

TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013

Mayor Merkt called the meeting to order at 7:30 p.m. Township Hall, Brookside, New Jersey.

ROLL CALL:	Mr. Baumann	Present
	Mr. Strobel	Present
	Mrs. Thomas	Present (left at 10:00 p.m.)
	Mr. Tolley	Present
	Mayor Merkt	Present

Also Present: John M. Mills, III, Esq., Township Attorney
Stephen Mountain, Township Administrator
Kathleen Potter, Township Clerk

PLEDGE OF ALLEGIANCE

ADEQUATE NOTICE: Mrs. Potter read the following statement: Adequate notice of this meeting of the Township Committee of the Township of Mendham was given as required by the Open Public Meetings Act as follows: Notice was given to the Star Ledger, Observer Tribune and the Daily Record on January 3, 2013; Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

PRESENTATIONS

CERT Training Certificates – Evan Thomas
Emergency Management Coordinator Evan Thomas presented CERT certificates to the residents who completed the training. An additional class will be scheduled for those who want to aid the Township during emergencies.

RECAP ON POST EXECUTIVE SESSION ACTIONS

February 26 meeting – Mayor Merkt
Mayor Merkt gave a brief summary of the actions taken after the Committee reentered public session at the February 26, 2013 meeting. Highlights included the adoption of three resolutions, which appointed Donna Cummins as the certified tax collector, Terris Garbarini as the deputy tax collector and Julie Kupilik as finance account clerk.

PRESENTATIONS

Regional High School Study – Brian Cavanaugh
Mr. Cavanaugh presented “Improving Schools, Cutting Taxes” as follows:

- Reviewed the cost to each municipality, noting the property-based funding formula that causes a \$6.6 million subsidy for the Chesters and Mendhams.
- Proposed dissolution of the high school regional district and reconstruction of Mendham High School within a Chester/Mendham high school district. Central High School could continue to serve Washington Township students.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

- Washington Township is unlikely to vote for a change in the funding formula. A per pupil cost would require Washington Township to increase their taxes by about \$6 million.
- Also a spending differential governed by the regional school board. The 2010 census shows that the Mendhams and Chesters now have a greater voting age population than Washington Township, which recently caused Washington Township to give up a board seat to Chester Borough.
- First step to the dissolution is a feasibility study to assist in evaluating the alternatives before submitting a single alternative to the voting public. Estimated cost of the study is between \$25,000.00 and \$50,000.00.
- Mr. Cavanaugh requested that the Committee appropriate \$15,000 for the study. The increase is due to Chester Borough's lower \$5,000.00 contribution. Mendham Borough has committed to appropriating \$10,000.00 and Chester Township currently has made no commitment.
- Reviewed the benefits to Township residents. Estimated a present value benefit of \$45.3 million if the change is successful.
- Considered this a timing opportunity. The Mendhams and Chesters currently have a larger number of voting age residents. The challenging economy will also encourage support.
- Reviewed past attempts to change the funding formula and stated that the main reason for failure was the attempt to work with Washington Township.
- The process was reviewed, which includes a feasibility study, proposal of specific referendum, approval from the County Schools Superintendent and the NJ State Department of Education, and finally conducting a referendum in all municipalities.
- Noted that that number of districts will remain unchanged.

Mr. Strobel noted that proposing a referendum required agreement from three of the five governing bodies, and three of the four sending districts.

Mr. Baumann clarified that the Committee has no control over the school budget.

Mr. Tolley stated that school board involvement was imperative and questioned the approach to reaching out to the school boards. Mr. Cavanaugh stated that he has not yet contacted the school boards, but expects that they will be supportive. Reports that Chester School Board declined to support the study were noted. Mr. Cavanaugh noted that he is working with Citizens for Better Schools to collect and present data. Mr. Tolley asked Mr. Cavanaugh to define how education has declined. Mr. Cavanaugh stated that objective data was found in the ratings, adding that he does not believe in the magnitude of slippage that the ratings suggest.

Mr. Baumann asked if Mr. Cavanaugh personally attended the school systems and Mr. Cavanaugh clarified that he was not educated in the Mendham school system; however, his children currently attend.

Mrs. Thomas stated that lack of school board support will lead to failure of the proposal. Support of parents is also critical. She stated that the reputation of the Mendham Township schools attracts many people to the area and parents may be reluctant to allow change. She noted that the new

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

superintendent has made significant administrative changes and will continue to make positive changes with the support of the school board. As chair of the Finance Committee, Mrs. Thomas noted that it is currently difficult to provide funds to the emergency services. Mr. Cavanaugh stated that \$10,000.00 of the requested funds was appropriated in last year's budget.

Mayor Merkt stated that there is no correlation between the subsidy system and the school's recent ranking decline. He noted that the funding formula was established by State mandate.

There was discussion regarding appropriations made by Chester borough and Mendham Borough. Mr. Cavanaugh stated that Mendham Borough appropriated \$10,000.00 with two conditions. First, that two other towns would budget for the study, and, second, while they support studying the two proposed alternatives any town reserves the right to add to the study.

Mr. Strobel questioned if Mendham Borough demanded equal funding from each town. Mr. Cavanaugh stated it was unknown if the request was a hard condition, but believed Mendham Borough expected equal funding from the towns.

Mayor Merkt stated that he spoke with the mayors and confirmed the following:

- Mayor Davis of Chester Borough confirmed that \$5,000.00 has been appropriated for a feasibility study; however, he believed no options have been chosen for the study. He believes all five municipalities should be involved.
- Mayor Cogger of Chester Township stated that there is no appropriation planned.
- Mayer Henry of Mendham Borough reported that council members were not in unity regarding what options should be studied.

Mayor Merkt showed concern for the subsidy problem increasing if an unfavorable alternative is chosen, such as a mega district. Mr. Cavanaugh noted that he did not support the mega district.

The meeting was opened to hearing persons present.

Carla Barone, 1 Valley View Drive

Ms. Barone stated that, while her children did not attend the public school system, she supported the study. She asked how this study would result in a different outcome than previous studies and Mr. Cavanaugh stated that the voting age population provided an advantage.

Sam Fairchild, 7 Cherry Lane

Mr. Fairchild stated that the New Jersey Monthly Magazine ranking does not consider the school's national IB Program. Mr. Cavanaugh noted that he provided results of other rankings as well, adding that the IB Program also existed in 2004 when the school was ranked #4.

Mr. Fairchild stated that he previously conducted similar research and experts advised that citizens will vote to keep taxes from increasing, but not to avoid a modest or significant change in taxes. He stated that the theoretical possibility of a majority voting in favor of the change was impractical. Mr. Fairchild said that the cooperation of all five municipalities is necessary to make a change. He

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

stated that deaminizing Washington Township will only have negative effects on municipal relationships.

Mr. Cavanaugh clarified that he did not deaminize Washington Township. He beleived that residents will vote on the issue.

Michael Merritt, Mountainside Road

Mr. Merrit questioned how the savings will be utilized. Mr. Cavanaugh stated that he favors returning half the savings to the taxpayers and using the other half to improve the school. He added that the study should be both an economic and educational analysis.

Daryl Brewster, 10 Michael Drive

Mr. Brewster applauded the work completed by Mr. Cavanaugh.

Anthony Franklin, 16 Dogwood Drive

Mr. Franklin stated that the quality of the school system is personal opinion and should not be focused on during discussions. The real focus should be on the costs to residents. Mr. Franklin said that the Committee should decide what options to study since they are supplying the funds. Mr. Cavanaugh stated that he has interest in both the economic and academic sides of the issue.

There being no further comment hearing persons present was closed.

APPROVAL OF MINUTES

Mayor Merkt called for a motion to move the regular session meeting minutes from February 26, 2013. Mr. Baumann so moved. Mrs. Thomas seconded. All members voted to approve.

Mayor Merkt called for a motion to move the executive session meeting minutes from February 26, 2013. Mr. Tolley so moved. Mr. Strobel seconded. All members voted to approve.

DISCUSSION

a. Jersey Central Power & Light Update on Storm Response Preparedness
Area Manager John Anderson reviewed the company's components of reliability. JCP&L uses various methods to prevent outages from occurring including vegetation management, thermovision inspection, overhead visual inspection and wood pole inspection. In 2012, the majority of outages were caused by fallen trees. In an effort to further prevent such outages, Mr. Anderson extended an offer to work closely with the Township and Shade Tree Commission to identify and remove trees that are potential hazards.

Mr. Anderson compared the Township's average time to restore service and the average outage frequency to those of the Northern region average. In both instances Mendham Township fell below the average, showing that the Township's power was interrupted less than other areas and restored quicker than average.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

Area manager Michael Obremski discussed the lessons learned from the recent storms and the actions JCP&L has taken to improve emergency service. Several steps have been taken to increase communication. The northern region has been divided and regional briefing calls will replace statewide calls. The expansion of the internal affairs staff now allows one manager for each district. Mr. Obremski noted that the manager will be immersed in operations and understand problems on the ground level. JCP&L has developed emergency responder training, offers tours of the Morristown headquarters and expanded their social media capabilities.

There was discussion regarding equipment outages and the timing of vegetation management.

Mr. Strobel stated that it was very effective during the storm for the local OEM to work closely with the regional supervisor; however, there was resistance from JCP&L regarding the coordination. He added that JCP&L should support direct access of OEMs working with people in the field since it is a very effective tool to address onsite problems. Mr. Anderson stated that district managers will now have more focused districts. He stated that there will be more focus on opening roads for emergency vehicles.

Mayor Merkt agreed that local OEMs are terrific resources to utilize. He urged JCP&L to create a training program to use local services to expedite road clearings.

While Mr. Mountain applauded the expanded use of social media, he stated that the information distributed by JCP&L was often inaccurate, causing the municipality to scramble for correct information to provide residents. He requested a better effort by JCP&L to coordinate with workers in the field to provide more accurate information.

Mr. Obremski stated that they are working with the Board of Public Utilities to address the 103 recommendations for all utilities to follow. One such recommendation is to implement a website for each municipality.

The meeting was opened to hearing persons present.

Michael Merritt, Mountainside Road

Mr. Merritt noted that workers did not have full details when arriving at a job. He stated that the charts should compare JCP&L's service against other companies. He questioned if the company has set aside funds to implement the changes; however, a specific dollar amount was unknown. Mr. Merritt recommended updating the service maps and including street names. He noted idling crews. Mr. Anderson stated that it is sometimes necessary for crews to wait for appropriate clearance before beginning work, adding that the safety of the workers and public supersedes urgency.

Pat Zimmerman, West Main Street

Ms. Zimmerman questioned if the company has ever considered installing underground wires. Mr. Obremski stated that it will not eliminate problems and has a very high cost of \$1 million per mile. He noted that underground problems are difficult to address.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

Diana Brown, Ironia Road

There was discussion regarding outages caused by trees. Mr. Anderson stated that if a resident is having multiple outages they can contact JCP&L to have an engineer inspect their service.

Hearing person present was closed.

b. Review of Township Committee meeting schedule

Mr. Mountain stated that the March 26th meeting has been rescheduled to April 1st. It is to be determined if the April 8th meeting is necessary.

COMMITTEE REPORTS

Mr. Tolley stated that the Finance Committee continues to examine revenue and expenses. He said that the Historic Committee was bequeathed historical papers. He noted that they have a number of goals they wish to accomplish that may only be made possible through donations.

Mrs. Thomas left the meeting at approximately 10:00 p.m.

HEARING PERSONS PRESENT

Jamie Button, 10 Glenbrook Drive

Mr. Button voiced his surprise at the Committee's reluctance to appropriate the funds for the school study, adding that the problems with the regional high school district are worth addressing.

Diana Brown, Ironia Road

Ms. Brown asked if the funds for the study could be raised through donations. She stated that she recently read of Mendham High School's overcrowding and noted that an addition may be needed if students can no longer attend Central.

Daryl Brewster, 10 Michael Drive

Mr. Brewster encouraged the Committee's support, noting that they should take a leadership role.

ANNOUNCEMENTS

None

NEW BUSINESS

Ordinance Introduction

ORDINANCE 2013-03

**AN ORINANCE OF THE TOWNSHIP OF MENDHAM ADOPTING
AND IMPLEMENTING AMENDED OFFICIAL ZONING MAP**

Mayor Merkt read the ordinance by title and called for a motion. Mr. Tolley so moved. Mr. Strobel seconded. All members present voted to approve. This ordinance is scheduled for 2nd reading and public hearing on April 1, 2013.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

Resolutions

RESOLUTION 2013-40

AUTHORIZING PAYMENT OF BILLS

Mayor Merkt read the resolution by title and called for a motion. Mr. Tolley so moved. Mr. Strobel seconded. All members present voted to approve.

RESOLUTION 2013-41

AUTHORIZING REFUND OF TAX OVERPAYMENT

Mayor Merkt read the resolution by title and called for a motion. Mr. Strobel so moved. Mr. Baumann seconded. All members present voted to approve.

RESOLUTION 2013-42

EXTENDING THE CONTRACT BETWEEN BLUE DIAMOND DISPOSAL AND THE
TOWNSHIP OF MENDHAM FOR THE COLLECTION & DISPOSAL OF SOLID WASTE FOR
A ONE YEAR PERIOD – JULY 1, 2013 THROUGH JUNE 30, 2014

Mayor Merkt read the resolution by title and called for a motion. Mr. Tolley so moved. Mr. Strobel seconded. All members present voted to approve.

RESOLUTION 2013-43

AUTHORIZING EXECUTION OF A STATEMENT OF CONSENT –
MENDHAM GOLF & TENNIS

Mayor Merkt read the resolution by title and called for a motion. Mr. Tolley so moved. Mr. Baumann seconded. All members present voted to approve.

RESOLUTION 2013-44

AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC

Matters pertaining to:

Shared Service Agreement – Inspection Services

Lease Agreement – Utilization of India Brook Kennel

Interlocal Agreement – Regional School District

Mayor Merkt read the resolution by title and called for a motion. Mr. Baumann so moved. Mr. Strobel seconded. All members present voted to approve.

DISCUSSION

Mayor Merkt asked for Committee input regarding the school study.

Mr. Baumann stated that people should not lose focus of what's important – the education of the children. He noted that the principal and superintendent are Mendham Township residents, adding that the community is fortunate to have local administration working on the residents' behalf. Mr. Baumann encouraged renewed focus on education.

Mr. Tolley stated that appropriating the money is not the difficult part and shows no real action. The Township's commitment is shown through Mayor Merkt's actions as he continuously reaches out to the other mayors. He reiterated the importance of school board

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

involvement. He stated that a reasonable outline of topics to be studied must be provided to gain his support.

Mr. Strobel stated that the focus should be on the quality of education. He noted that Mr. Pendergrast recently gave an informative presentation, which indicated that the high school ranked #2 in reading/writing scores in the State and acknowledged that math scores need improvement. Mr. Strobel noted that rankings do not take the IB program into account. He stated that, while Mr. Cavanaugh appropriately outlined the process, he skipped to the vote too quickly. He stated that having a regional K-8 school district is flawed.

Regarding the limited purpose 9-12 for the Mendhams and Chesters, Mr. Strobel noted three recent cases that addressed similar issues to dissolve a regional high school. In the first two cases, the State refused to allow a vote. In the River Dell case, the State declared that the referendum was an "end run around a funding formula change". When a vote was allowed, the change reduced the number of districts. He reiterated that it is a very difficult path to get to a vote.

Mr. Strobel said that his biggest concern was the destructive dialogue. Instead of working to improve the quality of the school, the school board has become divided. The focus should be on solutions to improve the quality of education. He noted that it is a misconception that there is often a 5-4 vote on the school board with Washington Township voting against the other communities.

Mayor Merkt stated that there are two issues; fair allocation of costs, which he agreed is not equitable, and the quality of education, which is not as easily defined. Mr. Merkt noted that there is concern among the mayors that the "four towns win, one town loses" proposition will not be well received on the State level. He added that, while he supported lowering taxes in Mendham Township, he must also recognize that the implications will be devastating for Washington Township. Mr. Merkt supported working with sister communities to improve school ranking.

Mayor Merkt stated that the funding must be reviewed further and in context of the budget process. He asked the Finance Committee to discuss the request at the next meeting.

HEARING PERSONS PRESENT

Jamie Button, 10 Glenbrook Drive

Mr. Button stated that the Board of Education has never discussed changing the funding formula.

Brian Cavanaugh, Mendham Borough

Mr. Cavanaugh stated that the Committee appropriated funds last year for the same cause. Mayor Merkt stated that the Township is now aware of where other towns stand and that the Committee seeks a more productive path to follow. Mr. Cavanaugh stated that he is relying on

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM
REGULAR MEETING
MARCH 11, 2013**

public pressure to move forward. Mayor Merkt stated that there was no evidence demonstrating the support of all the towns. There was discussion regarding litigation.

Jamie Button, 10 Glenbrook Drive

Mr. Button asked for the Committee's plan for addressing the issue and questioned the reluctance to fund the study. Mayor Merkt stated that there are various aspects to consider, including litigation costs and the chance of success. Mr. Button stated that last year's failure derived from needing unanimous consent regarding what to include in the study. Mayor Merkt stated that there is reluctance in the Chesters to completely eliminate Washington Township from the school system, which means there will not be a majority vote.

Brian Cavanaugh, Mendham Borough

Mr. Cavanaugh believed that voters will be supportive of the change. He asked for a vote showing support for the study; however, Mayor Merkt stated that no vote will be taken before the Finance Committee's review.

Michael Merritt, Mountainside Road

Mr. Merritt stated that voter turnout will be stronger in Washington Township because residents will vote to keep taxes from increasing. He encouraged the tone of discussions to include a vision for positive educational change.

Philip Schlegel, Mendham Road West

Mr. Schlegel stated that the high school has not been responsive to community feedback, adding his disappointment that the Township has not decided to fund the study.

Mr. Mills suggested that the Committee create an outline of agreeable study topics to discuss with the other municipalities. Mr. Tolley agreed to work with Mr. Mills on the statement.

EXECUTIVE SESSION

Upon motion duly made the Committee entered executive session at 11:15 p.m.

The Committee returned from executive session at 11:30 p.m.

ADJOURN

Upon a motion made and seconded the meeting was adjourned at 11:35 p.m.

Respectfully submitted,

Kathleen Potter, Township Clerk