



Mayor and Common Council Borough of Flemington

December 11, 2017

Historic Flemington Courthouse

Work Session (7:00 PM)

United Way of Hunterdon County presentation - Bonnie Duncan, CEO, and Caroline Scutt, Community Impact Director.

Ms. Duncan said the United Way is grateful to be accepted as neighbors at its new Volunteer Center on Fulper Avenue. It's good to be in town, she said, where they've been able to attract a lot of people. The Holiday program received more than 900 applications from families needing help this year. The United Way's programs offer income support to get over the short-term difficulty, and are also trying to get people financially stable.

Many of the people needing help are "ALICE," or asset-limited, income-constrained yet employed. It takes volunteers to make the programs work, and the United Way gets more than 1,000 volunteers every year; some from corporations. Last year 38 volunteers each contributed more than 100 hours, and one contributed more than 900 hours. It's a great way for retirees to stay active and engaged, she said. Also, a lot of clients come back later and give back.

Ms. Scutt thanked the borough for supporting the center, and said it's been good to be on Fulper Avenue and be a part of the community.

Mayor Greiner asked if everything is going as they'd hoped. Ms. Duncan said that previously the United Way's operations were haphazard, since it didn't have space to call its own. Initially they asked how they'd use the new space and how they could support other organizations. Now, SAFE in Hunterdon meets there, Senior Services did a senior health enrollment there, and they're learning how to share their resources. The work session ended at 7:12 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

Nov. 14-16- Attended the League of Municipalities conference; Nov. 23- ran the 5K in the Turkey Trot; Nov. 30- attended the Safe Harbor grand opening at 171 Main St.; Dec. 1 and 3 - took part in the annual tree lighting and Holiday Parade; Dec. 2 - attended the swearing-in of our new police dog Jax, and watched a demonstration of his abilities; Dec. 5 - attended a Chamber of Commerce announcement about Georgian Court University's plans to become the college component of the Courthouse Square redevelopment project; Dec. 6 - met with Police Chief Rotella and Hunter Hills apartment management. There have been some issues there, and this was a constructive meeting; Dec. 7 - attended the first Thursday Night Holiday Lights event, which drew a lot of people to town. Regarding the Redevelopment Agreement: This is a resolution, so there's no public hearing on that. It's not changing significant terms; it's a minor update, mainly related to a lawsuit against the borough based on the March version of the agreement. It removes references to expanding the hotel redevelopment area, since it has been expanded since March. It adds examples to sections about sewer and water infrastructure and wells; it doesn't change the terms, it's just for clarification. It updated some drawings for the plans. It updated the timeline, which is now 7 years and 3 months and not 8 years. All parties to the lawsuit are aware that the agreement is being revised.

The Borough's Reorganization meeting will be held Jan. 3, 5 p.m., at Borough Hall. The Reorganization Dinner, recognizing the efforts of staff and volunteers over the past year, will follow at Three Bridges Firehouse. It's being catered by Platform One, from the Borough, and many thanks go to Allison Purcell in the Borough Office for arranging everything.

Later during council remarks Mayor Greiner added his thanks to outgoing Council members Swingle and Tilly for the hard work and dedication to the borough.

II. Council Members' Reports

Councilman Gorman

He thanked Council members Swingle and Tilly for their service on council, adding that their families will soon get to see them again.

DPW - Crews are continuing to pick up leaves. They'll be coming around once the first snow melts. Once plows go out, that ends leaf pickup for this year. They'll be back out in the spring to do a cleanup after winter. The Water Department replaced about 1500 water meters.

Attended the Christmas parade, the NJ League of Municipalities conference.

Had a meeting with Dallas/Bellin and Marc Hain about utilities.

Streetscape - It's been delayed by the state.

Attended the K-9 indoctrination. He can get your attention, that's for sure.

Attended a meeting at Mr. Cust's office. As I said earlier, I had lots of questions, and I was able to get the answers I needed. I'd like to thank Mr. Cust for making himself available.

Council President Hain

Environmental Commission: No quorum for Nov. 20 meeting. Next meeting is Dec. 18, when Lidl will be discussed.

Parks & Recreation: Exercise equipment for Mine Brook Park is in storage for installation early next year.

Administration: Nothing to report.

Planning Board: Met Dec. 4, granted an extension for Dallas/Bellin for preliminary site plan approval through 2018. It's the second extension.

Police: Patrolman Darocha resigned. We've made an offer to Donald Ala, who's passed his physicals, to be a starting patrolman. That's on tonight's agenda. K-9 Officer Jax was sworn in on Dec. 2 and gave a demonstration. It took a lot to make this happen. It costs the borough nothing, thanks to donations. The Chief and Lt. Soriano worked hard with negotiators to make this happen. Police officers retrofit the Explorer for Jax, putting safety equipment in there like fans, etc. The Prosecutor's Office provided the bulk of the fees for purchasing Jax, through drug forfeiture funds. DJ Wright contributed money for equipment for Jax, Andy Cohen of Barkley's provided food, and Stockton Veterinary Care is providing all the shots and care that Jax needs. TGI Friday's and Pet Valu are hosting or have hosted fundraisers, and Marty Berkaw donated a fence for behind the police department, to keep Jax in.

Later during council remarks Mr. Hain added that he met with Mr. Cust and his team on Dec. 4 for about two hours, and got a bunch of questions answered. He also added that it's been a pleasure working with Council members Swingle and Tilly.

Council Vice President Liebowitz

Ms. Liebowitz thanked council members Swingle and Tilly, saying she knows how hard they've worked on council.

Attended many of the events described by others on council. She said she wanted to say a bit more about the Safe Harbor opening. The organization provides support services for children in need and in domestic violence situations.

Councilwoman Peterson

Ms. Peterson said the Fleming Castle tricky tray drew more than 200 people and was very successful.

Beautification - She thanked the FCP and its volunteers for the beautiful decorations in town. We still have a snowflake mystery, with 14 lights that don't want to cooperate. There's some thought that artificial light may be confusing the sensors. The problem is still be worked on.

DIY - They had to have the heat in the building repaired. The print shop meets Monday evenings. Art shows will feature three artists in three galleries in the building.

Councilman Swingle

Mr. Swingle thanked the community for giving him the chance to serve for six years. He said borough employees are dedicated, tireless professionals who work so hard. His colleagues on council work incredibly hard too, putting up with some pretty difficult moments to work for this town. He said he's going to keep working hard until his term ends.

Councilwoman Tilly

Ms. Tilly thanked the employees and volunteers she's worked with over the past year, and said she hopes the personal relationships she's made will continue.

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

Tony Previte, 45 N. Main St., said the north end of town is dark, with no displays. He asked if anything could be done to make it look better. Mayor Greiner and Councilwoman Peterson said all the town's decorations are already in place, so it's unlikely any changes can be made at this point.

Charles Fisher, 149 Main St., said he supports Mr. Cust's plan. He's seen Main Street when it was a hub of activity and he's seen it since. It's obviously in need of redevelopment. Mr. Cust has presented vision and a plan and has the backing to see it through. He's also shown he's willing to talk with people and explain his position. No solution is not a viable option.

Lois Stewart, 26 Spring St., said something needs to happen, but she doesn't think the project as currently presented is the answer. She wants a vote postponed until newly elected council members are seated, so the vote more closely reflects the community's current views.

Steve Tuccio, 61 Elwood Ave., said 2 candidates ran on this issue and the voters have spoken. He asked Councilman Hain to elaborate on the plan presented to the Planning Board recently. Mr. Hain said it wasn't a presentation, but an informal discussion of a plan for the Potting Shed building, which would put residential units on the second floor. Mr. Tuccio asked if the ownership was contested; Mayor Greiner said not as far as officials know.

George Muller, Raritan Township, said he ran a family business that was here for 100 years. He said he echoed the Chamber of Commerce's concern about this community and said council's vote tonight would begin to control the destiny of the borough.

Colleen Rosetti, 36 Pennsylvania Ave., said she's financially and emotionally invested in this town. She said all the officials promised to take care of the Union Hotel, and she never imagined they'd support this project. She asked for Mr. Cust's financials, details on the PILOT program. Release the numbers, she said, so

residents can make informed decisions. Mayor Greiner said the PILOT is a payment in lieu of taxes.

Don Shuman, Main Street, said it's the responsibility of council to provide for the survival of this town and also help it prosper. He's lived here 86 years, and said the commercial situation now is worse than during the Depression. He said council should choose in favor of development strong enough to create confidence to bring in more businesses.

Michael Harris, 173 Main St., said there are continuing concerns about specificity and costs. He said for the water situation, the town will soon be \$4.5 million in debt for water infrastructure. We're told the new water tower and drilling for a new well are separate issues. He discussed the Spice Factory proposal, saying it puts 100 units on 3.7 acres, vs. the hotel plan to put 240 units on 3.9 acres. We still don't know what expenses we are taking on, he said. Mayor Greiner said the water tank repairs have nothing to do with any of the redevelopment projects. He said as for hotel project costs, the developer pays for sewer/water expenses that go with the project.

Rich Cornelison, 134 Main St., said he has faith in Jack Cust, and the town's future is not in its past. In Liberty Village half the units are dark; businesses on Main Street continue to close. An investor cannot put money into this town without getting some return.

Chris Englehardt, 180 Main St., asked why Mr. Cust is not required to provide a performance bond. Mayor Greiner said it was discussed in negotiations, and the risk is covered in two ways. He'll be seeking bank financing, and bank officials can assess the risk. Also, there will be no demolition until the developer shows he's closed on his financing. Ms. Englehardt said the town's been hurt twice before, this is the third time around. She said officials are talking about destroying the heart and soul of the town. Mayor Greiner said they're talking about revitalizing it.

Todd Cook, 39 Pennsylvania Ave., chairman of the Planning Board, said they're no doubt we're a community divided. Don't misread the passion everyone in the room has for Flemington to move forward. He said he does think some changes could improve the plan. He wished council luck, and said the community is expecting a vote.

Robert Shore, 47 Broad St., asked how the SHPO situation might affect the plan, the legality of the agreement, and the exposure officials give the town by moving this forward tonight. He said it could cause more legal challenges and said officials haven't done a good job in mitigating and mediating the opposition. He urged postponement of the vote.

Councilwoman Liebowitz said she made a motion at the last meeting to table the vote to do what Mr. Shore suggested. She reached out to Councilwoman Peterson, newly-elected council members Betsy Driver and Michael Harris for discussions and was turned down and called disingenuous. No one even wanted to sit down and have a conversation about it.

IV. Approval of Minutes

Motion To: **Approve Minutes: Nov. 13, 2017 Regular Council Meeting**

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

Motion To: **Approve Minutes: Nov. 13, 2017 Executive Session**

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

Consent Agenda

Moved by Tilly; Seconded by Hain; All members presented voted in favor.

1. RESOLUTION 2017-197: APPOINTING JOHN MOORE AS RISK MANAGEMENT CONSULTANT FOR THE BOROUGH OF FLEMINGTON
2. RESOLUTION 2017-198: AUTHORIZING THE APPOINTMENT OF SALLIE GRAZIANO, ACTING BOROUGH CLERK, AS THE FUND COMMISSIONER FOR STATEWIDE INSURANCE
3. RESOLUTION 2017-199: AUTHORIZING A REFUND OF A STREET OPENING PERMIT FEE TO SANDRA MORRISON FOR WORK DONE AT 91-93 BROAD ST.
4. RESOLUTION 2017-200: AUTHORIZING THE ISSUANCE OF TAXI LICENSES FOR 2018
5. RESOLUTION 2017-201: APPOINTING SALLIE GRAZIANO AS MUNICIPAL CLERK
6. RESOLUTION 2017-202: AUTHORIZING OPEN SPACE FUNDS FROM 2017 TO BE BANKED
7. RESOLUTION 2017-203: AUTHORIZING THE MAYOR, COUNCIL PRESIDENT AND CLERK TO SIGN FORMS TO BE IN COMPLIANCE WITH THE GUIDELINES SET FORTH BY THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE MUNICIPAL ALLIANCE PROGRAM'S JULY 1, 2018 THROUGH JUNE 30, 2019 GRANT CYCLE
8. RESOLUTION 2017-204: ACCEPTING THE RESIGNATION OF PATROLMAN JOSEPH DAROCHA AND AUTHORIZING THE HIRING OF DONALD J. ALA TO THE POSITION OF PATROLMAN WITH THE FLEMINGTON POLICE DEPARTMENT, AT A SALARY OF \$43,292.00

9. RESOLUTION 2017-205: AUTHORIZING THE RELEASE OF THE REMAINING BALANCE OF \$1,522.21 IN THE DEVELOPER'S ESCROW ACCOUNTS FOR MCDONALD'S CORPORATION, HELD IN TRUST BY THE BOROUGH OF FLEMINGTON
10. RESOLUTION 2017-207: AUTHORIZING AN ON-PREMISE RAFFLE LICENSE FOR THE FLEMINGTON WOMAN'S CLUB
11. RESOLUTION 2017-208: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE #2017-004 HELD ON BLOCK 28 LOT 16 PROPERTY ADDRESS 43 MAPLE AVE.
12. RESOLUTION 2017-209: AUTHORIZING A REFUND OF TAXES PAID IN THE AMOUNT OF \$30,185.80 TO UNITED TELEPHONE

Regular Agenda

1. ORDINANCE 2017-18: SECOND READING: FLEMINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT BUDGET FOR 2018

FCP Executive Director Ann Meredith gave a recap of the budget, saying total revenues rise 39%, from \$608,000 to \$627,000; and expenditures rise 34%, from \$442,000 to \$593,000. The lion's share of revenue comes from the assessment on commercial property owners and multi-residential units. She's projecting \$100,000 revenue from contributed and earned revenue, not taxpayers. Councilwoman Liebowitz moved to open the public hearing, seconded by Councilman Swingle. All council members present voted in favor of opening the public hearing.

Robert Shore, 47 Broad St., said with the expected tax appeal from Liberty Village, we can expect a greater burden will be placed on Main Street businesses. He's also concerned about the proposed hotel development, saying the additional tax and the increase in property values is going to be a concern. He wondered if the formula could be changed to put more burden on highway commercial business. He also asked what is the plan for providing more funds to the FCP in more ways than through taxes. Ms. Meredith said she explained about a 30% increase to the base. Mr. Shore said he wants to see the tax levy on businesses going down in the future because the FCP is earning more money. Ms. Meredith said she wants to see that too.

Marilyn Wanzer, Delaware Township, said the work the FCP does is so important; it's why people come to Flemington.

Tony Previte, 45 N. Main St., asked if the FCP considered hosting a Go Fund Me fundraiser. Ms. Meredith said she could foresee a viral fundraising campaign for a movie theater.

Councilman Swingle moved to close the public hearing, seconded by Councilwoman Tilly. All present voted in favor of closing the hearing. There was no additional discussion by council.

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

2. RESOLUTION 2017-206: AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED REDEVELOPMENT AGREEMENT WITH FLEMINGTON CENTER URBAN RENEWAL, LLC

Councilwoman Peterson made a motion to table the vote on this resolution until the owner of 78 Main St. goes through the Planning Board process with his development plan for the property. Mayor Greiner noted the proposal for 78 Main St. is not in the Planning Board process; the Planning Board held an informal discussion and referred the owner back to council. The motion failed for lack of a second. A vote was then taken on the originally worded resolution.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Brian Swingle, Councilman
SECONDER:	Brooke Liebowitz, Council Vice President
AYES:	Gorman, Hain, Liebowitz, Swingle, Tilly
NAYS:	Susan Peterson

3. Designated Redeveloper's Remarks Regarding Courthouse Square - Jack Cust (Approximately 15 Minutes)

Mr. Cust said history was made last week with the announcement of the signing of Georgian Court University to bring the first four-year university presence to Hunterdon County. It gives them strategic access to the Dioceses of Metuchen, and includes offering a nursing program.

He said it's unfortunate that the proposed project was such a focus of the election, and he's disappointed that the newly-elected officials declined to meet with his team. He's hopeful that when they learn the facts about the development they will reconsider their public positions. He said he's confident that when they learn about the financial challenges the borough faces, they'll reconsider.

Mr. Cust said fake news and propaganda seem to be the trend, so he pointed out some false statements. One is that the developer is getting a back-room deal. He said the borough will receive more money using a PILOT than it would using conventional taxation. In a PILOT, the borough can receive a higher percentage of a lower tax amount - 95% of the payment would go to the borough, rather than 28% of the current tax rate. The plan could be reviewed every 5 years. He said the PILOT plan will mean about \$130,000 more per year than through taxation. And he said that's 10 times more than the borough receives currently. Additionally, there's a 3% tax on hotel occupancy.

A fiscal impact report shows there's been declining enrollment in the schools, so there's no problem in accommodating students.

The next false statement is that \$30,000,000 in infrastructure costs will be borne by the borough. He said impacts onsite and offsite will be paid by the developer. Flemington has a longtime water and sewer issue, and this project helps to mitigate that.

A new fire truck is not required.

Traffic report - Very favorable levels of service will be maintained, and the proposed parking is adequate. Flemington handled Liberty Village traffic at the height of its activity.

Regarding a performance bond, he said bank financing requirements are more stringent than performance bond requirements, and provide more protection to the borough.

Flemington is on life support; more and more of the tax burden is born by residents. The political divisions are not good for this town. They obstruct the process. People who attack one another publicly and anonymously through social media should be ashamed of themselves. Business owners pay 50% of the property taxes, and most of them are not borough residents and can't vote. Add them in, and 75% of taxpayers are in favor of the project. He encouraged people when they get up to speak to be constructive.

Mr. Cust thanked borough officials for keeping an open mind. He said plans are to save and preserve exteriors. The hotel would have meeting and conference rooms on the second floor, and a lobby and restaurant on the first floor. The project is not viable if the number of floors is reduced. A few years ago Frank Banisch approached him about investing in his proposal, and Mr. Cust told him it wasn't big enough. A smaller project is not attractive to banks and investors. Multiple banks have approached him about their plan and are anxious to work with them. He said a problem this severe requires a comprehensive solution, and he urged residents and benefactors to join with supporters.

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

Mayor Greiner said that the format for this second reading will be that Planner Beth McManus will provide an overview of the proposed redevelopment plan. Then we will hear public comments. Then Council will review Planning Board recommendations concerning the plan. The Planning Board sent a letter of recommendations to council saying the plan was substantially consistent with the borough's Master Plan, but offering some comments on specific consistencies and inconsistencies. Council will go paragraph by paragraph through the recommendations regarding inconsistencies and decide if the plan should change, or document why they would not be making a change. Following this review, Council will vote on the plan.

Planner Beth McManus then gave an overview of the plan. The redevelopment area covers 3.9 acres, and 3.74 acres are subject to the plan. The south side of Chorister Place is not part of the plan and is zoned Downtown Business.

In general, she said, the redevelopment area must be consistent with concept plans; the redevelopment plan relies on the borough's existing ordinances as much as possible; and a substantial part of the Union Hotel building and the 90 Main building will be preserved - those parts described as significant.

The plan discusses permitted and required uses. Required uses include: Hotel with at least 50 rooms; more than 200 residential units; more than 20,000 sq. feet of commercial space, which could be a restaurant, retail, art gallery, brewery; a restaurant with a liquor license; a visual landmark at the Spring Street end of the plaza. There should be commercial uses on Main Street and along the plaza.

Along Spring St., Bloomfield Ave. and Chorister Place there are residential uses, with the exception that some commercial use is allowed on part of Chorister Pl. The plan sets building setback requirements, minimum plaza dimensions. On Block 22, height can go to 7 stories not including basement garages or partially obscured parking. Other sections can go to 4 stories. Block 24, Spring Street, can go to 4 stories.

The plan sets design standards: Parking should be included, plantings and buffers; lighting standards; there should be consistency with the Borough streetscape. There are also architectural standards, adaptive reuse standards referring to an HPC memo from October 2016, and sign standards.

The public hearing was opened on a motion moved by Councilwoman Liebowitz, seconded by Councilman Swingle, and voted unanimously by council members. Attorney Beckelman noted that people could also comment on the Planning Board recommendations.

Lauren Genelli, Raritan Township, asked how council can proceed if the Union Hotel has been mandated to go on the auction block. Mayor Greiner said acquisition of property has nothing to do with the Redevelopment Plan, and isn't relevant to the public hearing.

Bill Deni, an attorney in Flemington since 1972, spoke on the need for the development, and said council has an obligation to face important issues in Flemington.

Steve Tuccio, 61 Elwood Ave., asked if any traffic study was done beyond the boundaries of the project area; Ms. McManus said generally, no. He then asked about educational institutions, saying an OPRA request he filed on borough officials turned up nothing about interest from universities. Mayor Greiner said that would be because the developer is working with educational institutions, not the borough. Mr. Tuccio asked if, for the expanded redevelopment area, someone with the same data could come to a different conclusion about whether the proposed project is compliant. Mayor Greiner said we're just talking about the borough's development plan for this hearing. Mr. Tuccio said it's way out of scope for the town.

Tony Previte, 45 N. Main St., said Mr. Cust's plan is funded, we don't have to worry about an outside developer, and the plan fits the town and situation. Robert Shore, 47 Broad St., applauded interest from a Catholic university. He said if the council approves the plan it could still be in jeopardy, and council needs to mitigate problems with the opposition.

Lois Stewart, 26 Spring St., asked what the inconsistencies were that the planning board pointed out. Mayor Greiner said the planning board's document has been out for over a month. Ms. Stewart said this is not the right project for this town, it's too big. She asked about fiscal liability, referred to the Spice Factory project, and asked why hotel area plans call for 7 stories. Mayor Greiner said this hearing is about the borough's plan for the redevelopment area. He said the plan allows for up to 7 stories, but indicates that reducing a project's height would not be a problem. Ms. Stewart said she has grave concerns about traffic and green spaces.

Jeff Cain, 37 Maple Ave., said 200+ residential units and the proposed building height is inconsistent with the borough's neighborhoods and would substantially change them. He said the traffic would affect the town's walkability.

Joann Braun, Raritan Township, asked how building height is measured. Ms. McManus said there are 2 ways - stories and number of feet. In Block 22, the maximum height is 7 stories or 100 feet. The stories measurement doesn't include basement garages or partially obscured parking, but regardless of the number of stories, the building height cannot exceed 100 feet.

Jeanette Fullerton, Route 202 in Raritan Twp., asked what happens to the plan if decisions from SHPO or other agencies go against it. Mayor Greiner said we don't know.

Don Shuman, Main St., said he understand building height is a sticking point, but if this plan is rejected and Mr. Cust walks, who do people think will be willing to work with the borough.

Jim Robinson, from the County Chamber of Commerce, restated the Chamber's commitment to this plan, saying it's in the best interests of Flemington and the county.

Marilyn Wanzer, Delaware Twp., said a lot of people supporting this plan seem to think if we build it they will come; she asked how people will be attracted to the housing. Mayor Greiner said how the apartments are filled is not part of the plan.

Michael Harris, 173 Main St., said he appreciated that more specificity was provided tonight. He said if the PILOT is reconsidered every 5 years, what if the units aren't filled? He said we've assumed height is a necessity; with reassessment every 5 years, what can we look at? He said there have been consistent concerns about height and density.

Chris Englehardt, 180 Main St., asked when the plan expires, after 7 years and 3 months? Mayor Greiner said the borough's Redevelopment Plan is just a plan, it's not the proposed project. Ms. McManus said the plan expires after 30 years.

Robert Shore, 47 Broad St., asked how many tax blocks will be in the plan once it's complete. Ms. McManus said there's a minimum lot area of 30,000 square

feet and the developer has the option to configure lots larger than that. Mr. Shore asked if the liquor license is on a lot, how many establishments can share it? Mayor Greiner said multiple establishments can share the license, and Mr. Cust confirmed that.

Tony Previte, 45 N. Main St., asked if there are any real warning signs in the plan that officials have recognized. Ms. McManus said the concept, density and structured parking are consistent with trends in New Jersey as people are looking to downtowns as new opportunities for living and entertainment.

Ms. Stewart asked if the council would specifically share with the public how it's dealing with inconsistencies pointed out by the Planning Board. Mayor Greiner said the council would be addressing each one.

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

Planning Board Recommendation Review:

The council then went through the Planning Board recommendations as Ms. McManus read through them. Council focused on the items considered inconsistent. Ms. Peterson said there were some items the Planning Board considered consistent that she questions. Attorney Beckelman said it was the Planning Board's purview to determine what is and is not consistent with the borough's Master Plan, but Ms. Peterson could comment on points as the council goes through the letter. Council listened to each individual point that Ms. Peterson thought was inconsistent, but the council did not agree to change the Planning Board's recommendation on any of the point.

Redevelopment Plan Objectives section, item 6, Page 2: "Ensure a unique sense of place and compatibility with the Historic District through preservation of the facades of the Union Hotel and 90 Main buildings and creation of distinctive design features in the project architecture and streetscape." The planning board recommended that the Redevelopment Plan encourage historic buildings which are designated contributing or higher to be retained, relocated or, at a minimum, recorded per National Trust for Historic Preservation guidelines. Item 7, Page 2: "Provide appropriate site design and performance standards to guide and facilitate redevelopment that reflects the Borough's historic development pattern, architecture, style, charm and character." The planning board recommended that the Redevelopment Plan encourage historic buildings which are designated contributing or higher to be retained, relocated or, at a minimum, recorded per National Trust for Historic Preservation guidelines. The council considered these two sections together. Mayor Greiner said they could agree with the recommendation and work it into the plan, or disagree and leave the plan alone, and explain their reasoning. Mr. Swingle asked if the plan could be adopted if changes are made. Attorney Beckelman said it would depend on how substantive the changes were. Ms. Liebowitz noted for these two examples, the language to be inserted would be to make recommendations, not requirements. Ms. Swingle said anything that's going to create delays is problematic. The agreement already discusses recording

conditions, which meets the minimum spirit of the two Planning Board recommendations. Mayor Greiner said it could be very expensive if council says every building has to be documented. Ms. Liebowitz said the recommendation just says that council encourage it to be done, which seems very benign.

Council decided to accept the changes for 6 and 7.

Ms. Peterson questioned #8, page 2, "Create a central gathering place and public amenity that fosters social interaction and contributes to a vital downtown." She said she sees a walk-through and felt a square would be better. Ms. Swingle said by putting a water feature there, it's a gathering space. Ms. Peterson questioned #10, page 2, "Require the project's parking demand to be satisfied on-site in a manner that mitigates any negative impact to the surrounding street network and neighborhood." She said the parking study didn't have restaurants considered in it, and the scope wasn't large enough. Ms. Liebowitz said they were in the study. Ms. Peterson questioned #11, "Encourage sustainable practices including the use of green infrastructure and green building techniques." She said isn't it required in the Master Plan? Ms. McManus said it's encouraged, not required.

Borough Reexamination Report section, Item 2 (page 3): "Preserve, protect and enhance the integrity of Flemington's historic district and the historic resources within." The Planning Board recommended that the redevelopment plan encourage historic buildings which are designated contributing or higher to be retained, relocated or, at a minimum, recorded per National Trust for Historic Preservation guidelines. **Council accepted the wording to "encourage" this.**

Item 6 (page 3): "Encourage a redevelopment solution for the Union Hotel property that protects and enhances the site as a significant historic resource and at the same time ensures the site's long-term financial viability." The Planning Board recommended that interiors be documented per National Trust for Historic Preservation guidelines and salvaged, where possible. **Council accepted the wording to "encourage" this.**

Ms. Peterson questioned the second Item 3 (page 3): "Provide opportunities for appropriately scaled and located residential development to encourage redevelopment/revitalization of underutilized properties and to provide opportunity for additional market support for the retail, service, and entertainment portions of Main Street (Downtown Business I and II) and nearby surrounding properties, and the Liberty Village and Turntable Junction area." Mayor Greiner said the Master Plan encourages density and this is an area that accommodates it.

Historic Preservation Element per Reexamination Report: Item 4 (page 4): "Contribute to the improvement of the economy of Flemington by encouraging expenditures for the restoration and/or adaptive reuse of historic buildings for local purposes and to encourage and promote tourism." The Planning Board recommended that the plan encourage historic buildings which are designated contributing or higher to be retained, relocated or, at a minimum, recorded per National Trust for Historic Preservation guidelines and also recommended the

stabilization of existing buildings to prevent the deterioration of historic structures. **The council accepted the first recommendation.** Regarding stabilization, Mayor Greiner said the only building with stabilization issues is the hotel, and questioned if council wants to put it on taxpayers to go in there and potentially spend lots of money to stabilize the building, and if so, would we have to do that now? Mr. Swingle asked if that would mean making those repairs on taxpayer dollars, since the hotel property is in bankruptcy. **Council decided to reject the recommendation to stabilize buildings, due to the unpredictable cost to taxpayers.**

Green Building and Environmental Element per Reexamination Report: Ms. Peterson questioned Item #2 (page 4): "Focus the Borough's remaining development potential on lands that can support compact development, are well served by transportation infrastructure, and are in proximity to employment and service centers." Ms. Peterson said the area's too small and there's no transit. No other council members agreed with her.

Redevelopment of Union Hotel per Reexamination Report: The Planning Board said the residential density proposed may exceed the capacity of the site at a maximum density of 260 units, if they're all located only in Block 22. It recommended the units be spread over the two blocks or such that density does not exceed 72 units per acre. Mayor Greiner said the Redeveloper's Agreement that's been adopted has concept plans on it that we've already approved, and it's a sliding scale, requiring 200 units, with a maximum of 260. We don't know yet, but recent scenarios indicated it's unlikely it would hit the 260. **Council decided to reject this change because it's vague in how it would be implemented. Project plans may not end up being inconsistent with the Master Plan.**

Revising bulk standards, per Reexamination Report: (bottom of Page 5): This section addresses building height and sensitivity to historic buildings and nearby residences. The board recommended spreading units to multiple blocks and softening building edge massing along Spring Street near the mouth of the pedestrian plaza, the top of the buildings and at the corner of Spring Street and Chorister Place. **The council rejected making any changes, saying language in the existing redevelopment plan already encourages this by saying that any reduction in height would still be substantially consistent with the redevelopment plan.**

Additional Considerations: (Page 6): The Planning Board recommended encouraging the developer to amend the redevelopment plan to include public art elements. **Council agreed to add wording encouraging the developer to do this.**

Summary and Conclusions: (Page 6): The Planning Board in paragraph 3 of this section discussed inconsistencies with compatibility with the Historic District, preserving the contexts of historic resources, building intensity and building height, particularly along Spring Street and Chorister Place. Ms. McManus said council would we well advised to specifically address building height. Mayor

Greiner said council has made it clear that less height is good, but he's reluctant to say the developer has to take the height down because the project might not fly with less height. To mandate it to address the planning Board's concern would be shooting ourselves in the foot. Mr. Swingle said we've watched other projects fail, and he's reluctant to be too heavy-handed. We are encouraging it already. **Council decided to make no change.** Ms. Peterson said council is working in a vacuum but doesn't have to be. She doesn't feel council has negotiated for the town enough. Discussion concluded. Councilwoman Liebowitz moved and Councilman Swingle seconded a motion to adopt the Redevelopment Plan with 2 minor changes.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Brooke Liebowitz, Council Vice President
SECONDER:	Brian Swingle, Councilman
AYES:	Gorman, Hain, Liebowitz, Swingle, Tilly
NAYS:	Susan Peterson

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

Councilman Swingle moved to open the public hearing, seconded by Councilman Hain. All council members voted yes to open the hearing. Robert Shore, 47 Broad St., said he could support the changes if the amount being charged didn't change depending on proximity to closing date. Every time you need an inspection you're at the mercy of the borough, he said. We need other options for residents of this town.

Lois Stewart, 26 Spring St., asked about the change in rates.

Chris Englehardt, 180 Main St., asked about the inspection process.

Robert Shore urged council to postpone the vote. He said the whole ordinance should be changed because it's unfair to property owners. The borough's just trying to justify having a fire marshal on the payroll.

Councilman Swingle said the fees here are considered the cost of doing business. If we're not covering our operating costs, we've got issues. This is good business sense.

Rich Cornelison, 134 Main St., said he owns a commercial building with 6 tenants. An alarm system covers the whole building, and he thinks there's overlap on the commercial side, a doubling up of fees. He said his overall inspection should apply to the whole building.

Ms. Stewart said the fees affect the rents charged, obviously. It's hard to find good renters as it is.

Councilwoman Tilly moved to close the public hearing, seconded by Councilman Swingle. All present voted to close the hearing.

In council discussion, Mr. Swingle said there's a financial obligation to adopt this ordinance; we can look at the whole ordinance later if need be. Mr. Gorman said council should move on this and take a look at the ordinance again later.

He said he knows people do damage when they move out. Ms. Liebowitz said she felt council should vote on it tonight.

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

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

Robert Shore, 47 Main St., said officials should know if it's economically feasible to go down a story or two. Mayor Greiner said officials have had some discussions including different types of uses, the revenue they bring in per square foot, but in the end it comes down to what the developer is willing to offer. Mr. Cust objected to Mr. Shore's tone, saying it was disrespectful to the mayor. What he's asking for is not public information. Mr. Cust said he's a private developer. Right at the outset, there's a tremendous parking problem in Flemington, and that's why there's a PILOT proposed.

Lois Stewart, 26 Spring St., asked for clarification about the status of a proposal for the old Nevius building (78 Main St.) Mayor Greiner said the owner was told during the Planning Board discussion that the plan has to be cleared by the Council first before it goes before the Planning Board. The site is still within the area designated as in need of redevelopment, and Mr. Cust is still designated at the redeveloper for the area. Ms. Stewart said she didn't see how the council can deny someone who owns a piece of property the right to do something.

Tony Previte, 45 N. Main St., said we're a small town, there's been a lot of rhetoric, and it's time to let it go. Flemington has to move forward.

Chris Englehardt, 180 Main St., said from the beginning people have been asking for a marketing study showing this project is what the borough needs. She said she's wondering how stable the LLC is.

Michael Harris, 173 Main St., said regarding Mr. Cust's offer to have questions answered, that it's been clear from the beginning what the questions have been. There's a fundamental question of cost. He said if you endeavor to do a project that's double the scale, you've incurred the cost yourself.

VI. Attorney's Report

Nothing to report.

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. 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:	John Gorman, Councilman
SECONDER:	Brian Swingle, Councilman
AYES:	Gorman, Hain, Liebowitz, Peterson, Swingle, Tilly