

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM**  
**REGULAR MEETING**  
**May 13, 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
	Mr. Tolley	Present
	Mayor Merkt	Absent (present via phone from 7:30 – 7:35 p.m.)

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.

**2013 BUDGET PUBLIC HEARING**

The 2013 Municipal Budget was approved by the Township Committee on April 1, 2013. A summary of the budget was published in the Daily Record on April 4, 2013. Copies of the budget were made available for public inspection in the Morris County Library, the Mendham Township Library and in the Township Clerk's Office.

The meeting was opened to budget public hearing.

Cecelia Donato, Ironia Road

It was verified that \$2,000.00 was appropriated for the Fourth of July Parade.

There being no further comments, public hearing was closed.

**RESOLUTION 2013-63**

**ADOPTION OF 2013 MUNICIPAL BUDGET**

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

Mayor Merkt left the meeting at 7:35 p.m.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
May 13, 2013**

**MUNICIPAL AUDIT**

Auditor Kathi Mantell stated that Township finances are strong. She reviewed the recommendations outlined in the corrective action plan, noting that they are easily resolved and not monumental. Mr. Mountain stated that the recommendations are being addressed.

Ms. Mantell explained her role in the auditing process for Mr. Baumann.

**RESOLUTION 2013-64**

**CERTIFICATION OF ANNUAL AUDIT**

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

**RESOLUTION 2013-65**

**APPROVAL OF CORRECTIVE ACTION PLAN**

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

**FINANCE QUARTERLY REPORT – CFO Tim Day**

Mr. Day reviewed the Township's appropriations and expenditures for January through March. Mr. Day verified that the budget is on track for the year. Mrs. Thomas noted that a fire truck required repair and Mr. Day stated that funds are available in the emergency repairs line item. He added that additional FEMA funds are anticipated and verified that all necessary paperwork has been submitted to FEMA.

**APPROVAL OF MINUTES**

Mrs. Thomas called for a motion to move the regular meeting minutes from April 23, 2013. Mr. Tolley so moved. Mr. Strobel seconded. All members present voted to approve.

Mrs. Thomas called for a motion to move the executive session meeting minutes from April 23, 2013. Mr. Tolley so moved. Mr. Strobel seconded. All members present voted to approve.

**DISCUSSION**

**Zoning Board of Adjustment Annual Report**

Mr. Tolley made a motion to table the discussion and Mr. Strobel seconded. All members present voted to approve.

Mr. Strobel wished to address the school funding issue. Mr. Strobel stated the following:

- There is no conflict of interest since he does not have interest in any elected office outside of the Township. Interest is solely for the residents.
- Prior Committee meetings are televised and Mendham TV is now available on demand.
- The resolution commits \$10,000.00, which matches last year's commitment. Like Mendham Borough, the Committee expects equal funding to study two options.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
May 13, 2013**

- It is vital to include the school boards of the Mendham and Chesters since the legal process requires their participation and consent. In order to advance, three of the four schools boards, and three of the five towns must support the option. He noted that it is highly unlikely that Washington Township will support the options.
- In order to have all questions answered, the school boards and governing bodies must be actively engaged from the start. The Township is taking an approach designed to ensure such engagement.
- Chester Borough committed \$5,000.00; however, they should be equal contributors. If Mendham Township contributes \$15,000.00 it will be paying 83% of the costs, which sets a bad precedent.
- Study costs are not the only costs that will be incurred. Additional costs include legal representation and possible litigation.
- The resolution reflects the Township's commitment to fund a study that addresses all the facts necessary to reach a consensus.
- The resolution will be provided to the Chesters and Mendham Borough as an opportunity to use it as a vehicle to formally memorialize its position.

Mr. Tolley made the following comments:

- Compromise and working with others is critical to move forward.
- Concerned with negative comments regarding the school. When residents do not support the regional school board they are affecting possible property sales. A study will provide an independent evaluation of the high school.

Mr. Baumann stated that he supported improving education, adding that the main focus should be on benefiting the students.

**COMMITTEE REPORTS**

Mr. Baumann noted that registration has started for the 5K race. The Recreation Commission is seeking volunteers and businesses to contribute to the effort.

Mr. Mountain stated that the Morris County Department of Engineering will be conducting a public information session on the proposed bridge replacement for the Main Street Bridge at the May 28, 2013 meeting. Mr. Tolley noted that because the bridge must meet safety standards it will look different.

Mr. Mountain stated that the Route 24 Bridge construction will begin early July and last approximately six months. The Union School House/Mosle Bridge is also facing construction this summer.

**HEARING PERSONS PRESENT**

Brian Cavanaugh, 610 Cherry Lane

Mr. Cavanaugh stated that he became involved in the school study issue because he felt that the municipalities were no longer planning to address the matter. He verified that he has not

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
May 13, 2013**

yet approached Chester Township regarding funding, adding that they were the least receptive during last year's discussions. Mr. Cavanaugh felt that Chester Borough was contributing the proper amount since they currently have 80 students at the high school and, therefore, have lower projected savings. He summarized the projected savings for each municipality.

Mr. Cavanaugh felt that there would be no legal challenges adding to the cost of the study. He stated that he did not attack the school, but rather highlighted independent studies showing the school's ranking.

Mr. Cavanaugh noted that the Township was taking longer to discuss the issue than the other towns and wanted urgency in order to place a referendum on the November ballot. He stated that the proposed Resolution created obstacles that are not consistent with a winning strategy, noting his preference for the Committee to adopt the resolution he previously submitted.

Bob Zimmerman, 3 West Main Street

Mr. Zimmerman expressed that he was troubled by the school district situation; however, was confident the Committee would act accordingly on behalf of the citizens. He stated that Mr. Cavanaugh's claims that the Committee is incompetent and deceitful were over the top and unnecessary. He stated that an adversarial relationship is unnecessary and suggested a less confrontational approach.

Cecilia Donato, Ironia Road

Ms. Donato stated that school rankings do not take the IB Program into account. She supported the school system as it stands and was confident that the high school will be ranked in the top 10 once IB is used as a metric.

Carty Saunders, 14 Hilltop Circle

Mr. Saunders stated that the main issue is the subsidy. He added that the Committee's refusal to commit \$15,000.00 to the study is a delay tactic.

Christine Meyers, 37 Walsingham Road

Ms. Meyers applauded the Committee for taking the required route and reiterated that the support of all towns and school boards is needed to succeed. Ms. Meyers stated that various expenses accompany deregulation. The money saved will need to be reinvested in the school system in order to maintain the curriculum and necessary staffing. She urged people to take an honest approach when considering the risks and rewards.

Kevin Corbett, 18 Corbett Lane

Mr. Corbett believed that this is an opportunity to see significant savings. He supported board of education involvement, but also instilled a sense of urgency.

Mark Gavagan, 10 Kenneday Road

Mr. Gavagan encouraged the Committee to act with urgency.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
May 13, 2013**

Phil Schlegel, 310 Mendham Road West

Mr. Schlegel stated that more money is being spent on Central students than Mendham students, adding that the Township should take the initiative to make a change.

Carty Saunders, 14 Hilltop Circle

Mr. Saunders also recommended acting with urgency.

Brian Cavanaugh, 610 Cherry Lane

Mr. Cavanaugh stated that he did not intend to be confrontational, but felt that the Committee was not being responsive, transparent or urgent enough. He noted that costs associated with deregulation will be noted in the study.

There being no further comments, hearing persons present was closed.

**ANNOUNCEMENTS**

Mr. Tolley stated that the lacrosse team will be playing in the championship game.

**NEW BUSINESS**

**Resolutions**

**RESOLUTION 2013-66**

**RESOLUTION PROPOSING SUGGESTED MISSION STATEMENT AS PRELIMINARY  
STEP TOWARD SECURING MUNICIPAL FUNDING FOR SCHOOL STUDY**

Mrs. Thomas read the resolution by title and called for a motion. Mr. Baumann so moved. Mr. Strobel seconded. Mr. Tolley stated that he was not a proponent of defining membership involvement and suggested softening the language regarding equal funding. Mr. Tolley added that there must also be a meaningful educational component in order to see results. Mr. Mills recommended appropriating \$10,000.00, but leaving the ability to increase appropriations if desired. Mr. Strobel agreed that money is not the main issue.

Mr. Baumann encouraged working together and urged citizens to not get discouraged by the process. Mrs. Thomas stated suggested encouraging School Board involvement by not making a contribution necessary in order to participate.

Mr. Strobel outlined a possible timeline. He estimated at least seven and a half months for issues that are under the Township's control, stating that, while the process can be pushed forward, it's unlikely to see the referendum on the November ballot. Mrs. Thomas questioned the cost of a special election.

Mr. Tolley made a motion to approve the resolution with changes. Mr. Strobel seconded. All members present voted to approve.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
May 13, 2013**

**RESOLUTION 2013-67**

**AUTHORIZING PAYMENT OF BILLS**

Mrs. Thomas read the resolution by title and called for a motion. Mr. Strobel so moved. Mr. Tolley seconded.

**RESOLUTION 2013-68**

**AMENDING 2013 BUDGET**

**INSERTION OF SPECIAL ITEM OF REVENUE**

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

**RESOLUTION 2013-69**

**ESTABLISHING SALARIES**

**BROOKSIDE BEACH STAFF FOR 2013**

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

**RESOLUTION 2013-70**

**AUTHORIZING SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION  
TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**RESOLUTION 2013-71**

**APPROVING ISSUANCE OF SOCIAL AFFAIR PERMITS**

**BROOKSIDE ENGINE COMPANY #1**

**4<sup>TH</sup> OF JULY PARADE AND CLAMBAKE**

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

**RESOLUTION 2013-72**

**AUTHORIZING DISCUSSION WITHOUT THE PRESENCE OF THE PUBLIC**

Matters pertaining to:

Police Personnel

Litigation – Thackery Lane

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

**DISCUSSION**

Mr. Mountain stated that the Facilities Committee will soon give a presentation on the municipal building and India Brook Park. A fog line will be placed outside the post office within the next 60 days.

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM  
REGULAR MEETING  
May 13, 2013**

**HEARING PERSONS PRESENT**

Norm Preston, West Main Street

It was confirmed for Mr. Preston that no action was taken after the May 13, 2013 executive session portion of the meeting.

Pat Zimmerman, West Main Street

Ms. Zimmerman asked if the bridge plans would be available before the presentation.

Cecelia Donato, Ironia Road

Ms. Donato encouraged residents to make floats for the Fourth of July Parade. She also asked for volunteers to help build a float for the school.

Carty Saunders, 14 Hilltop Circle

Mr. Saunders stated that the adopted school study resolution was too restrictive.

Brian Cavanaugh, 610 Cherry Lane

Mr. Cavanaugh thanked Mr. Strobel for presenting a timeline. It was verified that the resolution does not require any town or board to contribute financially; however, it was noted that the process cannot move forward without additional financial support.

There being no further comment, hearing persons present was closed.

**EXECUTIVE SESSION**

Upon motion duly made the Committee entered executive session at 9:55 p.m.

The Committee returned from executive session at 10:25 p.m.

**ADJOURN**

Upon a motion made and seconded the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Kathleen Potter, Township Clerk