



Mayor and Common Council Borough of Flemington

October 28, 2019

Council Meeting Room

Executive Session (6:30 PM)

1. RESOLUTION 2019-215: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF ADDRESSING MATTERS PERTAINING TO PENDING LITIGATION REGARDING THE COURTHOUSE SQUARE PROJECT

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

Minutes kept separately.

Mr. Doshna moved to return to open session, seconded by Mr. Harris. All members voted yes to return to open session, at 7:30 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
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. Introduction of Flemington Special Improvement District 2020 Budget

FCP Executive Director Robin Lapidus said the proposed budget supports the strategic plan recently presented to council. She reviewed anticipated revenue and gave an overview of programs planned in 2020. Answering questions from council, she said funding for some projects will drop, for example Hack Hunterdon is changing its model and doesn't need as much assistance, so it's dropping the level of its support there. She hoping to make arrangements with stakeholders for space to store supplies, and reduce that expense. Event changes include bringing back Music on Main, focusing the Filling Station or

another outdoor space on events, and testing use of a trolley to connect different areas.

Several people from the audience commented. Lois Stewart asked about specifics of expenses. Tony Previte asked about tree selection for the streetscape. Robert Shore asked about long-term plans and urged investment in things that endure; Ms. Lapidus referred him to the strategic plan available online. Tim Bebout said the conceptual plan shows how the budget will be used. Mr. Harris initially made a motion to table introduction of the ordinance, then withdrew his motion.

1. RESOLUTION 2019-205: FLEMINGTON BOROUGH SPECIAL IMPROVEMENT DISTRICT 2020 BUDGET

RESULT:	INTRODUCED [UNANIMOUS]	Next: 12/9/2019 7:30 PM
MOVER:	Jeffrey Doshna, Council Member	
SECONDER:	Caitlin Giles-McCormick, Council Member	
AYES:	Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion	

II. Mayor's Report

Mayor Driver said council received a draft copy of the Beacon Planning financial impact study. That will be on the agenda of the Nov. 18 council meeting, to be held at the historic courthouse, 71 Main St.

Streetscape - Most of the work is done; they're finishing up along the curbing in some areas.

An ordinance for an overlay zone has been removed from the agenda; the area originally included the driving range, but the DEP has indicated proximity of a floodway, so the borders are being adjusted.

Last week she was in Trenton working on renewal of the borough's "center" designation. Category One stream classification discussions were taking place at the same time, and the county conveyed the borough's concerns to the state. On Thursday she was at a seminar on complete streets.

Red Cross and Fire Department volunteers installed 57 smoke alarms for free in 30 homes Oct. 19.

She congratulated Council Member John Gorman on his 33 years of continuous service as a Council member, and said an open house in his honor will be held Saturday, Nov. 2, 3-6 p.m. at the Woman's Club. She then called for an amendment to the agenda to add a resolution dedicating New York Avenue as John Gorman Way.

1. Motion To: **Amend Agenda to Include Resolution Dedicating John Gorman Way**

RESULT:	APPROVED [5 TO 0]
MOVER:	Jeffrey Doshna, Council Member
SECONDER:	Michael Harris, Council President
AYES:	Doshna, Giles-McCormick, Harris, Peterson, Runion
ABSTAIN:	John Gorman

2. RESOLUTION 2019-214: DEDICATING A PORTION OF NEW YORK AVENUE AS JOHN GORMAN WAY

RESULT:	ADOPTED [5 TO 0]
MOVER:	Michael Harris, Council President
SECONDER:	Caitlin Giles-McCormick, Council Member
AYES:	Doshna, Giles-McCormick, Harris, Peterson, Runion
ABSTAIN:	John Gorman

III. Council Members' Reports

Council Member Doshna

He thanked the Fire Department for helping with the smoke alarm drive over the weekend, and cited Hunterdon Central students in the Red Cross Club for putting door hangers out in advance, letting people know the drive was legitimate.

Library - the architect for interior renovations has outlined how to bring the new part of the library up to code, and address the entryway; they're now prioritizing their wish list. Initial work should start in the first quarter of 2020.

Labor Contracts - Drafts were presented in executive session at the last meeting and no concerns or comments have been brought forward.

Council Member Giles-McCormick

She reviewed activities at DIY and the Samuel Fleming House. The SFH is looking for donations for its tricky tray Dec. 7.

HPC - The historic district map presentation to the Planning Board will be Nov. 4, 7 p.m. at Borough Hall.

The Halloween parade will be Thursday at 5 at the Filling Station - rain or shine.

Council Member Gorman

Mr. Gorman thanked the council for the honor in dedicating New York Avenue to him and said it's been his honor to serve the Borough.

Council President Harris

He'll present an animal control update at the next meeting.

The last Environmental Commission meeting didn't have a quorum; people interested in serving are welcome.

He said the executive session review of the draft Beacon financial impact report shows a clear path forward.

Council Member Peterson

She said there should be no more parking and traffic ramifications for the Streetscape project.

Council Vice President Runion

Env. Comm. - They're working on the Sustainable Jersey submission, which is due Nov. 17.

Planning Board - They approved the sign wall on the Route 202-31 circle. The ordinance for appealing Planning Board decisions to Borough Council is on tonight's agenda for a public hearing.

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

Joanne Braun, 77 Jefferson Court, Raritan Twp., said the Friends of Historic Flemington LLC hasn't received a response from the Borough yet on its settlement proposal, and said it's wrong to say they oppose redevelopment. Tony Previte, 45 N. Main St., suggested declaring an impasse in the lawsuits and going before a judge.

Elaine Gorman, 34 New York Ave., summarized recent HPC programs and asked if the visitors' kiosk on Main Street is closed due to the streetscape project.

Robert Shore, 47 Broad St., congratulated Mr. Gorman on his service. He said design guidelines are needed in town. He suggested polling workers about union representation, and asked for an update on the shared services study.

Tim Bebout, 194 Main St., encouraged the council, in reviewing the FCP budget, to consider the strategic plan it implements.

Lois Stewart, Flemington, asked the status of the Hineline (filling station) property. It's still for sale. She also asked about solutions for moving the Police Department and criticized the Planning Board's approval of the living wall sign at the circle.

V. Approval of Minutes

Motion To: **Approve Minutes: October 15, 2019 Regular Council Meeting**

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

Motion To: **Approve Minutes: October 15, 2019 Executive Session**

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

Consent Agenda

Moved: Giles-McCormick Seconded: Harris Vote: All voted in favor.

1. RESOLUTION 2019-206: EXPRESSING SUPPORT FOR TRANSPORTATION ELECTRIFICATION IN THE STATE OF NEW JERSEY
2. RESOLUTION 2019-216: AUTHORIZING AN OFF-PREMISES DRAW RAFFLE FOR THE FLEMINGTON FIRE DEPARTMENT ON DECEMBER 8, 2019

Regular Agenda

1. ORDINANCE 2019-21: SECOND 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

Motion to Open public hearing: Harris, seconded by Runion. All yes to open. Robert Shore, 47 Broad St., asked for an explanation of why we'd do this. Mr. Runion said it's an access issue; not everyone can afford to take an appeal through the court system. Mr. Doshna said he doesn't support the resolution; that Planning Board members aren't usually caught up in politics, and that serving on the board requires some technical expertise. This would have the council make its determination based on the written record only. Also, this is for a D (use) variance, which can require tremendous work by the applicant, and if we want to be open to development, this could be a potential barrier.

Elaine Gorman, 34 New York Ave., said it's naive to think any board isn't political, and that a 5-hour class doesn't necessarily impart that much expertise.

Lois Stewart, Flemington, said planning board members are appointed and not responsible to a constituency, and she supports this avenue for redress.

Robin Lapidus, FCP director, said having backup plans for redress might not resolve issues if the community feels there are access problems. It's best to be inclusive and do work way before going to the Planning Board. This would prolong an already complicated process. Also, people get a different view of a trial if they sit through the testimony, rather than reading a brief about it.

Tony Previte, 45 N. Main St., said it's a noble effort but not worth it.

Robert Shore, 47 Broad St., asked about the appeal process. Attorney Whittlesey said it's detailed in state statute. Council considers the record, but doesn't hear live presentations.

Mr. Harris said he sees this as a safeguard. Mr. Runion had asked who uses this, and found that a similar process is used in Raritan Township.

Robert Shore, 47 Broad St., asked if a Planning Board decision is appealed, does the developer have to pay for his defense.

Elaine Gorman, 34 New York Ave., criticized the Planning Board as lacking transparency and denying people the chance to speak.

Mr. Harris called for council members to discuss the ordinance during the public hearing, so the public could respond and ask questions.

Mr. Gorman said he was concerned if council members assigned to the Planning Board don't get a chance to participate in the Planning Board vote.

Mr. Doshna said it's because applicants can appeal denials to the council.

Lois Stewart, Flemington, asked why applicants can appeal denials, but the public can't appeal decisions. Mr. Doshna said it's based on the assumption that people can do what they want on private property. Mayor Driver said this ordinance would open up the possibility of one person violating private property rights.

Motion to close public hearing: Doshna, seconded by Gorman. All yes.

Council Discussion:

Ms. Giles-McCormick said she's concerned that in a political environment, this could make things worse and draw things out.

Mayor Driver said the letter from the Planning Board that was sent to Council arguing against this ordinance was approved unanimously by the Planning Board. She said it's an unfunded mandate that could get very expensive for the borough.

Mr. Gorman said he's sitting on water allocation that's tied up for projects that aren't going forward, and said we've got to make good decisions. If you know something's not right, you can't let it just fly.

Mr. Runion said the ordinance isn't perfect, but it's a mechanism for a person to have a voice.

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

2. Motion To: **Amend Agenda to Move Up Consideration of Resolution 2019-211**

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

3. RESOLUTION 2019-211: TURKEY TROT STREET CLOSURES NOVEMBER 2019

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

4. RESOLUTION 2019-204: RESOLVING THAT THE FINANCIAL IMPACT STUDY PREPARED BY BEACON PLANNING BE TURNED OVER TO COUNCIL

A draft of this study was discussed in executive session earlier in the evening.

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

5. RESOLUTION 2019-207: AUTHORIZING THE MAYOR AND CLERK TO SIGN A 2020-2022 COLLECTIVE BARGAINING AGREEMENT WITH PBA LOCAL 188 REPRESENTING FLEMINGTON POLICE DEPARTMENT

RESULT: **TABLED [UNANIMOUS]** **Next: 11/18/2019 7:30 PM**
MOVER: Jeffrey Doshna, Council Member
SECONDER: John Gorman, Council Member
AYES: Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

6. RESOLUTION 2019-208: AUTHORIZING THE MAYOR AND CLERK TO SIGN THE 2020-2022 COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS LOCAL 469 REPRESENTING THE FLEMINGTON DPW EMPLOYEES

RESULT: **TABLED [UNANIMOUS]** **Next: 11/18/2019 7:30 PM**
MOVER: Jeffrey Doshna, Council Member
SECONDER: John Gorman, Council Member
AYES: Doshna, Giles-McCormick, Gorman, Harris, Peterson, Runion

7. RESOLUTION 2019-209: AUTHORIZING SUBMISSION OF A LOAN APPLICATION TO THE U.S.D.A. RURAL DEVELOPMENT DRINKING WATER PROGRAM TO SECURE FINANCING FOR THE EXISTING WATER TANK IMPROVEMENT PROJECT, BLOCK 50 LOT 4, IN RARITAN TOWNSHIP

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

8. RESOLUTION 2019-210: HOLIDAY PARADE 2019 ROAD CLOSURES

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

9. RESOLUTION 2019-212: 2019-212: APPOINTMENT OF ROBERT MARTUCCI OF MARTUCCI ENGINEERING LLC AS BOROUGH ENGINEER FOR 2019

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

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

Lois Stewart, Flemington, said the Friends of Historic Flemington LLC are not trying to be anti-redevelopment, they want what's right for the community.

Tony Previte, 45 N. Main St., said that Mr. Cust is the only one proposing something for the town.

Joanne Braun, 77 Jefferson Court, Raritan Twp., said Mr. Cust's plan is still too dense, too tall. She also asked about maintenance on the back of the hotel.

Tony Previte, Flemington, discussed the Captiva presentation for the Global Ag property, and said he doesn't want to see apartments there.

Lois Stewart, Flemington, discussed the Construction Board of Appeals ruling on the hotel's maintenance.

Joanne Braun, Raritan Twp., asked about the Flemington Cut Glass site. Mr. Gorman said everyone's waiting for something to happen. Mr. Doshna said the site just got its last extension for its approvals, unless Trenton allows another. Mr. Runion questioned the funding source for paying a boarding fee for police dogs; the CFO will apply it to the correct account.

VII. Attorney's Report

None.

VIII. Payment of the Bills in the Amount of \$93,014.27

Motion To: **Pay the Bills**

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

IX. Council Discussion

Mr. Gorman said he would be talking with Mr. Runion about recycling.

Executive Session

1. RESOLUTION 2019-213: TO RETIRE INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS INVOLVING THE PROPERTY MAINTENANCE OFFICIAL AND THE TAX COLLECTOR

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

Minutes kept separately.

Mr. Gorman moved to return to open session, seconded by Mr. Doshna. All members present voted in favor of returning to open session at 11:46 p.m.

X. Adjournment

Mr. Doshna moved to adjourn, seconded by Ms. Giles-McCormick. All members voted in favor of adjourning. Meeting ended at 11:47 p.m.

Attest: _____
Sallie Graziano, Borough Clerk