



Mayor and Common Council Borough of Flemington

November 13, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

1. Overview of traffic and parking discussions for the Courthouse Square project - Elizabeth McManus, LEED AP, PP, AICP.

Ms. McManus attended meetings with professionals regarding hotel-area traffic and parking plans, and reviewed those discussions with residents.

The main traffic area considered was Main Street between Chorister and Bloomfield, and Spring Street between Chorister and Bloomfield. Studies showed that currently, traffic flows freely. There were around 700 vehicles every morning rush on Main Street, and 950 in the evening rush. Intersections were given a "B" level of service, indicating limited delays. For the sake of analysis, the project could be expected to produce 177 more vehicles accessing commercial spaces, and 102 trips leaving the site, Ms. McManus said. The rating for intersections would be "C" or better. She said C is considered an adequate rating for suburban and urban areas.

Regarding parking, she said if spaces were considered independently and not shared (as in a resident using a space for overnight parking and a business owner using that same space in the daytime), the project would likely create a demand for 945 spaces. If shared parking is taken into consideration, the demand would drop to 787 spaces.

Mayor Greiner asked how the traffic and parking plan would be handled in Planning Board review. Ms. McManus said an updated plan would be presented to the planning board, and its engineer and traffic engineer would determine if the parking plan is consistent with the rest of the plan, and look at the methodology. There would be detailed testimony, she said, with a chance to ask questions.

Lois Stewart, 26 Spring St., asked if they looked at streets' ability to handle the extra traffic. Ms. McManus said that was done through the intersection analyses. Ms. Stewart asked if the width of the roads was considered. Ms. McManus said that's not the type of question that's commonly addressed in traffic studies, but questions can be asked during the site review. She noted there are no proposals to remove parking from any of the sides of Spring Street.

Richard Giffen, 9 Highland Ave., asked if the traffic and parking study could be released to the public on the website. He asked if traffic counts were done on Broad Street; Ms. McManus said no. He asked about traffic controls and Ms. McManus said there were no recommendations to add lights or other traffic controls. She added that parking is available off-site, and that was viewed by the traffic engineer as a possible resource for the applicant should it be necessary.

Marianne Isham, Raritan Township, asked if any of the access routes to the borough were evaluated. Ms. McManus said she didn't believe the traffic study addresses roads that aren't adjacent to the development area. She also clarified that the peak-traffic morning and evening counts were totals for multiple hours, not per hour.

Steve Tuccio, 61 Elwood Ave., asked that since the traffic counts were done in July, were school buses, or people on vacation, factored in? Ms. McManus said she didn't know.

2. General discussion. Lois Stewart, Spring Street, asked about the electric aggregation program. Mayor Greiner said the current agreement is expiring. Raritan Township, which partnered with the borough, requested proposals for another program and Mayor Greiner said there weren't enough savings offered to warrant running the program for now. People's accounts will automatically revert to JCP&L.

Al Brewer, 1 Coppermine Village, asked about possible uses for the Hineline property, 144 Main St. Mayor Greiner said the borough-owned property is not within the redevelopment area, and is zoned downtown business.

Ms. Stewart commented that the area around Chorister and Spring streets is unsightly, with overgrown vegetation and litter.

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

Congratulations to everyone who ran in the recent elections, especially the winners, Michael Harris and Betsy Driver.

Attended various recent events, including the Empty Bowl fundraiser for the Flemington Area Food Pantry, and a fundraiser for Jax, the new police dog. Thanks to the Department of Parks and Recreation and the Police Department for their efforts in sponsoring this year's Halloween Parade, which was a great event.

I look forward to working with the new council members. Initial meetings are set up for next week, and I'm hoping to work as positively as we can. Later in the meeting he added that he attended the Veterans Day service at the memorial, and thanked veterans for their service.

II. Council Members' Reports

Councilman Gorman

Thank you to Brian Swingle and Kim Tilly for their service. Now we've got new people joining us. This job takes a lot out of you. I hate to see this town being destroyed the way it is. I do think we could use a month or so to think about this development plan.

I attended the Halloween parade - the Police and Parks and Recreation did a great job, and there were contests for kids and even dogs.

The East Main Street work is just about completed; there's a short punch list of items to address.

People can start putting their leaves out by the curb; our DPW guys are coming around with the vacuum.

The Christmas Tree Lighting is Dec. 1.

The test well we dug at the driving range came back as a high quality site.

On Veterans Day I attended the ceremony at the Monument.

Council President Hain

Congratulations to Betsy Driver and Michael Harris, and thank you to Kim Tilly and Brian Swingle - wishing them both success in their future efforts.

Parks & Recreation - the Halloween Parade was a big success. There was a lot of coordination behind the scenes, many businesses donated, and it was well-attended.

Police Department - We've had a resignation, and are in the process of looking for a replacement officer.

I support the redevelopment project, but I agree with postponing this vote to allow people a chance to have a roundtable discussion. Hopefully we can make this happen.

There's a fundraiser for Kimi Goetz, our Olympic hopeful, on Dec. 1, from 11 a.m. to 10 p.m. at TGI Friday's.

Council Vice President Liebowitz

I've been considering making a motion to table the vote on the redevelopment plan for another month. I absolutely believe it's the best opportunity we have, but a lot of misinformation has gone out, and this is an opportunity for the newly elected people to sit at the table. This is too important to have misinformation out there and have people fighting. It's time to get people on board. I see a lot of people here supporting the project.

Councilwoman Peterson

Thanks to Brian and Kim for their service, and a very warm welcome to Michael and Betsy. I'm glad to hear people considering waiting a month to try to gel with the new members.

Fleming Castle - A tricky tray is planned here at the courthouse on Dec. 1.

HPC - We've been busy with residential applications.

Beautification - There's currently only 1 bad telephone pole, for mounting the snowflake lights.

DIY - Their new print shop is open on Mondays. They also have knitting on Mondays, tap dance on Saturdays. They're holding an arts class every other Thursday for adults with special needs.

Councilman Swingle

Congratulations to Betsy and Michael. After 6 years straight on council, I can tell you that you'll be in the mix right out of the gate. Thanks to Kim for her bravery in campaigning with me, you've been fantastic. One thing people don't realize when they get elected is what their family gets. My family endured intimidation and harassment. We couldn't go to church on Sundays. It's indicative of the climate right now. This is not the Flemington I've always known. I'd like to say thank you to my family for supporting me. And to the community, I'm not done serving. I'll work up to my last day.

Councilwoman Tilly

Congratulations to the election winners.

Schools - JP Case is having a show on Nov. 17, "Under the Big Top."

The Salvation Army needs bell ringers this season.

There's a Whitehouse Symphony holiday concert planned at the historic courthouse on Dec. 3, 3-5 p.m.

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

Joey Novick, 11 E. Main St., said he supports Ms. Liebowitz' intent to table a vote on the redevelopment plan. He said the election clearly shows the direction people want to go.

Lois Stewart, 26 Spring St., asked about the Stagecoach Liquor license renewal, if they paid the renewal fee. Clerk Graziano said the fee has been paid. Ms. Stewart then asked about the resolution for budget transfers. Mayor Greiner said state budget laws don't allow moving money around in accounts until November, and that it's pretty routine. Ms. Stewart asked which accounts were being supplemented; Mayor Greiner read all the transfers as listed in the resolution.

Tony Previte, 45 N. Main St., said there's a political iceberg ahead, but Flemington needs to keep the redevelopment process moving forward. He urged council members to vote on the plan tonight.

Marilyn Wanzer, Delaware Twp., said she heard from a fire official in Flemington that the problem in fighting a fire in an eight-story building on Spring Street is that a firetruck has to be far enough away from the fire so that water can arc onto it, and the borough's streets are too narrow. Mayor Greiner said fighting fires in this type of building is not a problem. It's been addressed by both the previous and current borough Fire Marshals and the current Fire Chief. Things are handled differently now, in terms of how they construct the buildings. Two different fire marshals and the fire chief have said they'd rather fight a fire in the proposed building than in the hotel that's there.

Don Shuman, Main Street, said Flemington in the past has relied on commerce to cover half of its tax requirements, but there's been a prolonged drought. The volume of unoccupied parking spaces destroys options. Historical preservation needs to be considered in the context of the need to support local commerce. He used a medical analogy, saying the first order of business is to take action to prevent the patient's death, and Flemington commerce is in trouble if Flemington doesn't take steps quickly enough.

George Muller, Raritan Township, said his family's business ran in Flemington for 100 years. If council delays this matter one month, it'll be at least six months to another year before anything is accomplished.

Lauren Genelli, Lazy Brook Road, Readington, said she doesn't want to see the Union Hotel sit and rot, but she wants to ensure the right thing is done. To accommodate a project of this size, the borough will need to overhaul its public works system. It doesn't take an engineer to realize if you bring 400 people into an area where the sewage system is from the early 1900s, you're going to have problems. Who's going to pay? Mayor Greiner said it's spelled out in the Redeveloper's Agreement - whatever the cost, the developer pays.

Joanne Braun, Raritan Township, supported postponing the vote on the plan. No one ever said anything before about the hotel because there was always something about to happen with it. This is the first time that someone's said they were going to bulldoze four historic buildings, she said. It's a quality of life issue, and she doesn't want to see the hotel go the way of the Hunterdon Theater or Flemington Cut Glass.

Jim Robinson, 117 Main St., Flemington, said council should be wary of reading too much into the election results. Upheavals happened in 196 towns across New Jersey. Phil Murphy got more votes in his bid for governor than Ms. Driver and Mr. Harris. What happened here is no different than what happened throughout New Jersey.

Barbara Purcell, 45 Coppermine Village, said Phil Murphy didn't run for council. She said her family bought property here because of the historic feel of this town, and that's why voices like hers should be heard.

Betsy Driver, 50 N. Main St., said if she'd promised to legalize pot, she'd have gotten more votes than Phil Murphy.

IV. Approval of Minutes

Motion To: **Approve Minutes: October 23, 2017 Regular Council Meeting**

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

Motion To: **Approve Minutes: October 23, 2017 Executive Session**

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

Consent Agenda

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

1. RESOLUTION 2017-189: CHAPTER 159 RESOLUTION ADDING FUNDS INTO THE 2017 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$49,382.20
2. RESOLUTION 2017-190: AUTHORIZING RENEWAL OF INACTIVE LIQUOR LICENSE NO. 1009-32-003-014 FOR STAGECOACH LIQUORS, LLC
3. RESOLUTION 2017-191: APPROVING APPLICATION FROM MELISSA NEMEC FOR SOCIAL MEMBERSHIP IN THE FLEMINGTON FIRE DEPARTMENT
4. RESOLUTION 2017-192: AUTHORIZING THE RELEASE OF A PORTION OF THE EXECUTIVE SESSION MINUTES
5. RESOLUTION 2017-193: SUPPORTING HAVING THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION PROCESS EXPENDITURES FOR HUNTERDON MUNICIPAL ALLIANCE PROGRAMS THAT PROVIDE SUBSTANCE ABUSE PREVENTION EDUCATION
6. RESOLUTION 2017-194: AUTHORIZING THE CHIEF FINANCIAL OFFICER TO MAKE BUDGET TRANSFERS TOTALING \$23,150.00

Regular Agenda

1. RESOLUTION 2017-195: AUTHORIZING THE BOROUGH ENGINEER TO COMPLETE THE NJDEP MASTER PERMIT FOR WATER MAIN CONSTRUCTION

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

2. RESOLUTION 2017-196: AUTHORIZING PURCHASES OF EQUIPMENT FOR BOROUGH POLICE DEPARTMENT TOTALING \$77,440.18

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

3. ORDINANCE 2017-19: FIRST READING: AN ORDINANCE AMENDING CHAPTER VIII, FIRE PREVENTION CODE, ARTICLE 2, SECTION 8-20B

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

4. ORDINANCE 2017-17: SECOND READING: ADOPTING THE REDEVELOPMENT PLAN FOR THE UNION HOTEL REDEVELOPMENT AREA

Council Vice President Liebowitz made a motion to table this question until the Dec. 11 meeting. She said she wants the new council members to have a chance to sit down and get information. If they start voting against it, she wants them to know exactly what they're giving up.

Council discussion ensued.

Councilwoman Peterson asked if financials could be released by then. Ms. Liebowitz said they're not ready for full release, but maybe one person from the opposition side could review what is available.

Councilman Swingle said it's important for the council-elect to express where they're heading. If the only avenue they see is issuing a new Request for Proposals, then that shortens the process. If there's room for compromise, that's different.

Ms. Peterson asked for clarification. If there's going to be dialogue this month, are supporters of the project willing to make some changes? Ms. Liebowitz said she's had conversations with plan opponents where they said if the facade of the hotel could be saved that'd be great. The facade is preserved in the current plan, but now that's not good enough.

Mayor Greiner reined in the conversation, saying it's clear there's some work to do. He urged Council to adopt the plan tonight. It's a complex project, and some things can move in parallel, like the SHPO review process running parallel to the local review process. We need to integrate new council members' views

but that can be done after the plan has been approved. It's been a long time coming. People have been working for months on this plan, it's been through the Planning Board, and not voting on it tonight does nothing to integrate or not integrate the thinking of the new people. It's overly optimistic to think a deal of this size can be reworked in one month's time.

He continued that if they adopt the plan tonight, council would then work through the Planning Board's letter of suggestions. If minor changes were made to the plan tonight things could proceed. If there were major changes, the plan could be reintroduced tonight and acted on at the December meeting.

Council can't start this in one year and finish it in another. He also noted that in the local approval process, delays cost money. A reconciliation could be done in parallel to moving forward.

Councilman Gorman said he's been going back and forth for months over the plan, and he wants a couple more months for review. He has questions about the report from the Planning Board, and he thinks they are questions that need to be satisfied. It may take 10 meetings to figure things out. There has to be a plan that's going to work for everybody. He said he's trying to make some common sense - there are positives and negatives everywhere in the room.

Mayor Greiner said in 2011, Mark Mulligan had a plan. It wasn't exactly that the town wanted, but he was there and had the finances to do it. The town went another way, and now here we are 7 years later, in practically the same situation.

Ms. Liebowitz said people are struggling with the height of the proposed building, and she'd like the new council people to see how height impacts the project. Ms. Peterson said if we're going to take a month now to talk to the new council people, doesn't it make sense to include them in the vote on the plan? Ms. Liebowitz said here she is trying to throw out an olive branch, but nothing is good enough.

Discussion ended and the vote on the motion was taken.

RESULT:	TABLED [4 TO 1]	Next: 12/11/2017 7:00 PM
MOVER:	Brooke Liebowitz, Council Vice President	
SECONDER:	Marc Hain, Council President	
AYES:	John Gorman, Marc Hain, Brooke Liebowitz, Susan Peterson	
NAYS:	Kim Tilly	
ABSTAIN:	Brian Swingle	

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

Fred Ferrari, a longtime professional in Flemington, asked for clarification on the height of the proposed project. Ms. McManus said it's 7 living stories and a partially underground parking garage, so from some sides it looks like 7 1/2 stories. Portions of the building within 55 feet of Main Street are no more than 4 stories high. Block 24, where Flemington Furs is, is 4 stories high.

Don Shuman said if the opposition to this project drives Mr. Cust out, who will be willing to subject themselves to the process?

Todd Cook, 39 Pennsylvania Ave., the Planning Board chairman, said he can understand a delay as long as the council only tables the vote to December. Councils do change, he said - we'll have a different council when this concludes. No one has been able to adaptively reuse the hotel in his lifetime. Consultant Roger Brooks said the town has so much potential, but he's never seen a town more negative than Flemington, and the infighting must stop. Lou Reiner, Route 12, Raritan Twp., thanked Council members Swingle and Tilly for their service. He said they both gave him trusted and valued counsel, and advice that served him well.

Sandra Scott, owner of Garden State Salad, Flemington, said area baseball fields are creating memories for the future. Plans for the expansion of the hospital will bring doctors and healthcare workers looking for housing. When Jack Cust told us he had a personal interest in this town, I believe him. It's not just about this hotel. It's about much more.

Elaine Gorman, 34 New York Ave., complimented people for showing concern. She said the council's been courageous enough to vote to allow themselves more time. It shows that when people speak, officials are listening. She believes we need the project, but we need the right project.

Bob Benjamin, 4 Tuccamirgan Road, said Mr. Cust came to Flemington in 1970, and he even did work for the borough back then. So many of us would like to save the hotel, but why is the fence around it there? We saw bricks falling off that hotel three years ago. Council's first responsibility is to the safety of citizens. There's no return for an investment into saving the hotel. Someone once wrote they'd have a developer within months if Mr. Cust walks. Well, Mr. Cust is a hometown guy who's willing to do the project.

Paula Anastasio, Delaware Twp., said sense of place is important. People need to know that they're coming to something. Knowing your history is why people come here. It's very easy to lose your sense of place.

Robert Shore, 47 Broad St., said the election was not only a referendum on this development but an indictment of the process the council took. By shutting out the public and ignoring comments, council has built such animosity it's deplorable. The people of Flemington got it right. What do we do next? Sit down, get the parties in a room and work it out. It should have been done 18 months ago.

Joey Novick, 11 E. Main St., said council has heard from people in town at the election; the three people who supported this project were defeated. Voting on the development plan should be tabled to January; the newly elected people's opinions should be considered.

Al Brewer, 1 Coppermine Village, asked who seconded Ms. Liebowitz' motion, and was told Marc Hain did.

Jessica Holcomb, Abbott Court, said she doesn't believe council has disrespected anyone. Walk down Main Street here in the evening and

everything's dark. Are we going to wait another 10 years for something to happen? It was 80% dark at 7:15 p.m. tonight.

Michael Harris, 173 Main St., said that on Oct. 24, the Planning Board approved the Spice Factory project, putting 100 units on 3.7 acres. Focus on the Union Hotel is a diversion, he said. The Spice Factory plan is five stories high. Council is still talking about a PILOT plan that's too expensive to disclose to us.

Mayor Greiner said there are huge differences between the Spice Factory project and the hotel project.

Warren Buckleitner, Flemington, referenced the recent David Bromberg concert at Stangl Stage and said this town is incredible. He encouraged council to let someone into the hotel to perhaps close some windows. It belongs to all of us, he said, and it's being demolished by neglect.

Edna Pedrick, 17 Capner St., said she's been volunteering here for 17 years in different areas, and development is one of them. 15 years ago there were great plans to save the Union Hotel. 13 years ago there were plans to have offices and condos there. All these previous plans were so great, but they never had any money behind them. This is going on 18 years. I keep hearing someone's got a better plan. When I ask them, Do you have the backers? The money? They said Oh, that comes later. When are we going to start saving this town? It's becoming a ghost town. Let's go with this local man, who has the money, and he must have the heart.

Lauren Genelli, Lazy Brook Road, Readington, brought up Mr. Cust's project in Fredericksburg, Va., and asked if the current plan in Flemington was halted by the state Historic Preservation Office. Clearly they have some problems with it, she said. She said council is trying to push through this project by Dec. 11, when how do they know the state will approve it?

Mayor Greiner said for the record, the Fredericksburg situation was not a case of the developer failing to do something. It's troubling how things get lobbed out there and left hanging.

Tony Previte, 45 N. Main St., said Flemington is agonizing over development issues, not fighting. The hole in the doughnut is getting deeper. We have to keep the process going. He feels council shirked its duty today.

Chris Englehardt, 180 Main St., asked if a performance bond was being required. Mayor Greiner said the Redeveloper's Agreement hasn't changed.

Lois Stewart, 26 Spring St., referred back to sense of place, and cited an article that said one of the best ways to stir economic growth is to reinvigorate historic commercial areas.

Barbara Purcell, Flemington, said council's putting the vote off to December was responsible.

Caitlin Giles-McCormick, Flemington, challenged everyone to elevate the discussion and share as much as possible. Common refrains are concern about the project's height and design; we all agree something needs to be done.

Donna Cocco, a Flemington restaurateur, asked, are we going to wait until everyone in this room agrees on what needs to be done? We need a lift in

Flemington. When is a hotel more important than people's livelihoods? Do you see tourists coming to that hotel? Why do you think they will?

Katie Eckel, who moved to 53 Church St., said her family moved here because the town was going to be revitalized. She encouraged council to put out a Frequently Asked Questions post about commonly misunderstood issues like fire coverage and sprinklers.

Steve Tuccio, 61 Elwood Ave., asked why the existing property maintenance ordinance isn't being enforced for the hotel. He said the recent election shows how people in town feel about development. He also said Flemington will have nothing once the hotel is gone.

Ron Van Horn, 36 Main St., said he's been part of every effort to rebuild Flemington. He said people can come down to Main Street any day they want and all they'll see is his white Kia parked in town. Mr. Cust's project could bring hundreds of jobs. The historic buildings are great, and he'd like to save every brick, but there has to be compromise. Mr. Cust has a year in and he's made many revisions to his plans. We've got to try to come up with something that's going to represent the majority. We've got a developer who's been very flexible. Let's roll up our sleeves and try to move forward.

Joanne Braun, 77 Jefferson, Raritan Twp., asked who enforces the property maintenance ordinance. Mayor Greiner said Peter Tirpok's in charge of property maintenance, and Jeff Klein is the construction official.

Betsy Driver, 50 N. Main St., asked if she and Mr. Harris, as newly elected council members, will be welcome to join any executive sessions that come up as has traditionally been done in transition periods like this. Mayor Greiner said if there are no conflicts, council will follow tradition.

Fred Ferrari, a longtime dentist in town, said Jack Cust has listened to the evolution of thought and retained the facade of the Union Hotel and also the old Flemington National Bank. Other buildings will come down to make room for the plaza that consultant Roger Brooks suggested was needed.

VI. Attorney's Report

None.

VII. Payment of the Bills

Motion To: **Pay the Bills**

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

Executive Session for Legal Advice Regarding Friends of Historic Flemington LLC

Minutes for this executive session are kept separately.

Motion To: **Return to Open Session**

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

VIII. Adjournment

Motion To: **Adjourn**

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