



# Mayor and Common Council Borough of Flemington

August 26, 2019

Council Meeting Room

## Executive Session (6:30 PM)

Motion To: **Go into Executive Session to Obtain Legal Advice Regarding Potential Litigation**

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

## Regular Meeting Agenda (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. Redevelopment Attorney Discussion about Potential Conflicts of Interest

Mayor Driver made an announcement about the meeting room's capacity. She then referred to Resolution 2019-170 and recognized Attorney Joseph Maraziti. Mr. Maraziti gave an overview of his firm's findings regarding a possible conflict of interest on the part of Council President Michael Harris regarding the Friends of Historic Flemington, which is suing the Borough over the hotel redevelopment project. He noted his concern that unless Mr. Harris recuses himself from discussion and voting on issues related to the group, any potential settlement or decision made about the development project could be set aside. The Borough also faces a potential crisis over the displacement of its police department and any progress has stalled due to the conflict issue being unresolved. One way to move forward is to pass Resolution 2019-170, and make a conscious decision to take that risk to proceed despite being forewarned about the conflict.

Discussion ensued about the meaning of a Yes vote or No vote on the resolution. Attorney Maraziti said that if the council rejects the resolution, the Borough will continue to be at risk and he will not discuss issues regarding the project with Mr. Harris present, due to his own professional responsibility.

Mayor Driver asked if a conflicted person is involved in a vote, is the Borough at risk. Attorney Maraziti advised that courts have ruled a person with a conflict may not even be in the room for discussion and their involvement in discussions can provide a basis for challenging the action taken.

Robert Shore, 47 Broad St., asked about the various parameters Attorney Maraziti's firm considered. Lois Stewart, 26 Spring St., discussed campaign contributions. Joanne Braun, 77 Jefferson Court, Raritan Twp., discussed a prior review of Mr. Harris' potential conflict.

Mr. Harris said the resolution was to protect Attorney Maraziti's firm, and noted he was named to the hotel redevelopment committee after being vetted by the Borough's previous law firm.

Council discussed options if the resolution is rejected, including seeking a second opinion, and getting a declaratory judgment in court.

Mr. Gorman questioned if the December timeline for moving police from 90-100 Main St. is accurate. Attorney Maraziti referred to a letter sent from the developer earlier in the day expressing the intent to close on the sale of the property in December.

Steve Tuccio, 61 Elwood Ave., said voters picked Mr. Harris and others based on their positions, and he'll feel he squandered his vote if their participation is eliminated due to a potential conflict.

Ms. Giles-McCormick said there are 5 other council members besides Mr. Harris who can decide issues. Colleen Rosetti, 36 Pennsylvania Ave., said all council members are associated with voters who wanted to bring the project to a better state, and if one of them is found to have a conflict of interest, they all are out on a limb.

Mr. Runion said even having the resolution on the agenda puts the Borough at risk.

1. Motion To: **Move Resolution 2019-170 Up on the Agenda for Consideration**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Council President
<b>SECONDER:</b>	Susan Peterson, Council Member
<b>AYES:</b>	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

2. RESOLUTION 2019-170: DETERMINING TO PROCEED IN ALL MATTERS INVOLVING OR RELATED TO THE FRIENDS OF HISTORIC FLEMINGTON AND THE FLEMINGTON CENTER URBAN RENEWAL REDEVELOPMENT PROJECT IN THE PRESENCE OF COUNCIL PRESIDENT MICHAEL HARRIS DESPITE LEGAL OPINION THAT HE RECUSE HIMSELF

<b>RESULT:</b>	<b>FAILED for lack of a second</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council Member
<b>AYES:</b>	
<b>NAYS:</b>	

## II. Mayor's Report

Mayor Driver reported the Streetscape construction is moving quickly. PBA contract negotiations have started. Captiva may present a revised proposal for the Global Ag property on Sept. 4 at the courthouse. She noted the closure of Aunt DeeDee's Brick and Mortar restaurant and said the Streetscape project has made for a more difficult summer, but it will be worth it.

She announced that she is removing Council President Harris from the hotel development committee until the issue of his potential conflict is resolved.

## III. Council Members' Reports

Council Member Doshna

The library board met with SSP architects Aug. 22, and they're moving forward with the interior renovation project.

The first contract talks with the PBA were held 8/21, and it was a constructive meeting. Next up will be discussions with the CFO about budget and financing. There's no date yet for the Teamsters negotiations to start.

He noted Todd Cook used spare parts to get a sound system working in the council meeting room, while better options are examined.

Council Member Giles-McCormick

She gave an overview of activities at the Samuel Fleming House and DIY Flemington.

Meals on Wheels is looking for drivers.

The Borough's website has a new design; currently she's working on updating the Environmental Commission section.

Council Member Gorman

The Highland-Elwood project continues with sewer work being done. They're making connections to houses this week.

Streetscape - The project is moving along nicely; they were scoring concrete in front of the hotel today.

Police contract negotiations look promising.

Council President Harris

The Animal Control officer captured a rabid raccoon.

Schools - On Sept. 13, the Hunterdon Central Regional High School Varsity Football team will host a military, police, firefighter, and EMT appreciation night prior to the game.

He discussed housing inspections with the Fire Marshal, and recommends adding a person to catch up on inspections normally done by the state. The Environmental Commission met Aug. 19 and he said the commission is feeling rushed to give an opinion over the Flemington Outdoor sign project. The Planning Board meeting set for Aug. 27 has been canceled.

Council Member Peterson

The Construction Board of Appeals met last Wednesday regarding the Union Hotel. The mansard roof has been netted and there is wood in the windows. There is still a hole in the roof, but it will require a major project to shore up the building before people can get in there to do work.

Streetscape - The FCP is holding a meeting, primarily for Main Street stakeholders, at 8 a.m. on Aug. 27.

Council Vice President Runion

The Environmental Commission has asked the Planning Board to postpone the hearing on the Flemington Outdoor sign proposal until the Environmental Commission can complete its review. While the Environmental Commission reviewed the initial environmental impact statement, more documents have since been submitted.

Parking - He noted the ordinance on the agenda for introduction does not include a change requested by Mr. Harris and himself. Attorney Whittlesey said the ordinance could be amended tonight to include that.

#### **IV. Public Comments - Session I. Up to 3 minutes each, for a maximum of 30 minutes**

Dana Pajunas, 31 Park Ave., asked about when the parking ordinance would take effect.

Elaine Gorman, 34 New York Ave., asked questions about the appeals process addressed by Ord. 2019-21; Mayor Driver referred her to the Planning Board attorney.

Robert Shore, 47 Broad St., is associated with the Old Egg Auction property, and wants a council work session devoted to naming that an area in need. He said larger 1- and 2-bedroom units would address the needs of empty nesters, and said a PILOT would be needed.

Rich Cornelison, Main Street, said he's been paying the business improvement district tax for 10 years and nothing's been done.

Wendy Camella, Aunt DeeDee's owner, said moving events off Main Street doomed her business. She said council needs to consider the effects of its actions. It decided in January to move events off Main Street for the summer, when the work only started last week.

Leona VanNest, of the Flemington Woman's Club, raised concerns about the impact permit parking on Park Avenue will have on the club's members.

Diane Durango, 204 Cherryville Road, Raritan Twp., spoke of the need for parking for the Woman's Club and how the club supports the community.

Joanne Solomon, Raritan Twp., spoke about the VFW and the mobility issues many of its members have.

Jacqueline Bush, E. Main Street, addressed handicapped parking by the VFW, and asked that veterans continue to be allowed to park there.

Rob Wall, 47 Capner St., said the Borough needs more handicapped parking spots.

Lois Stewart, 26 Spring St., asked questions about some items on the agenda.

Tony Previte, 45 N. Main St., spoke of the need for development in Flemington.

Steve Tuccio, 61 Elwood Ave., asked for details on the construction Board of Appeals hearing on the hotel. Ms. Peterson said drawings call for \$200,000 to \$300,000 of work to stabilize the building.

Motion To: **Remove Resolution 2019-167 from the Consent Agenda**

Moved by: Gorman; Seconded by Doshna. All vote yes except Giles-McCormick, who abstained.

### Consent Agenda

Moved by: Doshna; Seconded by: Harris; Vote: All yes except Giles-McCormick, who abstained.

- 1. RESOLUTION 2019-166: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2018-002 HELD ON BLOCK 30 LOT 3.01 QUALIFIER C0002; 44 SPRING STREET
- 2. RESOLUTION 2019-168: AUTHORIZING INTEREST-FREE TIME PAYMENT FOR A WATER BILL FOR 55 MINE STREET

### Regular Agenda

- 1. RESOLUTION 2019-167: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE 2018-001 HELD ON BLOCK 30 LOT 3.01 QUALIFIER C0001; 42 SPRING STREET

<b>RESULT:</b>	<b>TABLED [5 TO 0]</b>	<b>Next: 9/9/2019 7:30 PM</b>
<b>MOVER:</b>	Jeffrey Doshna, Council Member	
<b>SECONDER:</b>	John Gorman, Council Member	
<b>AYES:</b>	Doshna, Gorman, Harris, Peterson, Runion	
<b>ABSTAIN:</b>	Caitlin Giles-McCormick	

- 2. Motion To: **Change the Order of Items in the Regular Agenda**

**RESULT:**           **APPROVED [UNANIMOUS]**  
**MOVER:**           Michael Harris, Council President  
**SECONDER:**       Christopher Runion, Council Vice President  
**AYES:**             Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

3. Motion To:       **Amend Ordinance 2019-20 to add the Section of Park Avenue Between Mine and Courts Streets to Schedule XV**

**RESULT:**           **APPROVED [UNANIMOUS]**  
**MOVER:**           Christopher Runion, Council Vice President  
**SECONDER:**       Michael Harris, Council President  
**AYES:**             Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

4. ORDINANCE 2019-20: FIRST READING: AMENDING CHAPTER 7 TRAFFIC OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, SECTION 7-4.11 PARKING BY PERMIT, AND SCHEDULE XV PERMIT PARKING AND SCHEDULE XVII CHANGES

**RESULT:**           **INTRODUCED [5 TO 1]**                               **Next: 9/9/2019 7:00 PM**  
**MOVER:**           Christopher Runion, Council Vice President  
**SECONDER:**       Michael Harris, Council President  
**AYES:**             Doshna, Giles-McCormick, Harris, Peterson, Runion  
**NAYS:**             John Gorman

5. ORDINANCE 2019-18: SECOND READING: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT AND A NON-PASSENGER VEHICLE FOR THE POLICE DEPARTMENT AND VARIOUS EQUIPMENT FOR THE FIRE DEPARTMENT, BY AND IN THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING \$140,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$133,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Mr. Doshna moved to open public hearing, seconded by Mr. Gorman. All voted to open hearing.

Lois Stewart, 26 Spring St., asked about the Borough's debt. Robert Shore, 47 Broad St., expressed concern about the increasing debt.

Mr. Doshna moved to close public hearing, seconded by Mr. Gorman. All voted to close hearing.

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

6. ORDINANCE 2019-21: FIRST READING: AMENDING CHAPTER XIV PLANNING BOARD AND HISTORIC PRESERVATION COMMISSION OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, SECTION 1415 APPEALS FROM PLANNING BOARD DECISIONS TO THE GOVERNING BODY

**RESULT:** **INTRODUCED [UNANIMOUS]** **Next: 9/9/2019 7:00 PM**  
**MOVER:** Michael Harris, Council President  
**SECONDER:** Jeffrey Doshna, Council Member  
**AYES:** Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

7. Motion To: **Amend Resolution 2019-169 to Remove Mention of a Replacement Search**

**RESULT:** **APPROVED [UNANIMOUS]**  
**MOVER:** Christopher Runion, Council Vice President  
**SECONDER:** Michael Harris, Council President  
**AYES:** Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

8. RESOLUTION 2019-169: ACCEPTING THE RESIGNATION OF PATROLMAN PHIL CANALE EFFECTIVE AUGUST 29, 2019

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

9. Motion To: **Motion to Amend the Agenda to Include Resolution 2019-171**

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

10. RESOLUTION 2019-171: AUTHORIZING SEARCH FOR A POLICE OFFICER TO FILL A VACANCY

<b>RESULT:</b>	<b>ADOPTED [5 TO 1]</b>
<b>MOVER:</b>	Jeffrey Doshna, Council Member
<b>SECONDER:</b>	Caitlin Giles-McCormick, Council Member
<b>AYES:</b>	Doshna, Giles-McCormick, Gorman, Harris, Peterson
<b>NAYS:</b>	Christopher Runion

#### V. Approval of Minutes

Motion To: **Table Consideration of Minutes from the Aug. 12, 2019 Regular Council Meeting and Executive Session to the Sept. 9, 2019 Meeting**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeffrey Doshna, Council Member
<b>SECONDER:</b>	Michael Harris, Council President
<b>AYES:</b>	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

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

Catherine Eckel, 53 Church St., discussed handicapped parking and the VFW, saying some VFW members don't have placards, but still have mobility issues. Brian McNally, PBA president, asked Mr. Runion why he keeps voting no for everything related to the Police Department - equipment needs, headquarters. Mr. Runion said it's his intention to move for a merger with Raritan Township Police and save residents some money. Raritan Twp. has a police station on the corner of the Borough. He suggested putting effort into talking with Raritan Twp. police rather than searching for a location for a new police station. He said he doesn't oppose the police, but represents the community.

Robert Shore, 47 Broad St., supported Mr. Runion's stance on the police, discussed potential sites for development in the Borough, and suggested having people pay for parking spaces.

Steve Tuccio, 61 Elwood Ave., said the Planning Board's decision to postpone its Aug. 27 hearing on the Flemington Outdoor sign project looks like a deliberate plan to move the hearing to a holiday weekend when people will be away.

Robert Shore, 47 Broad St., suggested designating the entire Borough in need of rehabilitation, and being open-minded about possibilities.

#### VII. Attorney's Report

None.

#### VIII. Council Discussion

Mr. Doshna mentioned the Comcast franchise renewal that's coming up, and asked if there are any other options for service.

Ms. Peterson asked about the potential sale of 144 Main St., the Filling Station property. Attorney Whittlesey said the DEP signed off on the offered purchase price, but not on the DEP monitoring requirements, which continue for another 5 years. As a result, the potential buyer is having second thoughts. Robert Shore,



47 Broad St., said he'd rent the property for 100 years, pay taxes on the property as rent, and improve it, if the Borough will grant him a concessionaire's license.

IX. Payment of the Bills

- 1. Motion To: **Remove Bills listed in Purchase Order 19-00920, for the Maraziti Law Firm, to the Sept. 9, 2019 Bill List**

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

Motion To: **Pay the Bills in the Amount of \$2,295,779.49**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Christopher Runion, Council Vice President
<b>SECONDER:</b>	Michael Harris, Council President
<b>AYES:</b>	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

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

None needed.

XI. Adjournment

Mayor Driver said that all business had been concluded, and adjourned the meeting at 11:10 p.m.

Attest: \_\_\_\_\_  
Sallie Graziano, RMC