



Mayor and Common Council Borough of Flemington

March 2, 2016

Council Meeting Room

Special Meeting Agenda (6:00 P.M.)

This meeting is being held in conformance with the Open Public Meetings Act.

I. Call to Order

Attendee Name	Title	Status	Arrived
John Gorman	Councilman	Present	
Marc Hain	Council Vice President	Present	
Brooke Liebowitz	Councilwoman	Present	
Michelle Oberst	Councilwoman	Present	
Brian Swingle	Council President	Present	
Carla Tabussi	Councilwoman	Present	
Phil Greiner	Mayor	Present	

II. Flag Salute

III. Public Comment

Lois Stewart, 26 Spring Street asked how is this Ordinance different from the Ordinance that was read at the February 22, 2016 and voted on? Why are you redoing this vote?

Attorney Goodman explained that there was an allegation made by a resident that there was a private meeting about this Ordinance on February 21, 2016. The Republicans that were at this meeting have stated that they had a Republican Caucus. After meeting with the Mayor about this allegation, it was decided by the Mayor to veto this Ordinance and to re-introduce this Ordinance so that there would be no question on this vote and the Borough could move forward.

Lois Stewart, 26 Spring Street, I am concerned about the cost of having to have this Ordinance Re-Introduced and again I would like to see the Council and the BID work this issue out and not have to hire the Consultants.

Joey Novack, asked what the difference between re-introducing and overriding the veto? Why was this method chosen?

Attorney Goodman stated that this was decided as the chosen method by the Council. The Council could have chosen to override the Mayor's veto but the Council chose to re-introduce the Ordinance.

Robert Shore, 47 Broad Street, asked who convened this Special Meeting for tonight on behalf of the Council?

Mayor Greiner stated that after consulting with the Attorney Goodman, I felt this that we need to have a chance to clear any issues that might hang over the last vote. In order to do that without losing too much time, we decided to do this now. If we waited till the next meeting to re-introduce this then we would have to wait for the Public Hearing portion and that would then bring us into April. It seemed prudent to resolve this matter expeditiously.

Attorney Goodman stated that this is an introductory tonight so there will not be a Public Hearing on this tonight. There will be a full Public Hearing on March 14, 2016.

Robert Shore, my concern is that I do not feel this was properly Noticed?

Attorney Goodman asked Mr. Shore why he felt this was not properly Noticed?

Robert Shore, after reading the Open Public Meetings Act, it requires that you publish this in two newspapers, that they be transmitted with enough time to make the advertising of this meeting. This is not a regular meeting a Special Meeting requires 48 hours' notice of the Agenda.

Attorney Goodman, we have been notified that this was properly noticed.

Robert Shore, responded that there is a possibility that this can be challenged? I feel it would be a smart idea to Table this Ordinance?

Councilwoman Oberst, asked why would we do that? What would the purpose be? We are doing this again in Open Public Session to be transparent and we did nothing wrong. We are doing this again for your purpose

Robert Shore, stated that the other concern that I have about this is on December 18th I believe there was an illegal meeting also. There was a quorum of the Council.

Councilwoman Oberst said that there was a meeting that they attended and that no decision where made at this meeting either.

Robert Shore, I just wanted to demonstrate that there is a pattern going on here. First meeting on December 18th, four Council members attended, a secret meeting that took place that was in the paper. Then again tonight I feel that there is a meeting that was not properly noticed. I may be wrong or I may be right. I do not know. I think there should be enough cause for the Council. The other issue that I have is that last week you also passed Resolutions to spend \$24,000.00 of tax payer's money on recreating a new BID Organization and I did not tell anything to Ms. Stuart around this and she on her own comes up with having to re-invent the BID. Having to put more money into a new company. It is my belief that if you are not going to re-designate the current BID then the BID should be de-funded. I do not have the confidence in the process here.

Lois Stewart, 26 Spring, what is the difference between a meeting and a caucus?

Attorney Goodman, I will not answer this due to this being very fact sensitive.

Betsy Driver, 50 North Main Street, asked the December 15th meeting that Mr. Shore already spoke of, but that there was a meeting also held at 90 Main Street that was attended by I believe every Council Member seated at that time in December. Again a violation of the OPMA.

Councilwoman Tabussi, stated that I was never a meeting with Council at 90 Main Street.

Betsy Driver, asked was there a meeting to discuss a fake survey at 90 Main?

Mayor Greiner, replied that there was a meeting that you might be referring that was held in the same time slot as a BID Board meeting that was going to be held.

Councilwoman Tabussi, stated that this is how accusations get thrown around and it is just not accurate. These accusations have been thrown around for month and they are not true.

Mayor Greiner, asked to please just confine this to Public Comments at this time.

IV. Ordinances

1. ORDINANCE (2016:5): FIRST READING: RE-INTRODUCED MODIFY ORDINANCE 2011- 5 TO TERMINATE THE CURRENT BUSINESS IMPROVEMENT DISTRICT'S DI

Councilman Swingle wanted noted that this is not only a Vote of no confidence as I have said in the last vote but now I would like to add this is a vote of no trust as well.

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Michelle Oberst, Councilwoman
SECONDER:	Brian Swingle, Council President
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle, Tabussi

Motion to Open Executive Session

RESULT:	Approve [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Michelle Oberst, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle, Tabussi

V. Executive Session: Legal Advice Related to OPMA

Regular Meeting

Motion to Close Executive Session

RESULT:	Approve [UNANIMOUS]
MOVER:	Marc Hain, Council Vice President
SECONDER:	Brooke Liebowitz, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle, Tabussi

VI. Adjourn

RESULT:	Approve [UNANIMOUS]
MOVER:	Brian Swingle, Council President
SECONDER:	Brooke Liebowitz, Councilwoman
AYES:	Gorman, Hain, Liebowitz, Oberst, Swingle, Tabussi