



Mayor and Common Council Borough of Flemington

February 24, 2020

Council Meeting Room

Call to Order (6:00 PM)

Mayor Driver called the meeting to order at 6:00 p.m.

Executive Session (6:00 PM)

1. RESOLUTION 2020-55: RETIRING INTO EXECUTIVE SESSION FOR THE PURPOSE OF OBTAINING LEGAL ADVICE REGARDING THE COURTHOUSE SQUARE PROJECT

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Caitlin Giles-McCormick, Jeremy Long, Christopher Runion, Kimberly Tilly
ABSENT:	Jessica Hand, Michael Harris

Ms. Hand arrived at 6:20 p.m. Redevelopment Attorney Maraziti joined the meeting by phone, briefly, from 6:30 p.m. to 6:40 p.m.

Minutes of executive session kept separately.

Results of Executive Session (if any)

No action was taken. Ms. Tilly moved and Ms. Giles-McCormick seconded adjourning at 6:40 p.m., until the start of the work session at 7 p.m. All members present voted in favor.

Work Session (7:00 PM)

Mr. Harris arrived for the start of the work session.

Overview of plans for the Flemington-Raritan Community Pool - Andy Cedarbaum, Ch. Of the Bd. of Trustees of the HC YMCA, and Bruce Black, Pres. and CEO of the Y, discussed the history of the Flemington-Raritan Community Pool and how historically it was run by a group of volunteers. It suffered wear and tear and was last operational in 2017. The pool board approached the Y about taking it over. The pool has to go to a nonprofit group. Dr. Cedarbaum said the Y recently closed on ownership of the pool property, which comprises 6 acres. Mr. Black outlined the Y's plans to repair piping leaks, upgrade the bathhouse, upgrade the pool system, make things ADA-compliant, and create a fund for financial assistance. So far they've raised \$315,000 of the \$750,000 cost of renovations, and they're intending to open this summer. Memberships will cost \$595/family without discounts; former pool members and Y members will

see some discounts. There will be a sliding scale based on need. The pool will be open to County residents.

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
Caitlin Giles-McCormick	Council President	Present	
Jessica Hand	Council Member	Present	6:20 PM
Michael Harris	Council Member	Present	7:00 PM
Jeremy Long	Council Member	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Vice President	Present	
Betsy Driver	Mayor	Present	

I. Tax Assessor presentation - Ed Kerwin

Mr. Kerwin presented data on the Borough's annual reassessment, sharing a chart with council and residents. Residential assessments are up 1.70% over 2019, and total commercial assessments are up 0.3 %, led by the 4C group (multifamily apartments). Total ratables are up 0.96% over last year. He reviewed the top 10 taxpayers by assessment, noting that 5 of them are apartment complexes.

Responding to a question, he said there was no significant change in the amount of properties in the Borough that don't pay taxes.

Responding to another question, he said renovations are accounted for when the construction gets a certificate of approval.

Six properties currently are on 5-year tax abatement plans; 4 of those plans expire in 2021.

II. Mayor's Report

Mayor Driver discussed the recent appellate court ruling upholding the DEP permit for sale of 90-100 Main St. She noted that a plan for development of the Nilkanth Agway property will be presented at the courthouse on March 25.

The spike in suicides among young people is being addressed by Safe Harbor.

The DEP is reviewing 2 offers for 144 Main St., both basically restaurants.

There has been some movement on Liberty Village - she got a call from a representative of the owners, which she'll discuss later.

At the end of the Council Members' reports, Mayor Driver discussed the work session presentation about the Flemington-Raritan pool, and thanked Jeff Cain, a member of the pool board, for his hard work in arranging the transition, and also congratulated him on his position as a new Flemington-Raritan School Board member.

III. Council Members' Reports

Council President Giles-McCormick

Caitlin Giles-McCormick: She discussed some upcoming events at Samuel Fleming House and through the FCP. There's a resolution on the consent agenda regarding the Opportunity Zone Challenge Grant, so we can start organizing charettes on the future of Flemington.

Council Member Hand

Jess Hand: She and Mr. Long attended a budget seminar hosted by the NJ League of Municipalities, which was very helpful. This week she's going to an American Pets Alive conference.

Council Member Harris

Michael Harris: The Shade Tree Commission met Wednesday; they're reviewing membership and an update will be forthcoming. He's meeting with the DIY and Star Throwers groups tomorrow.

Council Member Long

Jeremy Long: The Planning Board meets next on March 2; the meeting tomorrow was canceled due to a lack of agenda items. The budgeting seminar he attended through the League of Municipalities made him feel more confident about the process. He has coffee every Saturday, 9-10 a.m., at the Flemington Coffeeshop and welcomes chats with residents.

Council Member Runion

Chris Runion: The Environmental Commission meets March 16 at 7 p.m. He's having a meeting this week with various officials regarding the possibility of getting LED lighting in the Borough. He has comments to share about Ord. 2020-1, which is set for a public hearing tonight.

Council Vice President Tilly

Kim Tilly: The DPW meetings are held the second Wednesday of every month. Bids are under review for the Library interior renovations project. The HPC has reviewed a handicapped ramp project for Catholic Charities.

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

Zack Rustay, 1 Meadowbrook Road, a member of the Star Throwers Group, discussed the opportunity the group has had to meet in the Borough in a safe place for young adults to practice adulting, obtain pre-vocational training, and connect with residents and businesses in town. It offers them freedom to go where they want, and he looks forward to enjoying more time in the Borough. Jeff Cain, 54 Broad St., spoke about efforts to open the community pool.

Lois Stewart, Flemington, said trees near the former Friday's have been topped terribly, and others were removed from the parking lot. She expressed disappointment in the results of the Main Street Streetscape project.

Joanne Braun, 77 Jefferson Court, Raritan Twp., asked if Cut Glass's extension is up on its approvals. The Mayor confirmed that this is the last year of the extension.

Robert Shore, 47 Broad St., said it's important to maintain the railroad easement that runs over Route 206 to the back of Somerville, if Flemington wants trains to run to NYC again. He also asked about the shared services study, and whether the Mayor had sent a request to the state DCA. The Mayor said the request has not yet been sent because she hasn't received the address from Councilman Harris.

Robin Lapidus, exec. dir. of the Flemington Community Partnership, noted the FCP's shareholders' event at Chimney Rock is at capacity, but reservations were free.

V. Approval of Minutes

Motion To: **Approve Minutes: February 9, 2020 Special Council Meeting**

RESULT:	APPROVED [4 TO 0]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Jeremy Long, Council Member
AYES:	Caitlin Giles-McCormick, Jessica Hand, Jeremy Long, Kimberly Tilly
ABSTAIN:	Michael Harris, Christopher Runion

Motion To: **Approve Minutes: February 9, 2020 Spec. Mtg. Exec. Session**

RESULT:	APPROVED [4 TO 0]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Jeremy Long, Council Member
AYES:	Caitlin Giles-McCormick, Jessica Hand, Jeremy Long, Kimberly Tilly
ABSTAIN:	Michael Harris, Christopher Runion

Motion To: **Approve Minutes: February 10, 2020 Regular Council Meeting**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Jeremy Long, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Consent Agenda

Moved by: Tilly

Seconded by: Runion

Vote: All members voted in favor

1. RESOLUTION 2020-56: AUTHORIZING SUBMISSION OF A RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
2. RESOLUTION 2020-57: AUTHORIZING THE EXECUTION OF THE OPPORTUNITY ZONE CHALLENGE PROGRAM GRANT
3. RESOLUTION 2020-58: AUTHORIZING THE MAYOR TO SIGN DOCUMENTS FOR SUBMISSION TO THE STATE DEP REGARDING THE BOROUGH-OWNED PROPERTY AT 144 MAIN STREET, BLOCK 38, LOT 1.01

Regular Agenda

1. ORDINANCE 2020-1: SECOND READING: ELIMINATING THE OPTION OF APPEALING THE GRANT OF A "D" VARIANCE TO THE GOVERNING BODY AND AMENDING CHAPTER 14 ENTITLED "PLANNING BOARD AND HISTORIC PRESERVATION COMMISSION" OF THE GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY

Open public hearing - moved by Tilly, seconded by Harris, all voted yes to open. Lois Stewart, Flemington, spoke against the proposed ordinance, saying the existing ordinance gives the public the chance to voice concerns without having to hire a lawyer.

Ms. Giles-McCormick said she doesn't see a developer not appealing any reversal of planning board approval, and the current option would just prolong the process. She said people should get more involved earlier in the process, and attend Planning Board hearings.

Mayor Driver said the current ordinance could risk more expense to the Borough, if it got sued by a developer.

Mr. Runion took issue with the proposed ordinance, saying that Municipal Land Use Law says ordinances can authorize appeals to the governing body because an approval of a variance is contrary to the master plan, and while courts decide legality, locals decided what's best for the community.

Lois Stewart said the council is elected to do what's best for the community, and she hasn't seen that on the Planning Board.

Ms. Giles-McCormick said part of Council's job is to balance demands and make hard decisions.

Mr. Runion said use variances require certain conditions, and many are very subjective, such as benefit to the public and no harm being involved.

Mr. Harris reviewed the situation of the electronic sign at the circle, saying it illustrates the need for an appeal option.

Robin Lapidus, FCP, said communities prosper most when people have discussions and figure things out before plans go before the Planning Board.

Ms. Giles-McCormick said she's struggling with how the appeal process doesn't make things more difficult.

Mayor Driver said there was plenty of opportunity for Council members to raise issues about the electronic sign at the circle early on in the process.

Mr. Long said he's liaison to the Planning Board, and he's found that they're a pretty well-rounded crew of experts and know what they're doing.

Mr. Harris said he's hearing that council doesn't even want to have the tool.

Rich Cornelison, 134 Main St., expressed support for the business community.

Robin Lapidus, FCP, said inclusivity has to be built in to the front part of the system. We need to invest in the belief we can be a functioning community where people get together and represent their interests, and spend more time in fruitful conversations.

Ms. Tilly moved to close the public hearing, seconded by Mr. Harris. All members voted yes.

RESULT:	ADOPTED [4 TO 2]
MOVER:	Caitlin Giles-McCormick, Council President
SECONDER:	Kimberly Tilly, Council Vice President
AYES:	Caitlin Giles-McCormick, Jessica Hand, Jeremy Long, Kimberly Tilly
NAYS:	Michael Harris, Christopher Runion

2. RESOLUTION 2020-59: AUTHORIZATION TO SUBMIT GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH HUNTERDON COUNTY ECONOMIC DEVELOPMENT FOR ZONING REVIEW, UPDATE

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Harris, Council Member
SECONDER:	Christopher Runion, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

3. RESOLUTION 2020-60: ESTABLISHING AN AD-HOC COMMITTEE ON THE REDEVELOPMENT OF LIBERTY VILLAGE

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kimberly Tilly, Council Vice President
SECONDER:	Caitlin Giles-McCormick, Council President
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

4. RESOLUTION 2020-61: AUTHORIZING ADDITIONAL PAYMENT OF \$4,900.00 TO CLARKE CATON HINTZ IN CONNECTION WITH THE UPDATE OF THE HISTORIC DISTRICT MAP

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Christopher Runion, Council Member
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

5. RESOLUTION 2020-62: AUTHORIZING THE PARTIAL CLOSURE OF MAPLE AVENUE ON MARCH 21, 2020, FOR A MAKER'S DAY EVENT SPONSORED BY MEDIATECH

RESULT: **ADOPTED [5 TO 0]**
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Michael Harris, Council Member
AYES: Giles-McCormick, Hand, Harris, Long, Runion
ABSTAIN: Kimberly Tilly

6. RESOLUTION 2020-31: APPOINTING KENNETH MCCORMICK AS FIRE OFFICIAL

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Michael Harris, Council Member
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

7. RESOLUTION 2020-63: REAFFIRMING ESTABLISHMENT OF A CREATIVE TEAM

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Jessica Hand, Council Member
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

8. RESOLUTION 2020-64: ESTABLISHING AN ADVISORY COMMITTEE TO CRAFT BYLAWS FOR THE GOVERNING BODY OF FLEMINGTON BOROUGH

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Kimberly Tilly, Council Vice President
SECONDER: Caitlin Giles-McCormick, Council President
AYES: Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Motion To: **Amend Agenda to Include New Resolution**

Mr. Harris made a motion to amend the agenda to include a resolution he handed out to council members, concerning recording, publishing and archiving the public portion of meetings.

RESULT:	APPROVED [4 TO 2]
MOVER:	Michael Harris, Council Member
SECONDER:	Christopher Runion, Council Member
AYES:	Jessica Hand, Michael Harris, Jeremy Long, Christopher Runion
NAYS:	Caitlin Giles-McCormick, Kimberly Tilly

10. RESOLUTION 2020-65: RESOLVING THAT THE PUBLIC PORTION OF MEETINGS BE RECORDED, PUBLISHED AND ARCHIVED

RESULT:	TABLED [5 TO 0]	Next: 3/9/2020 7:30 PM
MOVER:	Caitlin Giles-McCormick, Council President	
SECONDER:	Kimberly Tilly, Council Vice President	
AYES:	Giles-McCormick, Hand, Long, Runion, Tilly	
ABSTAIN:	Michael Harris	

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

Lois Stewart, Flemington, said she wants the Borough to do something special this April for the 50th anniversary of Earth Day. She also asked for clarification on ordinances that are scheduled for a public hearing on March 9, and details of the plans for the Nilkanth Agway property. Mayor Driver said the Nilkanth plans would be mixed use - they're working with the hospital about providing workforce housing, condos, and some retail development.

VII. Attorney's Report

Most of Attorney St. Angelo's report has already been covered, but she is working on an ordinance for the sale of 144 Main St., and will help with the drafting of a resolution regarding the recording of meetings.

VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$1,590,115.71**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeremy Long, Council Member
SECONDER:	Christopher Runion, Council Member
AYES:	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

IX. Executive Session for any other applicable matter identified during the regular meeting (Action may be taken)

X. Adjournment

Mayor Driver declared the meeting adjourned at 10:56 p.m.

Attest: _____
Sallie Graziano, Borough Clerk