months with Planner Beth McManus. There's a plan in front of the borough, and a Redeveloper's Agreement in place. The Redevelopment Plan to be introduced shows specifics about what the borough would like to see in the design. It contains explanatory background, standards, architecture, analysis and observations about consistency with the master plan. The Planning Board will look at the plan regarding its consistency with the master plan. The Planning

Board's recommendation will go to the Council, and Council will hold a public hearing.

Councilwoman Susan Peterson said that without cost projections and detailed financial estimates by an independent party, she can't vote to send this plan to the Planning Board because she doesn't know what we're planning for.

Councilman John Gorman said this part of the ordinance he feels we should move forward with; there will be time for further discussions later.

Council then voted on introducing the ordinance.

RESULT:	INTRODUCED [5 TO 1]	Next: 11/13/2017 7:00 PM
MOVER:	Brian Swingle, Councilman	
SECONDER:	Brooke Liebowitz, Council Vice President	
AYES:	Gorman, Hain, Liebowitz, Swingle, Tilly	
NAYS:	Susan Peterson	

V. Approval of Minutes

Motion To: **Approve Minutes: October 10, 2017 Regular Council Meeting**

RESULT:	APPROVED [5 TO 0]
MOVER:	Marc Hain, Council President
SECONDER:	Brooke Liebowitz, Council Vice President
AYES:	Hain, Liebowitz, Peterson, Swingle, Tilly
ABSTAIN:	John Gorman

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

Robert Shore, 47 Broad St., said he appreciated Ms. Peterson's comment about financial review of the proposed hotel redevelopment project. He said a year ago he recommended getting a real estate accountant in to look at the cost of the project and the anticipated rate of return. All we hear is it won't be viable unless there are so many parking spaces, so many stories. We should do our due diligence. He questions sending the plan to the Planning Board, saying it's so different from what our master plan calls for he can't imagine the Planning Board coming back with anything but "no." Everyone should work on a compromise, he said. Council Vice President Liebowitz said the borough has had a whole team in place working on this plan.

Lois Stewart, 26 Spring St., asked about the process for review. Mayor Greiner explained that under Municipal Land Use Law, after the first reading tonight, the plan goes to the Planning Board for review and then back to council for a second reading; a public hearing will be held at the second reading.

Councilwoman Susan Peterson asked if the Planning Board will take public comments on the plan at its special meeting set for Oct. 30. Municipal Attorney Barry Goodman and Mayor Greiner said it's up to the Planning Board chairman and attorney.

Richard Giffen, 9 Highland Ave., asked when the HPC will be given time to review the plan. Mayor Greiner said he believed there would be an executive session at the HPC's meeting on Oct. 24 about the plan and the role of the HPC. He said he's not sure if there is an HPC review at this point in the cycle. Mr. Giffen said at a June meeting he understood that the HPC would review the plan. Mayor Greiner said that would happen during site plan review. He said it's the Planning Board's call about what they do, and he suggested Mr. Giffen use the time he has now to review the plan and determine what he wants to say about it.

Tony Previte, 45 N. Main St., suggested opening up 2 lanes for traffic in front of the monument, so people coming from N. Main Street could turn left onto Pennsylvania Avenue. It would open up that street as we've opened up other streets in town.

Lois Stewart, 26 Spring St., suggested placing a copy of the proposed Redevelopment Plan in the borough library.

Michael Harris, 173 Main St., said the council is hiding behind procedure regarding the plan. All of the approvals for the project seem to be accelerated, but officials never give details to the community. Mayor Greiner said officials are following the schedule in Appendix B that was presented in March. Mr. Harris asked for details of the PILOT plan. Ms. Liebowitz said there are only estimates and projections at this point. A lot of people are operating on misinformation, she said.

Lou Reiner, Route 12, Raritan Township, asked if the Planning Board decision comes back against the project, does the council have the authority to overturn that? Municipal Attorney Goodman said they do.

Todd Cook, 39 Pennsylvania Ave., Planning Board chairman, said the Planning Board's special meeting on the plan, set for Oct. 30 at the courthouse, is not a public hearing, it's to hear comments from the public about how they feel about the plan's consistency with the borough's master plan. For a public hearing, it's right that it be heard in front of the borough's elected officials, he said.

Councilwoman Peterson asked Mr. Cook if, at the Planning Board's Oct. 24 meeting during public comments, people could comment on the plan, even though it isn't on the agenda for that meeting. Mr. Cook said he'd have to defer to the Planning Board's attorney to determine that.

Robert Shore, 47 Broad St., suggested that council recommend to the Planning Board that it allow people to comment about the plan online.

VII. Attorney's Report

Municipal Attorney Barry Goodman asked council to go into executive session regarding the Friends of Historic Flemington LLC. Someone questioned if this was regarding an injunction sought by the Friends of Historic Flemington, Gary Schotland and Lois Stewart; Mr. Goodman said no. He noted that regarding that injunction, the court is going to have to make a call.

VIII. 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

Executive Session For Legal Advice Regarding Friends of Historic Flemington LLC (Action May Be Taken)

Kim Tilly moved and Marc Hain seconded going into closed Executive Session for the above-started purpose. All voted in favor. Minutes from the Executive Session are recorded separately.

IX. Adjournment

Council returned to public session at 9:46 p.m., on a motion moved by Councilman Gorman and seconded by Councilman Swingle. No action was taken. With the business of the meeting completed, Mayor Greiner declared the meeting adjourned at 9:47 p.m.

Attest: _____
Sallie Graziano, Acting Municipal Clerk