



Mayor and Common Council Borough of Flemington

September 19, 2018

Council Meeting Room

I. Call to Order

This meeting is being held in conformance with the Open Public Meetings Act. Municipal Attorney Barry Goodman is participating by speakerphone.

1. Flag Salute
2. Roll Call:

Attendee Name	Title	Status	Arrived
Betsy Driver	Councilperson	Present	
John Gorman	Councilman	Present	
Marc Hain	Council Vice President	Present	
Michael Harris	Councilman	Present	
Susan Peterson	Councilwoman	Present	
Brooke Warden	Council President	Present	
Phil Greiner	Mayor	Present	

II. Resolutions

1. RESOLUTION 2018-139: CANCELING MEETING SCHEDULED FOR SEPT. 24, 2018

Councilman Harris asked why this is being done. Mayor Greiner said there is no pressing business on the agenda, and we're in the middle of some important steps that affect the Borough. He feels it's in the town's best interest if we meet as a full council without having other problems creep in.

Councilperson Driver asked how often meetings have been canceled due to lack of a quorum.

Councilwoman Peterson said she thinks the Streetscape project is important, and council didn't resolve how to move forward with it. Mayor Greiner said he has asked the CFO to proceed with preparing a bonding ordinance to seek more money for the project. He asked at the last council meeting that members reach out to him if they have any concerns, and no one has brought questions to him.

Ms. Driver said the Sept. 24 meeting was the only opportunity for residents to come in and ask questions before the public hearing on the financial agreement. We're denying them that opportunity. Mayor Greiner said that's the purpose of the public hearing.

Mr. Harris asked when the financial agreement was posted to the borough website. Mayor Greiner said it was posted on Sept. 12, after it was introduced at the Sept. 11 meeting. Mr. Harris said the Sept. 24 meeting is being canceled

because the Mayor doesn't want a meeting between the introduction of the financial agreement ordinance, and the public hearing.

Ms. Driver said canceling the meeting is denying the public the opportunity to interact with their elected officials, and denying elected officials the right to govern. She asked when the last time was that a council meeting was canceled. Mayor Greiner said he's not aware of that happening, but it does happen in other municipalities.

Tie vote, 3-3; Mayor Greiner cast the deciding vote in favor. The resolution passed 4-3.

RESULT:	ADOPTED [4 TO 3]
MOVER:	Marc Hain, Council Vice President
SECONDER:	Michael Harris, Councilman
AYES:	John Gorman, Marc Hain, Brooke Warden, Phil Greiner
NAYS:	Betsy Driver, Michael Harris, Susan Peterson

III. Public Comments (up to 3 minutes each, for a maximum of 30 minutes)

Robert Shore, 47 Broad St., said we've called a meeting to conduct no business except to cancel a future meeting at which there's no business. How do we know we won't have business by then? He asked if the intention is to continue ramming this development project through. He said it's not going to happen in its current form. At one point there was mention of an offer to lower the height of the project. He'd like to hear more about that. He asked what will happen after the election when there's a new voting bloc that wants to rescind project approval. He envisions many lawsuits.

Steve Tuccio, 61 Elwood Ave., said he's looking forward to the election, when there will be people sitting on council in the majority who understand there's no right way to do the wrong thing. He asked for specifics on why the Sept. 24 meeting isn't going to happen. Mayor Greiner said council adopted three items at the last meeting related to the hotel project. Last July, when Mr. Gorman was away, a number of resolutions were introduced to take advantage of Mr. Gorman's absence, and he felt that scenario was likely to happen again if council met on the 24th. It would be a detriment to the town, and the Planning Board's schedule, for no good reason.

Ms. Peterson said it sounded like the Mayor is concerned about his comfort level. All the council members were elected, not just him, she said. Mayor Greiner noted that three other council members felt the same way about canceling the Sept. 24 meeting.

Chris Runion, 25 Broad St., asked if someone was planning on not being at the Sept. 24 meeting; Mayor Greiner said that Councilman Gorman will be away. Mr. Runion asked how many members constitute a quorum. The Mayor said 4. Mr. Runion asked if that's the reason for not holding a meeting, or if there really is no business. Mayor Greiner said it's a very light agenda. Mr. Runion mentioned

the streetscape project; Mayor Greiner said there are no agenda items for that. Mr. Runion said council members still have a duty to make themselves available to the public.

Loretta Borowski, 50 North Main St., said she's been involved in many activities throughout her life, and it takes a lot to get a meeting scheduled. Canceling for convenience really looks bad, like we're doing something sneaky.

Tony Previte, 45 North Main St., asked what everyone's so afraid is going to happen if they hold the meeting on Sept. 24. Mayor Greiner said if council undoes items it adopted at the last meeting, it just sets things back for no purpose. It would be hugely counterproductive. Mr. Previte said you can see the divide on council, but canceling the meeting is like cutting and running; it looks bad. Mayor Greiner said it's not a good situation.

Jeff Cain, 52 Broad Street, said this is all disappointing. We have real issues that are the source of disagreement. All council members have put in a lot of time. Democracy is supposed to be messy, but this is process stuff. He has no problems with canceling a meeting, and he understands why we might want to have the full council acting on weighty issues. But don't fight over process. Something at the very heart of our town is at stake. We can't do this every week. We can disagree in full voice over the height of a building, but not this stuff.

Robert Shore, 47 Broad St., said we're once again putting the cart before the horse. We're going to vote on a financial plan that's directly related to a structure that will be built, but we haven't yet decided what that is. He questions voting on a financial agreement before we even have a plan.

Mr. Shore said some bonding requires a super-majority. Council would all have to agree to do that here, but with something this important, it should be more than just the mayor breaking a tie.

Councilman Harris said he'd asked at the last council meeting about a redevelopment bond requiring a super majority, and Attorney Goodman had asked him to write him with his questions. He did, and heard back from Mr. Goodman. Over the speakerphone, Mr. Goodman said that Mr. Harris mentioned a performance bond at the last meeting and Mr. Goodman said that it takes a majority vote to pass such a bond. Mr. Harris then clarified in his email that he was asking about the bond called for in the RDA. Mr. Goodman said that he therefore quickly responded to Mr. Harris' email that the RDA bond requires a 2/3 vote. Mr. Goodman then explained the difference between a performance bond and a redevelopment bond. Mr. Harris said we've been told the margins for the developer are so narrow that it can only be done with a redevelopment bond.

Steve Tuccio, 61 Elwood Ave., said council members should consider the precedent they set for taxpayers to suffer a heavier burden to benefit a private developer. He called for more information and careful scrutiny by independent experts, or the Borough opens itself up to lawsuits. If Mr. Cust's margins are so slim that he can't do the project without a redevelopment bond, maybe he's not the

right guy. He added that we don't know the terms for the transfer of properties. Mayor Greiner said he disagreed with a lot of what Mr. Tuccio said. Tony Previte, 45 N. Main St., said this is a process and council members need to work across the aisle; this is a big situation. This is 2018 and the old town of Flemington cannot exist as it is today. He wants to see things handled efficiently, with no dawdling or delays. Colleen Rosetti, 36 Pennsylvania Ave., asked about attendance requirements for council members and guidance on calling in to meetings. Mayor Greiner said our attorney has indicated that a member can call in to a meeting as long as he or she is able to be heard and participate.

IV. Payment of the Bills

1. Motion To: **Motion to Pay the Bills**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Harris, Councilman
SECONDER:	Marc Hain, Council Vice President
AYES:	Driver, Gorman, Hain, Harris, Peterson, Warden

V. Adjournment

With business concluded, Mayor Greiner declared the meeting adjourned at 8:13 p.m.

Attest: _____
Sallie Graziano, RMC, Borough Clerk