



# Mayor and Common Council Borough of Flemington

October 13, 2020

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Held Online Through Zoom During the COVID-19 Pandemic

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## Work Session (Canceled)

## 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	
Michael Harris	Council Member	Present	
Jeremy Long	Council Member	Present	
Christopher Runion	Council Member	Present	
Kimberly Tilly	Council Vice President	Present	
Betsy Driver	Mayor	Present	

### I. OEM Report

OEM Coordinator McNally reported that on Oct. 8 the local state of emergency was renewed for another 30 days. The last two to three weeks there has been an increase in COVID-19 activity. Cases in Flemington have reached 96. He stressed the importance of washing hands and most importantly, wearing masks. There will be no Halloween parade. They hope this will spread out the time period in which children are trick-or-treating. They're working on getting candy donations. OEM and the Police Department have issued Halloween guidance, and the Police have free yard signs to put on lawns of homes where trick-or-treaters are welcome.

### II. Mayor's Report

The Freeholders passed a resolution supporting the alternative plans for the Courthouse Square project, and the county Chamber of Commerce sent a letter of support as well. Last week saw a \$35,000 increase in NJ Cares funds for the COVID-19 response. The Census appears to be ending soon, due to a Supreme Court ruling.

The Courthouse Square developer has taken out permits for shoring up the hotel. Public safety is important here - everyone knows the shape the hotel is in.

### III. Council Members' Reports

Council Vice President Tilly

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She made a statement expressing her disappointment in Mayor Driver's recent social media post and said it's the third time the Mayor has created an incident on social media. She called for the Mayor's censure.

Council Member Hand

The Citizens Working Group continues to hold very positive meetings. They had the first Community Garden committee meeting, going over rules and how to set up the area. Next they will meet at Tuccamirgan Park.

Council Member Harris

He wants to amend the agenda to acknowledge that the Mayor's social media post in no way reflects the community or Council. He discussed a previous call for the Mayor's censure and apologized for Council not taking action earlier. He supports the idea of offering candy assistance to homes where trick-or-treaters gravitate. He also spoke about a local effort to have people put a candle in their window as a light during the current health crisis.

Council Member Runion

The Environmental Commission meets Monday at 7 p.m. They'll be discussing the community garden, and a VP from Concord Energy will share info on residential aggregate energy programs. Several options are below the current rate. If Flemington wanted to offer this, residents could opt out of the plan. Attorney St. Angelo advised on the process for adopting the program, and the suggestion was made that a work session be held on this topic.

Council Member Long

Planning Board - He reminded people about the board's bylaws and rules being on the board's website, and has included a post on his councilman Facebook page. The Citizens' Working Group has held very enlightening meetings - it's encouraging to hear people listening to each other. He thanked Cpl. McNally and Detective Godown for recent presentations including about the LEAP program, which gives kids a chance to right a wrong. The committee has heard lots of perspectives on the Police flag (that has a blue line in it).

Council President Giles-McCormick

The Opportunity Zone Committee has selected an administrator to manage the charrettes; a resolution is on the agenda for that tonight. The first charrette is being planned for Nov. 12; details will follow. She discussed the FCP's current strategic planning and budgeting, and Restaurant Week is planned for Nov. 8-13. Business spotlights continue. The FCP has a candy sponsor for trick-or-treating. The Samuel Fleming House's pumpkin activity last Saturday was well attended.

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

Mayor Driver explained how residents can be recognized to comment, and asked them to provide their names and addresses.

Nicole Bishop, 16 Corcoran St., asked the Mayor if she's thinking of resigning in response to the reaction to her recent post on her private Facebook page, and how the Mayor's post is different from a post on another resident's Facebook page that precipitated his work for the Borough being taken away. The Mayor said residents have the recourse of voting her out of office.

Jean Brannon, 72 Main St., discussed different standards for people's Facebook posts and asked the Mayor for a response. The Mayor said she made a statement to Tap-Into Flemington/Raritan, and posted on her private Facebook page, and those statements stand on their own.

Joanne Braun, 77 Jefferson Court, Raritan Twp., said the Mayor's vulgar comments on Facebook don't represent the Borough and she should make a comment to the public.

Chris Meinhart, 22 Everittstown Road, spoke about feeling threatened by possible Supreme Court changes in how LGBTQ partnerships are viewed and said the Mayor's Facebook comments were taken out of context.

William LaRue, 69 Capner St., said he cropped and shared the Mayor's Facebook post in response to the way he feels she treated him.

Adrienne Fusaro, 23 Maple Ave., said people's feelings are being hurt over words and the outrage is stupid; it's not just local, it's the world we live in now.

Kathryn LaRue, 69 Capner St., said the Mayor represents the entire town and it's not appropriate for her to condemn half the residents.

Clerk Graziano read 5 emails sent to the Public Comments email address by the deadline of 3 p.m. today:

- The Hunterdon County Freeholders passed a resolution endorsing the revised Courthouse Square plan.
- Sandi Scott, 5 Broad St., expressed her concern about the Mayor's political activism and her responsibility to serve all residents. She urged Council to condemn the Mayor's intolerance and vulgarity.
- An unidentified social media user posted about the Mayor's political affiliation.
- Catherine Neary, no address given, wrote to Council, urging them to tell the Mayor to resign.
- Robert Shore, 47 Broad St., criticized the Mayor's actions in office regarding negotiations with the redeveloper, relations with the Friends of Historic Flemington, relations with other Council members, and her political views. He called for her apology and resignation, and a vote of censure.

#### V. Approval of Minutes

Motion To: **Approve Minutes: Sept. 14, 2020 Executive Session**

Mr. Harris discussed providing notes about details of these minutes, and the public release of executive session minutes.

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

Motion To: **Approve Minutes: Sept. 29, 2020 Regular Council Meeting**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Harris, Council Member
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

Motion To: **Approve Minutes: Sept. 29, 2020 Executive Session**

Mr. Harris reiterated his concern about completeness of the minutes and their public release.

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSTAIN:</b>	Michael Harris

## Consent Agenda

Moved by Harris; Seconded by Hand; All members voted to approve.

1. RESOLUTION 2020-171: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NUMBER 1009-33-002-008 HELD BY CYCLADES ASSOCIATES, LLC, FOR THE TERM 2020-2021
2. RESOLUTION 2020-172: AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE POSITION OF COMPUTER CONSULTANT FOR 2021
3. RESOLUTION 2020-177: RECOGNIZING NATIONAL HISPANIC HERITAGE MONTH

## Regular Agenda

1. Motion To: **Amend Agenda to Add Resolution for Mayor's Censure**

<b>RESULT:</b>	<b>DEFEATED [3 TO 3]</b>
<b>MOVER:</b>	Michael Harris, Council Member
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Michael Harris, Christopher Runion, Kimberly Tilly
<b>NAYS:</b>	Caitlin Giles-McCormick, Jessica Hand, Jeremy Long

There was a tie Council vote, and Mayor Driver abstained from voting. The motion failed for lack of a 2/3 majority.

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2. ORDINANCE 2020-16: FINAL READING: AN ORDINANCE TO AMEND AND SUPPLEMENT THE "2017 UNION HOTEL REDEVELOPMENT PLAN" AS ADOPTED BY ORDINANCE 2017-17 OF THE BOROUGH OF FLEMINGTON

Planner McManus reviewed the two changes made to the ordinance. The first was in the bulk standards section, clarifying where surface parking and loading is permitted, to add the lot by the Police Station in Block 22 along Chorister Place. The second was in architectural design standards, adding language to require a visual landmark if a building is constructed or a park created on Block 24 (where the Flemington Furs building is currently).

Mayor Driver called for public comments and there were none.

Council Discussion: Mr. Runion discussed options for the parking lot planned where the Flemington Furs building currently sits.

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

3. RESOLUTION 2020-173: AMENDING THE AGREEMENT FOR THE SALE OF BOROUGH PROPERTY TO FLEMINGTON CENTER URBAN RENEWAL, LLC IN CONNECTION WITH A REDEVELOPMENT PLAN, PURSUANT TO N.J.S.A. 40A:12A-8(G)

Attorney Maraziti summarized the sale agreement and lease. This changes the current contract of sale to allow the Borough to sell the building containing the Police Department but retain occupancy for the Police Department for \$1/year rent. If the building goes back to the developer, the developer pays the Borough. It addresses a problem with the previous agreement that left the Police Department without a home. Mayor Driver said some escrow dates back to 2019, and this brings it all up to date once the contract is signed.

There was discussion about the terms of the lease, the idea of retaining the Police Department as a condominium, and the nature of the negotiations.

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

4. RESOLUTION 2020-174: AUTHORIZING AN ESCROW AGREEMENT BETWEEN MARTUCCI ENGINEERING, LLC AND THE BOROUGH OF FLEMINGTON
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**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Caitlin Giles-McCormick, Council President  
**SECONDER:**   Jeremy Long, Council Member  
**AYES:**         Giles-McCormick, Hand, Harris, Long, Runion, Tilly

5. RESOLUTION 2020-175: AUTHORIZING A SHARED SERVICE AGREEMENT WITH ROCKY HILL REGARDING LEAF PICKUP

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

6. Motion To:       **Amend Agenda to Include a Resolution to Work with the DCA Regarding Shared Services, as Reflected in Res. 2019-79 and Res. 2019-148**

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

7. RESOLUTION 2020-176: CHAPTER 159 RESOLUTION ADDING FUNDS INTO THE 2020 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON IN THE AMOUNT OF \$55,723.74

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

8. RESOLUTION 2020-178: AUTHORIZING THE AWARD OF A CONTRACT FOR A CONSULTANT TO CONDUCT ADDITIONAL STUDY AND COMMUNITY ENGAGEMENT IN CONJUNCTION WITH THE OPPORTUNITY ZONE CHALLENGE GRANT TO STANTEC

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

9. RESOLUTION 2020-179: ADOPTING A PUBLIC COMMENTING POLICY FOR REMOTE/ ELECTRONIC BOROUGH COUNCIL MEETINGS

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Jeremy Long, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

10. RESOLUTION 2020-180: AUTHORIZING AN AMENDMENT TO A UTILITY EASEMENT ON BLOCK 45, LOTS 5 & 6, KNOWN AS SHAMMY SHINE

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>	<b>Next: 10/26/2020 7:30 PM</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President	
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President	
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly	

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

Robert Shore, 47 Broad St., said the Mayor owes the community an apology and should resign. He added that Council should hold her accountable.

Jessica Gallico, Branchburg, said the social media issue isn't going away and the Mayor should apologize to the town and Council for what they'll have to endure. The question now is how to bounce back and come together.

William LaRue, Capner Street, criticized Council members for not taking action.

Kate DeLuca, Readington, said she appreciates where the town is going, the work that's being put in, and said calls for the Mayor's resignation are overblown.

Chris Meinhart, 22 Everittstown Road, asked Council members calling for the Mayor's censure why their families are more important than the Mayor's or hers.

Joanne Braun, 77 Jefferson Court, Raritan Twp., asked about the next steps for the Courthouse Square project. The Mayor said it still needs SHPO approval, then the site plan will go to the Planning Board.

Kathryn LaRue, 69 Capner St., called for the Mayor's apology.

Jessica Gallico, Branchburg, commented on the Mayor's impact on LGBTQ history.

Robert Shore, 47 Broad St., said residents' concerns over the Mayor social media post deserve the decency of a response. He suggested banning the Mayor from using social media. Ms. Giles-McCormick said social media frequently is not helpful. She suggested considering that the Mayor made a private comment that didn't threaten violence or the public health and was responding to the possibility of Supreme Court justices threatening her family.

VII. Attorney's Report

Researching the electronic meeting commenting policy took much of her time; she commended the Borough on the way it has managed electronic meetings.

VIII. Payment of the Bills

Motion To: **Pay the Bills in the Amount of \$1,099,190.42**

Mr. Harris discussed the need for a purchasing manual and his concern about expenditures being made without explicit Council approval.

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Kimberly Tilly, Council Vice President
<b>AYES:</b>	Giles-McCormick, Hand, Long, Runion, Tilly
<b>ABSTAIN:</b>	Michael Harris

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

None needed.

X. Adjournment

Before adjournment, Mr. Runion suggested adding a brief break in the middle of meetings, when they go so late.

Motion To: **Adjourn**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Caitlin Giles-McCormick, Council President
<b>SECONDER:</b>	Christopher Runion, Council Member
<b>AYES:</b>	Giles-McCormick, Hand, Harris, Long, Runion, Tilly

The meeting adjourned at 10:42 p.m.

Attest: \_\_\_\_\_  
Sallie Graziano, Borough Clerk