

Statement from Friends of Historic Flemington Re Courthouse Square – January 28, 2020

Despite our differences, everyone in Flemington wants the same thing: to see Main Street redeveloped in a responsible and sustainable manner that benefits the entire community. The problem is that even with the “concessions” the redeveloper has been making, the proposed project simply is not there yet.

As recently as December 3, 2019, Mayor Betsy Driver wrote a Letter to the Editor in which she criticized the tax exemption or “PILOT” given to the redevelopment project proposed for Main Street by developer Jack Cust because it “will add over \$250,000 to the tax burden felt by residents in the Borough.” She explained that these costs will “impact the general operating fund of every single property owner and taxpayer in the Borough.”

In that same Letter to the Editor, Mayor Driver also criticized the manner in which the redevelopment project was addressing the Flemington Police Station. She stated, “[t]he taxpayers have already spent well over \$2 million paying off the bond on the 90-100 Main Street building and adjoining parking lots. He [Mr. Cust] hopes to buy it for \$1.1 million.” Mayor Driver explained, “[t]he Borough taxpayers should not be responsible for the costs of his evicting our police department in a badly thought out scheme engineered by the former mayor.”

The Mayor concluded this Letter to the Editor stating, in part, “[i]t’s time now for him [Mr. Cust] to try to please the Borough taxpayers in making sure they don’t end up subsidizing his development” and that she was “committed to making sure that we are able to reach an agreement that is beneficial for all involved.”

However, in its January 17, 2020 response to the Friends of Historic Flemington’s settlement offer, the Borough’s attorney stated, “[w]e have advised the Borough that taking positions in settlement at odds with those taken by FCUR [Mr. Cust’s company] would risk a claim of breach of contract and subject the Borough to claims for damage.” **When the Borough believes it *cannot* disagree with the redeveloper, it makes it very difficult for the Borough to protect the interests of its citizens.** Fortunately, the Lawsuits filed by the Friends of Historic Flemington allow the Friends of Historic Flemington to insist on a settlement which, as Mayor Driver said, “is beneficial for all involved.”

Unfortunately, both the Borough’s elected officials, including Mayor Driver and the redeveloper, have engaged in a public campaign to demonize Friends of Historic Flemington and have publicized confidential settlement communications. It is regrettable that the Borough and Mr. Cust are attempting to use these tactics to intimidate, harass and coerce Friends of Historic Flemington and its trustees into giving up their constitutional rights to seek to correct the Borough’s past mistakes. It is difficult to understand why Mayor Driver depicts the Friends of Historic Flemington as obstructionists when she even agrees that the project, in its current form, is not in the best interests of the community.

In the September 9, 2019 confidential settlement offer made by Friends of Historic Flemington, many of the same issues raised by the Mayor in her Letter to the Editor were raised by Friends of Historic Flemington, including the issues regarding the PILOT and the Police Station. While some progress appears to be being made with regard to the Police Station issue,

and there has been some height reduction, more still needs to be done to make this project “beneficial for all involved.” These concerns include:

1. Additional height reductions and additional considerations for historic treatment and preservation;
2. Ensuring that no historical structures are destroyed or irreversibly damaged;
3. Reversing and correcting the financial burden caused by the PILOT;
4. Ensuring that the Project and the remainder of Main Street has sufficient parking availability to service the new and existing businesses and residents;
5. Ensuring that adequate buffers, setbacks, green space and trees are provided to protect neighboring residential areas;
6. Reducing the density to a more appropriate amount for the site;
7. Addressing the additional financial burdens on the taxpayers and rate payers caused by the water and sewer infrastructure improvements needed as a result of this project; and
8. Providing for a permanent and sustainable solution for the Police Station.

The Friends of Historic Flemington expected that the Borough of Flemington would be a partner in protecting the interests of the community. Yet, the elected officials continue to insist on protecting Mr. Cust’s project. This is in part because past administrations agreed to a project that was not beneficial to the entire community and then signed a contract that gave away the Borough Council’s discretion to take actions that are different from what the redeveloper wants. This is also in part because certain Planning Board members voted when they had clear conflicts of interest.

By filing these lawsuits, Friends of Historic Flemington are attempting to achieve one simple goal: a redevelopment project that revitalizes the Borough of Flemington, while at the same time (1) protects Flemington’s historical structures and historical district and enhances its historic charm, (2) lessens the burdens on its taxpayers, and (3) strengthens the economic vitality of Flemington’s Main Street commercial area. This goal can be achieved if all parties work together instead of trying to harass and coerce the Friends of Historic Flemington into giving up their constitutionally protected right to file lawsuits to petition the government for redress. Historic preservation and economic development can coexist if we all work together.