

An Update on the Main Street Redevelopment Project from Mayor Betsy Driver, May 2, 2019

Over the past four months, members of the Borough Union Hotel Redevelopment Committee and other Borough Council members met with the plaintiffs challenging several aspects of the Main Street redevelopment project several times in an effort to learn what an appropriate settlement with them would look like in order to get them to drop the several court cases they have filed against the Borough.

On April 23rd, Council members Jeffrey Doshna and Caitlin Giles-McCormick, our redevelopment attorney Andrew Brewer and I met with members of the board of trustees of the plaintiff organization, including local architect Chris Pickell, Borough resident Lois Stewart, Borough property owners Gary Schotland and Joanne Braun, and their attorney, James Maley. I left that meeting feeling optimistic and thought it was productive. They gave us some ideas of what it would take to move forward toward settlement and I was looking forward to having members of the redevelopment committee meet with the redeveloper next week to get his feedback.

Over the same four months, the redeveloper at our request continued to offer compromises including reducing the height of the buildings to five feet above the Union Hotel, saving the Potting Shed building at 78 Main in addition to the previous plans to save the Union Hotel and 90-100 Main, concessions that would improve traffic flows and parking, and fitting a new police station into the project. After the settlement conference in early April, the redeveloper requested that a dual path of settlement and litigation proceed.

On Friday, April 26, the attorney for the plaintiffs sent a letter to the Judge working with all sides as a mediator indicating they no longer wished to pursue settlement discussion if the litigation was actively proceeding and, thus, chose to proceed solely with litigation.

Ending the efforts to continue to seek a compromise and settlement threatens the Union Hotel. The current condition of the building puts the structure at significant risk from the delays litigation will bring. The plaintiffs choosing litigation over settlement means the redeveloper is within his rights to ultimately pursue constructing what he has approved site plans for: 90-foot-tall blocks, demolition of the Potting Shed building, and leaving the Borough to bond several million dollars to build a new police station.

Settlement by the plaintiffs will allow Council to put the plan revisions back before the Planning Board. It may allow us to revisit the PILOT agreement. Settlement may allow us to take another look at the Redevelopment Agreement. These are items the residents of Flemington have told me they would like to see; the plaintiffs choosing to pursue litigation over settlement removes those opportunities from the table. The Borough is legally bound by the previous agreements and only through settlement with the group suing over the project, would we be able to revisit them.

The redeveloper has accommodated most of what the Borough has asked for since January; unfortunately, the plaintiffs have not reciprocated.

Getting this project to something more acceptable to residents in town remains dependent upon the plaintiffs also being willing to compromise on their demands. I've stated on the record many times that the worst outcome would be the future of Flemington being decided by attorneys and a

judge and, unfortunately, that appears to be the path the plaintiffs have chosen to take. Despite the setback, the Borough will continue to try and broker an acceptable outcome from the parties in an effort to move a scaled down project forward.