

**TOWNSHIP COMMITTEE - TOWNSHIP OF MENDHAM**  
**REGULAR MEETING**  
**AUGUST 27, 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	Present

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

**PLEDGE OF ALLEGIANCE**

**ADEQUATE NOTICE:** 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 Daily Record, Observer Tribune and the Star Ledger on January 3, 2013. Notice was posted on the Bulletin Board in the Township Offices and Notice was filed with the Township Clerk.

**RECAP ON AUGUST 12, 2013 MEETING**

Mayor Merkt provided a brief synopsis of the prior meeting.

**OATH OF OFFICE** – Patrolman Hugo Stone

John Mills delivered the oath to Patrolman Stone.

**APPROVAL OF MINUTES**

Mayor Merkt called for a motion to move the regular meeting minutes from July 23, 2013. Mr. Tolley so moved. Mr. Strobel seconded. All members voted to approve.

Mayor Merkt called for a motion to move the executive session meeting minutes from July 23, 2013. Mr. Strobel so moved. Mr. Baumann seconded. All members voted to approve.

Mayor Merkt called for a motion to move the regular meeting minutes from August 12, 2013. Mr. Tolley so moved. Mr. Strobel seconded. All members voted to approve, except Mrs. Thomas abstained.

**DISCUSSION**

Telecommunication Ordinance

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Mr. Mills noted that the ordinance was revised in accordance with suggestions from the Planning Board and Board of Adjustment to keep the bulk of the ordinance intact and delete the requirement that any communications tower be erected on municipally-owned property.

Mr. Tolley recommended ensuring that the language is up to date. Mr. Mills stated that he will seek recommendations from the Township Planner.

**Pitney Farm/ Borough Communication**

Mayor Merkt reported that, despite recent conversations, Mendham Borough is not interested in exploring potential shared use of the property at this time. He proposed referring to the Pitney Transition Committee to propose a public use.

The estimated costs of maintaining the property were reviewed. Mr. Mountain estimated that the property could be maintained within budget for the next six to 12 months. The debt incurred from property acquisition is part of the long-term capital plan. Mayor Merkt stated that a viable public use must be identified in order to validate the expenditure. He asked that the Transition Committee report their recommendations by the end of the year.

**DPW Project KPIs**

The Committee verified that they had no additional KPIs to submit. Mr. Mountain will communicate to the consultant to proceed.

**Fee Ordinance**

After review of the fees by the Finance Committee the changes were proposed for a future ordinance. Mayor Merkt stated that while he agreed with increasing fees due to associated costs for services, he disagreed with increases to match surrounding town's fees.

**COMMITTEE REPORTS**

Mayor Merkt stated that he has not received a direct response from the Chesters regarding the school study RFP; however, he believed Mendham Borough received encouraging comments from one of the Chesters.

Mayor Merkt noted that he received a letter from Mr. Button criticizing the Committee's comments to the Borough. He polled the Committee to see if the issue should be revisited.

Mr. Strobel stated that the Committee asked questions that they believed were important. The focus needed to be on building consensus.

Mrs. Thomas stated that reopening the issue would be counterproductive. The towns must keep the momentum and leave the final decision to the taxpayers once the results are known.

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Mr. Baumann noted that there has been positive and proactive collaboration between the towns, adding that all parties must compromise in order to see results.

Mr. Tolley stated that there was no pressure for the Borough to accept all the Committee's comments; however, the Borough Council chose to adopt and circulate all proposed changes. He agreed that it would be counterproductive to make changes while other towns are examining the document.

Mayor Merkt stated that the school study issue was revived when the Borough and Township adopted resolutions. While the Township received no response to the proposed mission statement they wish to move forward with the proposed RFP. Mayor Merkt added that it would be counterproductive and risky for the Committee to change their position. He worried that reversing the Committee's opinion would permanently undermine the Township's credibility with sister communities.

**HEARING PERSONS PRESENT**

Jamie Button, 10 Glenbrook Drive

Mr. Button stated that the comments submitted to the Borough will substantially increase scope, expense and time to complete the feasibility study. He stated the only focus should be on equal tax per student for each town. Mr. Button reviewed the obstacles that prevent moving forward. He stated that CBS must be represented on any steering committee.

Brian Cavanaugh, 610 Cherry Lane

Mr. Cavanaugh agreed that the Committee should remove the aspects of the FRP that unnecessarily increase costs and delay completion. He pushed the Committee to resubmit their proposal with only one per pupil based formula. He also agreed that a CBS member should be on the steering committee.

Kevin Corbett, 18 Corey Lane

Mr. Corbett stated that there is suspicion that the lack of progress is intentional. He encouraged the Committee to work with others to move forward and recommended that Mr. Button be appointed a member of a steering committee.

Steve Moore, 1 Ogden Road

Mr. Moore recommended adding an assumptions section to add focus and structure to the RFP. He noted that the five funding options increased scope and created complexity. He further recommended relaxing the bidder qualifications in order to make the bid more competitive.

Philip Schlegel, 310 Mendham Road West

Mr. Schlegel acknowledged the Committee's reservations to change their recommendations. He agreed that Mr. Button should be on the steering committee since he is a strong school board member.

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Brian Cavanaugh, 610 Cherry Lane

Mr. Cavanaugh believed that the Borough Council would be amenable to revising the RFP back to the original version. Focusing only on a per pupil funding formula would eliminate needless obstacles.

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

**ANNOUNCEMENTS**

The Brookside Clambake is scheduled for Saturday, September 7, 2013.

**OLD BUSINESS**

**Ordinance Public Hearing**

**ORDINANCE 8-2013**

ORDINANCE REAPPROPRIATING \$190,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSE IN ORDER TO PROVIDE FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY

Mayor Merkt read the ordinance by title and called for a motion. Mrs. Thomas so moved. Mr. Tolley seconded. The meeting was opened to the public. There being no comments, public hearing was closed. All members voted to approve.

**NEW BUSINESS**

**Resolutions**

**RESOLUTION 2013-111**

AUTHORIZING PAYMENT OF BILLS

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

**RESOLUTION 2013-112**

ESTABLISHING SALARIES BROOKSIDE BEACH STAFF FOR 2013

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

**RESOLUTION 2013-113**

AUTHORIZING RELEASE OF BONDS

BLOCK 116 LOTS 15, 17 & 18 / CALAIS ROAD – BARER ESTATES

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

**RESOLUTION 2013-114**

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

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**FOR THE COREY LANE IMPROVEMENTS PROJECT**

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

**RESOLUTION 2013-115**

**ESTABLISHING DATES FOR HUNTING FROM TREE STANDS  
ON TOWNSHIP OWNED NATURAL AREAS**

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

**RESOLUTION 2013-116**

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

Matters pertaining to:

Contracts – Police

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

**RESOLUTION 2013-117**

**APPROVING ISSUANCE OF SOCIAL AFFAIR PERMITS  
A TASTE OF MENDHAM, INC.**

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

**DISCUSSION**

Mr. Strobel wanted to clarify several misunderstandings regarding the school study. First, citizens repeatedly hear the headline grabbing savings number; however, the exact amount is unknown. There has been no plan advanced on how the saved money will be used. There are also statements regarding improved education, but various statistics show the school is doing well.

Mr. Strobel noted that there is a misunderstanding that more money is spent per student at Central; however, the difference is due to teachers at Central being at a higher salary guide. Washington Township does not make up a majority of the school board. Mr. Strobel added that different ranges of formula were added because it is unknown how the changing demographics will impact the Township. There was a suggestion that the Township expanded the scope by 50 percent because the RFP was 50 percent longer; however, much of the added four pages are required, state mandated material.

Mr. Strobel admitted that for a brief time, after arriving from a school board meeting, he was opposed to the study, adding that the opposition was a mistake. Statements are continuously made that are not fully based on facts. He acknowledged that personal feelings interfered because he believes a school board member has a conflict of interest; however, he has since supported moving forward.

Regarding a possible steering committee, Mrs. Thomas stated that comments should be addressed to the Borough. Mr. Baumann stated that the RFP is not a firm contract, but a way to

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collect data and determine the best solution. Mr. Tolley noted that Mr. Moore presented interested suggestions that should be transmitted to the Borough. Mr. Strobel clarified that the Regional School Board cannot change the funding formula. The only way to see a change is to dissolve the school and reform.

Mayor Merkt recognized the need to maintain a strong school system and improve taxes. While the progress made has been belittled, there is positive progress between the communities.

**HEARING PERSONS PRESENT**

Pat Zimmerman, West Main Street

Mrs. Zimmerman recommended placing wires underground during bridge reconstruction. She recommended that the Pitney Transition Committee present their report after the holidays.

There being no further comment, hearing persons present was closed

**EXECUTIVE SESSION**

The Committee entered executive session at 9:20 p.m.

Upon a motion duly made the Committee returned from executive session at 9:30 p.m.

**ADJOURN**

Upon a motion made and seconded the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Kathleen Potter, Township Clerk