



Mayor and Common Council Borough of Flemington

August 12, 2019

Council Meeting Room

Work Session (7:00 PM)

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
Jeffrey Doshna	Council Member	Present	
Caitlin Giles-McCormick	Council Member	Present	
John Gorman	Council Member	Present	
Michael Harris	Council President	Present	
Susan Peterson	Council Member	Present	
Christopher Runion	Council Vice President	Present	
Betsy Driver	Mayor	Present	

I. Mayor's Report

Mayor Driver stated the corn and tomato festival was a great success and the police department estimated a crowd of around 12,000 people attended. There were no arrests or issues and just a few minor injuries from bee stings, falls and heat. She thanked the DPW for their efforts to assemble the event and clean it up after the event.

Mayor Driver stated she attended a freeholders meeting and updated them on the opportunity zone.

Highland and Elwood Avenue project started today and should last an estimated 70 days.

Street Scape to start this week with the tree removals and the following week heavier construction should begin.

Contract negotiations with the PBA and the Teamsters will be beginning very soon.

Mayor Driver welcomed Councilman Gorman back after his surgery.

II. Council Members' Reports

Council Member Doshna

Councilman Doshna took a moment to acknowledge Brian McNally of the OEM department for his efforts to ensure the corn and tomato festival was safe. He also stated that this event was multi-jurisdictional and members of the prosecutor's office were also there doing a great job. Councilman Doshna stated a lot of agencies in the Borough needed to work together to make the event successful and he thanked everyone involved.

Councilman Doshna stated the event was successful- so successful that they ran out of beer.

Library design work has begun moving forward.

Doshna participated in Coffee with the Chamber President and stated they had great conversations regarding different opportunities.

Doshna met with William Wood and is working on a system in the meeting room to amplify sound as well as obtaining personal hearing devices for those in need.

Council Member Giles-McCormick

Councilwoman Giles-McCormick stated there was no HPC meeting last week to report on but they are meeting next week.

The Samuel Fleming House did not have an open house last weekend due to the corn and tomato festival. They did not want to compete with such a great event.

Garden Yoga is continuing and going strong and is at 6:30 PM on Tuesday evenings.

Councilwoman Giles-McCormick expressed her excitement for the upcoming strategic planning meeting regarding the sustainability of the Fleming Castle Museum.

The next open house will be an apple and spice celebration.

There is a new draft revamp of the Borough website but still a work in progress.

Council Member Gorman

Councilman Gorman thanked everyone for the support, texts, notes and words of encouragement during his recovery and stated he was glad to be back.

As the Mayor mentioned the Highland and Elwood job started and he has been out there monitoring the progress.

Councilman Gorman reiterated that the street scape project will be starting next week also.

Council President Harris

Councilman Harris stated he has about 1/4 of the reports and financial data pertinent for the DCA shared services study.

He also stated he sat down with the fire marshal and reviewed all of the outstanding violations within the Borough, some quite serious.

Stated he has some questions and concerns regarding the billboard that is being brought in front of the planning board.

Also he went to the corn and tomato festival and it was a great event.

Council Member Peterson

No report this meeting.

Council Vice President Runion

Councilman Runion stated the planning board deemed the Flemington Outdoor LLC application mostly complete. The applicant still needs an Environmental Impact Statement study.

The environmental committee is scheduled to meet on 8/19 at 7:00 PM and will review the Flemington Outdoor LLC application and hopefully the environmental impact study (if completed by then) and the 79 Church Street application.

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

Lois Stewart, 26 Spring Street was glad to hear a sound system is being looked into and stated it was critical to give attention to those that cannot hear with such important items facing the Borough like the horrendous sign. She also asked for an update on the financial impact study and for explanation on items 1,2,3,5 & 6 on the agenda. She also urged the council to reconsider the 3-minute limit for comments as it is impossible to get your point across in such a limited amount of time.

Councilman Doshna explained that he does not have the results of the financial impact study. He spoke with them last Tuesday on vacation and stated they need more data and the work is still on-going.

Al Brewer, 1 Coppermine Village- Summarized the police budget in relation to salaries, pension and benefits and stated it is a \$1.9 million-dollar burden on the backs of tax payers. This makes up for 33% of the budget and the Borough needs to start living within their means. The Borough cannot afford a police department any longer. There needs to be other options explored like the County taking over the function.

Robert Shore, 47 Broad Street- Stated the Mayor runs a dictatorship, she wants everyone to vote in her favor but the Council should do what is in the best interest of the Borough not be intimidated by the Mayor. Now is the time to stand up. He is disturbed by the news that only the Mayor has been involved with looking at police stations. The Mayor is weak, the council has the power. I offered two of my buildings both with very adaptive uses for the police department which was an incredible opportunity but because of the Mayors passive aggressive personality she did not explore these options. Tonight is the night to stand up to the Mayor and say no.

Marcia Karrow, 61 Elwood Ave stated she offers support to Lois Stewart for extending the 3-minute speaking time. Ms. Karrow stated the Borough has to take action on the application before it can be permitted. Ms. Karrow asked if anyone supported this application on the Council. She also urged the Council to vote down the appraisal as they do not have information from the study completed.

Gianna Cerat, 27 Park Avenue- read a statement regarding the parking issue on Park Ave. and how difficult it is on renters and property owners when they have children and groceries in the car. Ms. Cerat stated the VFW owns 18 parking spaces in the Borough lot yet continually park out front taking valuable spaces from residents.

Tommy Higgins, VFW- Stated they have been in the same building for over 70 years and have never had an issue. He stated the VFW does not own 18 spots in the lot, that is false. He stated there are lots of disabled vets that come in and out of the building and wanted to let everyone know they do not have an issue with any of this. They will work with the town and continue to serve the community as they have done.

Dana Pajunas, Park Ave., stated they have pictures of the VFW putting cones out and holding spaces and taking them away from the residents. She also spoke about a petition that has 67 signatures on it.

Gabriella- spoke to the character of the mechanic that potentially may lose his business due to the installation of the sign.

Alexander Shore, 61 Park Ave. stated that she travels the circle many times a day and it is dangerous; placing a billboard up would be a distraction.

Steve Tuccio, 61 Elwood Ave. - inquired about the sign and what losing that property off the tax rolls would mean financially for tax payers. Mr. Tuccio offered his support for the mechanic at the garage and stated that these are the type of businesses the Borough should encourage. He also encouraged the council to sit on the circle in a lawn chair and watch how dangerous the circle is. The council should have the ability to kill this application in front of the planning board.

Councilman Harris stated he would be surprised if the council needed approval since they have not been involved.

Mayor Driver stated the sign application is in front of the planning board and per Municipal Land Use Law this is a private application.

Attorney Whittlesly cautioned the Council on making any directives to the planning board.

IV. Approval of Minutes

Motion To: **Approve Minutes: July 22, 2019 Regular Council Meeting**

RESULT:	APPROVED [4 TO 0]
MOVER:	Christopher Runion, Council Vice President
SECONDER:	Michael Harris, Council President
AYES:	Jeffrey Doshna, Michael Harris, Susan Peterson, Christopher Runion
ABSTAIN:	Caitlin Giles-McCormick, John Gorman

Consent Agenda

Moved: Harris Seconded: Runion Vote: All present voted in favor.

Motion was made by Harris to remove resolution 2019-161 from the consent agenda and place it on the regular agenda. Motion was seconded by Runion. All voted in favor of the motion.

1. RESOLUTION 2019-155: AUTHORIZING AN ON-PREMISE RAFFLE LICENSE FOR THE FLEMINGTON WOMAN'S CLUB
2. RESOLUTION 2019-156: AUTHORIZING A LICENSE FOR ONE BINGO EVENT FOR ST. MAGDALEN CHURCH TO BE HELD ON SEPT. 27, 2019
3. RESOLUTION 2019-157: AUTHORIZING AN ON-PREMISES 50/50 DRAW RAFFLE FOR ST. MAGDALEN CHURCH TO BE HELD ON SEPT. 27, 2019

- 4. RESOLUTION 2019-158: AUTHORIZING THE RELEASE OF THE REMAINING BALANCE OF \$7,407.16, \$445.56 & \$568.00 IN THE DEVELOPER'S ESCROW ACCOUNTS FOR STANBERY DEVELOPMENT GROUP, HELD IN TRUST BY THE BOROUGH OF FLEMINGTON
- 5. RESOLUTION 2019-159: AUTHORIZING SUBMISSION OF AN APPLICATION FOR THE NJ ECONOMIC DEVELOPMENT AUTHORITY OPPORTUNITY ZONE CHALLENGE PROGRAM

Regular Agenda

- 1. RESOLUTION 2019-160: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2016-010 HELD ON BLOCK 36 LOT 2, 24 CENTRAL AVE.

Tax Collector Newman explained this is an item of routine nature that the property owner has paid the lien off and this resolution memorializes the transaction. None of the funds are coming from the Borough, the premium is money kept in escrow from the lien holder.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeffrey Doshna, Council Member
SECONDER:	Caitlin Giles-McCormick, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

- 2. RESOLUTION 2019-161: AUTHORIZING THE APPRAISAL OF PROPERTY AT 36 MINE ST. AND 24 CENTRAL AVENUE, BLOCK 36, LOTS 1 & 2

Mayor Driver addressed Robert Shore's comment regarding the two buildings he stated he offered for use by the police department, one he did not own yet and offered it at \$1.8 Million and the other was not in the Borough. Mayor Driver also stated she was surprised to learn the police headquarters Jack Cust has offered to build was nothing more than a vanilla shell which the Borough would have to outfit and pay rent of \$10,000/month or \$120,000K a year. There have been many places/buildings the Mayor, Chief of police and several council members have considered for the new police headquarters but many were more expensive and have constraints. This resolution would allow the borough to appraise these particular properties and once we have that information we can then decide if we want to purchase the property. Currently its assessed value is \$586,400.00. Everyone is aware that an appraisal must be done to purchase property with public funds. This is the first step of this process. If we don't start looking at options the DOJ will force us to purchase trailers to house our PD in which we have no land to place them on.

Mayor Driver stated that voting this resolution down does not kill the Cust project nor does it kill the moving of the police department.

Councilman Harris refuted that there was no interest from Council members and stated that just because no one responded to her email that did not mean there was not any interest.

Councilwoman Giles McCormick stated they have been actively looking at other properties, the one on Broad Street from Mr. Shore had access/egress issues, one on Mine Street was priced significantly higher than this property.

Councilman Peterson stated she felt this movement was putting the cart before the horse. Cust has not responded to renting back the space in the police building. She would rather spend \$3,200 on mulch for Tuccamirgan Park.

Councilman Doshna stated he has a professional background in planning and is a professor. Mr. Harris welcomed me onto the Council while I was in his home and now I am known as "the man to my left". I have been working on looking for a place for the police department along with Councilwoman Giles-McCormick. I was away on vacation and still took time out to take a call regarding this issue as it is important. Mr. Harris has a conflict and that is why he was left out of the discussions. This back and forth bickering is doing the Borough no good. He stated he needs more information, the Council has been forced into this bad situation and we may end up with an emergent issue, if nothing else we need the information which this appraisal will offer.

Councilman Gorman stated there are other areas and he would hate to see another commercial property come off the tax rolls. What about Liberty Village; that area would have great access to roads and there is plenty of vacancy.

RESULT:	DEFEATED [0 TO 5]
MOVER:	Jeffrey Doshna, Council Member
SECONDER:	Caitlin Giles-McCormick, Council Member
NAYS:	Giles-McCormick, Gorman, Harris, Peterson, Runion
ABSTAIN:	Jeffrey Doshna

3. RESOLUTION 2019-162: AUTHORIZING THE PURCHASE OF A LIVE SCAN FINGERPRINTING MACHINE FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$26,453.00 FROM IDEMIA, UNDER STATE CONTRACT

RESULT:	ADOPTED [5 TO 1]
MOVER:	Michael Harris, Council President
SECONDER:	John Gorman, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson
NAYS:	Christopher Runion

4. RESOLUTION 2019-163: AMENDING THE 2019 CAPITAL BUDGET

RESULT:	DEFEATED [2 TO 4]
MOVER:	Christopher Runion, Council Vice President
SECONDER:	Jeffrey Doshna, Council Member
AYES:	Jeffrey Doshna, Caitlin Giles-McCormick
NAYS:	John Gorman, Michael Harris, Susan Peterson, Christopher Runion

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

Marcia Karrow, 61 Elwood Avenue stated she is appalled at any attempt to require Councilman Harris to recuse himself and reminded the Council that Harris was voted in with an overwhelming amount of votes. She stated the contract with Mr. Cust to sell the police department building has many contingencies clauses by SHPO and they have not been met so the threat of being the police department being out in December is not reasonable. Ms. Karrow stated the council has no control over signing the building over.

Frank Emanuelle, PBA 188, Mr. Emanuelle questioned Mr. Harris regarding his intentions for the shared service study and asked what items like a list of assets, mileage on police cars and various other things had to do with a collective bargaining agreement. Mr. Emanuelle stated he was surprised Councilman Runion, a member of a collective bargaining unit, allowed this shared service study to take place.

Lois Stewart, 26 Spring Street applauded the Council for voting down the appraisal of the police station and said the property is the wrong location. She stated the council should not take a commercial property with retail and take it off the tax rolls. Ms. Stewart stated that they police should use the County Jail or the rescue squad property which is already off the rolls. Ms. Stewart commented on the horrendous sign that is being proposed to the planning board and reminded the Council an ordinance was just passed with many regulations for signs and this type of sign is not even allowed. The town should not even entertain this application and Ms. Stewart stated Sweden has banned billboards because they are unsafe.

Gianna Cerat, Park Avenue continued with her statement from the first public comment session and asked that the council consider 24-hour residential parking and should put the residents first. Ms. Cerat also asked why their section of Park Ave was not considered in the original amendment of the Ordinance that was done in the past.

Mayor Driver responded that up until two weeks ago she was unaware of an ongoing issue.

Dana Pajunas, 31 Park Ave., stated there needs to be lines for parking spaces and stated she will look for a place to house the police department.

Alan Brewer, 1 Coppermine Village stated he was a retired law enforcement officer and negotiated for PBA 136. All of the items that Mr. Harris is asking for are relevant to collective bargaining agreements.

Robert Shore, 49 Broad Street said the billboard project needs to be stopped and should have never made it to the application stage. Mr. Shore also stated that the Council needs to act at their own free will against the mayor and the developer. Someone needs to stand up to Jack Cust and poke holes in his agreement. Robert Shore stated Jack Cust was an arrogant SOB and he has no problems telling that to Mr. Cust.

Frank Emanuelle, Hunterdon PBA 188 responded to an earlier point of utilizing the County jail as a police department, stating that the jail is full of mold and that is why it is sitting empty.

VI. Attorney's Report - none

VII. Council Discussion - none

VIII. Payment of the Bills

Motion To: **Pay the Bills**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Gorman, Council Member
SECONDER:	Jeffrey Doshna, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

IX. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

1. RESOLUTION 2019-165: RESOLUTION TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF LEGAL ADVICE: COURTHOUSE SQUARE

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jeffrey Doshna, Council Member
SECONDER:	John Gorman, Council Member
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

The Council entered into executive session at 9:32 PM.

X. Results of Executive Session (if any)

None

XI. Adjournment

Motion was made to adjourn the meeting at 10: 55 PM by Harris and seconded by Peterson. All voted in favor of adjournment.