



# Mayor and Common Council Borough of Flemington

March 12, 2018

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Historic Flemington Courthouse

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## Work Session (7:00 PM)

Roll call taken: All present except Councilwoman Susan Peterson. Mayor Greiner noted there was no specific topic for the work session and opened the floor to comments and questions. Hearing none, the session was adjourned.

Resident Lois Stewart, 26 Spring St., then arrived, and expressed her thanks for the cleanup of weeds on Chorister Place. She said the rotting vegetation in flower pots around town should be removed. She also asked about yard sale dates for 2018; those will be set at the March 26, 2018 meeting.

## 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
Betsy Driver	Councilperson	Present	
John Gorman	Councilman	Present	
Marc Hain	Council Vice President	Present	
Michael Harris	Councilman	Present	
Susan Peterson	Councilwoman	Present	
Brooke Warden	Council President	Present	
Phil Greiner	Mayor	Present	

### I. Mayor's Report

The big story has been the two recent winter storms, Riley and Quinn. Some parts of New Jersey are still recovering. In Flemington, Brown Street was without power, and there was a brown-out affecting Spring Street, Broad Street and Emery Ave., and one municipal well. On Saturday, JCP&L committed to restoring power by Tuesday. I spoke to the governor's office, Assemblyman Zwicker and JCP&L at various levels about the situation, and the outage was restored by Tuesday night. There are still 2,920 customers without power system-wide, though everyone in Flemington now has power. I would like to recognize the hard work of our various teams dealing with power outages, downed trees and a house fire. We're planning a reception to thank them on March 21.

3/5 - Councilwoman Susan Peterson hosted a meeting at Teaberry's held by the FCP with Main Street business owners, regarding the streetscape project. I presented an overview of the project and the current status, and Tim Bebout of Main Street Manor led a discussion of the options, and there was consensus

about starting after Labor Day, with concrete pouring to be done by Thanksgiving and the rest of the work to be finished through the holidays. 2/28 and 3/1 - Attended Read Across America events at the NORWESCAP preschool and the Desmares School. I also met with our new Assemblyman Roy Freiman.

Today Borough Hall received a letter by FedEx from Jack Cust and his attorneys asking us, under the terms of the Redevelopment Agreement, to pursue eminent domain on properties in the redevelopment area. The RDA allows for the redeveloper to request eminent domain, and the RDA is clear that Mr. Cust has exclusive rights in this area. (Mayor Greiner read the provision from the RDA). We're not introducing the budget tonight. We finished up work on the budget on Thursday night, but it has to cycle back to our auditors first. It will be introduced at the March 26 meeting, with adoption planned for the April 23 meeting. I can say, in general, that total assessments are up 1.9%, and the tax rate is going up 0.84 cents. That part is good. The average home will see a tax increase of \$72, a little less than it was last year.

## II. Council Members' Reports

### Councilperson Driver

She pointed out a tripod at the front of the dais, saying Borough Council meetings are now being recorded and can be viewed on the borough's new YouTube channel.

She attended the fire department banquet Saturday evening, and congratulated Steve Borucki on 40 years with the department.

Fire Department members slept at the firehouse during the recent storm. They responded to two calls with wires down, and a house fire in the borough that was electrical in nature. The homeowner is in a nearby apartment now.

Residents on Brown and Grant streets got visits from Dave Giuliani from OEM while their power was out, informing them of status changes, assuring they had supplies, and staying in constant contact. As the Mayor mentioned, a thank-you reception at Borough Hall is planned.

She's also getting calls about snow removal issues.

Library/Mediatech - They had an open house Saturday with an impressive turnout, with lots of activities for kids.

Library Board - The school district has representation again, with Superintendent Dr. Johanna Ruberto attending the last meeting.

DIY - They're offering fundraising memberships. They have another jazz concert planned Saturday, with a special meal package with Bluefish Grill. They're also offering art classes for people with neurological difficulties.

### Councilman Gorman

Cleanup of the snow went pretty well. DPW will be continuing lawn cleanups when other work is done.

DPW - meets Wednesday at 8:30 a.m. at Borough Hall. We've received a grant for roadwork for Highland and Elwood Avenues, for about \$250,000. I'm sorry to hear that Gordy Johnson, a tree man in town, died this morning. He was very good to the borough. There will be a service Sunday at the Presbyterian Church for Bill Reed.

Council Vice President Hain

Parks & Recreation - met 3/1 with co-director Kim Creighton, Fire Marshal Ken McCormick, and a representative from the fireworks company, regarding the July Fourth fireworks planned for 7/3, with a rain date of 7/5. The fire marshal had some concerns that prompted the meeting; everything is worked out now.

Code Enforcement - Jeff Klein is working on temporary repairs at the Union Hotel, along with arranging drone camera footage of the hotel roof, once the snow melts.

Police - the PBA spring festival will be May 12 rather than May 19.

Speed signs are up on Allen Street near the school, and police are monitoring that. The digital sign tracks speeds and monitors license plates - we could send tickets out if we want to, but for now the sign is there as an enforcement tool. The department's new SUV, 49-12, is officially in service. Officer Philip Canale broke his ankle while off duty - we expect he'll be out a couple of weeks, and the chief is arranging some light duty assignments for him. Spoke with the police about who monitors sidewalk cleanup after snowstorms, and the police are enforcing the ordinance.

Councilman Harris

Attended budget reviews. For DPW, some issues were brought up by residents in the community. There are concerns with municipal property behind Main Street, Mine Street, and North Main Street.

Attended the First Responders' event on Saturday - it was a great opportunity to relax with residents, and it was good to see the camaraderie.

He thanked Councilman Hain, who reached out to Police Chief Rotella and the County Prosecutor's Office about animal control. Following a change in powers of the NJ SPCA, when the borough now boards or provides medical care for an animal, the borough is paying for that. This is definitely an issue - two dogs were boarded recently and the cost was \$800. The unexpected cost has been added into our budget.

Two residents contacted him with concerns about snow removal at curbs not being done in a timely fashion.

A business owner on Stangl Road asked about whether the borough has water enough for any development that may occur there.

Councilwoman Peterson

Also attended the Fireman's Ball; she was happy to see the fellowship this crew has.

Beautification - There have been concerns about the condition of the flowerpots. DPW employees have been emptying them between storms, but we don't want to take everything out - the people at Garden Gate re-use some of the decorative sticks. Also, the pots get used as trash cans for items that include hypodermic needles. Next week, Garden Gate will be doing the official cleanup, then the pots will be empty until late May. We've got one more year on our contract with Garden Gate.

The Spring Cleanup will be in April or May - we're coordinating that with a Raritan Township church group that provides a lot of help.

Samuel Fleming House - held a recent program on Irish Soda Bread, and every family left with a ball of dough to bake at home. A new docent class is forming there. In tonight's bill list, Samuel Fleming House gets county funds that will go toward fixing shutters and peeling paint.

Restaurant Week is returning to the borough April 22-27. She's very excited this is coming back.

She attended all the budget meetings and learned a lot, and got to meet the people behind the line items.

HPC - will be meeting Wednesday. We're looking forward to working on Planning Board recommendations (for improving procedures).

#### Council President Warden

The borough is extending its contract with Emily Hammer to market the borough-owned property at 144 Main St. We've dropped the price, and have been getting more activity. One buyer is talking with the DEP, getting more details.

FCP - The group is issuing a Request for Proposals to find a vendor to manage the Filling Station this summer. They had a meeting on starting the Best Friends of Flemington effort, sort of a continuation of the I Love Flemington effort.

She was on a call today with JCP&L. They realize they could have done a better job during the recent storms, and are reviewing their protocols.

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

Caroline Hand, 7 Deerpath Road, Readington - the Meta Theatre Company is planning an exhibit, "What Were You Wearing," at Flemington DIY April 6-8. April is sexual awareness month, and the exhibit will feature anonymous submissions of what people were wearing when they were assaulted.

Lois Stewart, 26 Spring St. - sought clarification on the eminent domain process, saying she thought the only property that could be condemned was the hotel. Mayor Greiner said that's true, but the letter officials received asks the borough to begin the study process for eminent domain on other buildings in the redevelopment area as well. He noted it doesn't affect properties owned by the borough.

Ms. Stewart asked about the intent of the "Best Friends of Flemington" group being started by the FCP. Ms. Warden said it's to highlight what Flemington has to offer, and an attempt to create community.

Robert Shore, 47 Broad St., said the fence behind 144 Main St., which abuts property he owns, is overgrown with weeds and boards are popping out. He added that a fence behind his house that was previously damaged, which someone made a half-hearted attempt to fix, was blown down in the recent windstorm. The DPW has also plowed grime and salt off the DPW parking lot into the garden where he has several holly trees planted, and he wants someone to remove the snow before it damages the trees.

Joanne Braun, 77 Jefferson Court, Raritan Twp. - asked how long assessing damage at the Union Hotel will take, noting a section of the back wall has fallen off. Mr. Hain said the construction official knows it's a priority item.

Kaitlyn Giles-McCormick thanked the council for videotaping the meeting, saying more transparency is good for everyone.

#### IV. Approval of Minutes

Motion To: **Approve Minutes: Feb. 26, 2018 Regular Council Meeting**

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Marc Hain, Council Vice President
<b>SECONDER:</b>	Betsy Driver, Councilperson
<b>AYES:</b>	Driver, Hain, Harris, Peterson, Warden
<b>ABSTAIN:</b>	John Gorman

Motion To: **Approve Minutes: Feb. 26, 2018 Executive Session**

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Michael Harris, Councilman
<b>SECONDER:</b>	Marc Hain, Council Vice President
<b>AYES:</b>	Driver, Hain, Harris, Peterson, Warden
<b>ABSTAIN:</b>	John Gorman

### Consent Agenda

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

1. RESOLUTION 2018-54: RENEWING A CONTRACT FOR MARKETING THE BOROUGH-OWNED PROPERTY AT 144 MAIN ST., BLOCK 38, LOT 1.01
2. RESOLUTION 2018-55: AUTHORIZING RENEWAL OF AN AGREEMENT WITH CGP&H AS THE BOROUGH'S ADMINISTRATIVE AGENT FOR COAH-RELATED CLIENT SUPPORT SERVICES
3. RESOLUTION 2018-56: AUTHORIZING CLOSURE OF STANGL ROAD FOR PBA SPRING FESTIVAL ON MAY 12, 2018

## Regular Agenda

1. RESOLUTION 2018-58: RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,365,000 GENERAL OBLIGATION BONDS CONSISTING OF NOT TO EXCEED \$1,152,301 SEWER UTILITY BONDS AND NOT TO EXCEED \$1,212,699 WATER UTILITY BONDS OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE UNITED STATES DEPARTMENT OF AGRICULTURE (THE "USDA") PURSUANT TO THE USDA RURAL DEVELOPMENT LOAN PROGRAM. (NOTE: THIS IS TO PERMANENTLY FINANCE COMPLETED PROJECTS AND DOES NOT REPRESENT NEW DEBT TO THE BOROUGH.)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	John Gorman, Councilman
<b>SECONDER:</b>	Brooke Warden, Council President
<b>AYES:</b>	Driver, Gorman, Hain, Harris, Peterson, Warden

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

Robert Shore, 47 Broad St., asked what sewer/water capacity is available in town. He also asked for what's required of council in the eminent domain process. Mayor Greiner said he'd had a brief discussion with attorney Robert Beckelman, and for the hotel, council would have to adopt an ordinance declaring its taking by eminent domain. For the other properties, council would have to direct the Planning Board to study the properties and make a recommendation to council. Regarding water capacity, Mayor Greiner said there's no short answer, but the borough works with the state, taking into consideration projects that have capacity already allocated.

Lois Stewart, 26 Spring St., said she's concerned about water capacity for projects planned on Stangl Road and a distillery. She asked if water/sewer capacity has been reserved for the hotel. Mayor Greiner said yes it has, along with other projects. Ms. Stewart asked for a list of who has reserve capacity.

Steve Tuccio, 61 Elwood Court, asked for more clarity on the timetable for the construction official's actions regarding the hotel, and if there's a deadline. Mr. Hain said the official was told it's a top-priority project. High-resolution photos taken by a drone camera are the first step, so officials can see details of what's there. Then the matter will go to council to consider options.

Joanne Braun, 77 Jefferson Court, Raritan Twp. - asked about the eminent domain request. Mayor Greiner said the redeveloper's agreement says that if Mr. Cust requests that the borough pursue eminent domain, borough officials will consider that. The hotel already has eminent domain associated with it; Mr. Cust wants officials to pursue that. For other properties, Mr. Cust asks that the borough begin the process, which is a Planning Board study to see if they meet the criteria.

Caroline Hand, 7 Deerpath Road, Readington - mentioned a "hate sign" in the post office, and asked how the borough will address it when other signs come up in town. Mayor Greiner said the post office is a federal building - local officials don't oversee that building. He also asked that people not be too quick to call things "hate" because they do not agree with them. Ms. Warden said she wanted to reiterate council's commitment to a resolution recently passed that this is not a community that tolerates such things.

## VI. Attorney's Report

Municipal Attorney Barry Goodman reminded council of his report at the last meeting about a lawsuit filed by Mid-American Salt being dismissed by the court. He said the plaintiff's attorneys have filed a motion for reconsideration, asking the court to reverse itself, but no new information was provided with the motion. He said he'd keep council informed of any developments.

## VII. Payment of the Bills

Motion To: **Pay The Bills**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Councilman
<b>SECONDER:</b>	Susan Peterson, Councilwoman
<b>AYES:</b>	Driver, Gorman, Hain, Harris, Peterson, Warden

## Executive Session

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

Betsy Driver asked to go into executive session to address a personnel issue involving Rebecca Newman. She showed Municipal Attorney Goodman proof that Ms. Newman had been Rice noticed and had declined the opportunity to have the issue aired in public. Councilman Harris moved and Councilwoman Peterson seconded the motion to go into executive session. All voted in favor. Minutes of this executive session are kept separately. Following the discussion, council returned to open session on a motion by Mr. Harris, seconded by Ms. Warden. All voted in favor.

Adjournment

Motion To: **Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Councilman
<b>SECONDER:</b>	Susan Peterson, Councilwoman
<b>AYES:</b>	Driver, Gorman, Hain, Harris, Peterson, Warden