

July 19, 2012

The Meeting of the West Morris Educational Advisory Committee was called to order at 7:05 by Vice-Chairman Harmon.

MEMBERS PRESENT: CB Mayor Davis, Vice-Mayor Bill Roehrich (WT), Committeeman Rob Strobel (MT), Committeewoman Maribeth Thomas (MT), Mayor Cogger (CT), Mayor Henry (MB), Jim Johnston (WMRHS), Walter Cullen (WT K-8), Bill Corbett (MB K-8), Jeff Brauner (MT K-8), Ray Trevisan (Chester K-8), Kerri Wright (Chester K-8)

MEMBERS ABSENT: WT Mayor Short, Andrew Christmann, Paul Fechhelm

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

CHAIRWOMAN'S COMMENTS: Chairwoman Myers welcomed the members of the Committee. She noted that the meeting would open with a comprehensive explanation of the various process and procedural steps that are required for various scenarios concerning structural and funding formula changes to school districts.

Ms. Myers introduced Committee Member Kerri Wright who has professional experience and expertise with the legal aspects relative to school district organization.

PRESENTATION OF FACTS ON SCHOOL DISTRICT CHANGES

Please note that the specific details of various voting requirements and scenarios for school district structural change presented by Ms. Wright will be collected and distributed as a separate communication.

Committeewoman Wright opened by stating that her presentation is to outline the general process for reconfiguring a school district(s) in stepwise fashion. She first noted that a feasibility study would be required for any district reconfiguration. A change in the tax allocation method (typically referred to as the funding formula) would not require a feasibility study, but would require an analysis on the impact of a change in the formula on each community and approval by the regional board of education to authorize a referendum. She also explained that only the governing bodies (municipal councils and boards of education) have authority to pursue the reconfiguration of school districts. There is no method that would permit residents to move the process forward by way of petition (other than to petition their local governing bodies to move the process forward).

Any change to the structure of a regional school district first requires the process of dissolving the district (only upon approval of impacted voters as discussed below) after which the new configuration may be formed (only upon the approval of affected voters, as discussed below). Expansion of an existing regional district is typically not financially feasible. Therefore, the two-

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step process of dissolution followed by formation of a new regional district is necessary. A feasibility study is required as part of the early information gathering process. Upon completion of the feasibility study and, if requested, the Executive County Superintendent will issue an advisability report on dissolution. This report is “just another piece of information” and is not a directive.

Within 30 days after issuance of the advisability report from the ECS, upon request to authorize a referendum for dissolution received from at least one municipality and its local Board of Education, the Commissioner of Education will convene a Board of Review, which will then hold public hearings. If the request is granted, the BOR is only authorizing the public be given the opportunity to vote. If the BOR authorizes a referendum on dissolution of a regional district and the formation of a new regional district, the ballot would have two questions: first, whether to dissolve the regional district; and second, whether to re-form under a specific configuration.

Ms. Wright stated that there are various legal “fail-safes” that protect against a town being pushed into something it does not want. For example, dissolution of an existing regional district can only be accomplished if it is approved by a majority of voters in a majority of the municipalities and an overall majority of voters in the entire district. Formation of a regional district, however, provides each municipality with a “veto” power – no municipality can be forced into a regional against the will of its voters. The referendum question on formation of a regional must be approved by a majority of voters in EACH municipality that will be a member of the new regional. She also stated that no town need fear that, just because a particular configuration option is included in a feasibility study, it will be forced upon them -- against the will of its voters -- down the road.

There were several questions from committee members regarding potential scenarios on the development of ballot questions.

A question was asked on how long the process takes from study to ballot. Ms. Wright stated that it depends on the circumstances, including how quickly the governing bodies move the process forward, but generally these matters move slowly.

Committeeman Strobel asked what percentage of these types of dissolution and reconfiguration cases involve litigation. Ms. Wright responded that the majority involve litigation, unless there is complete cooperation among all the communities.

OPEN TO PUBLIC COMMENT ON FEASIBILITY STUDY ONLY

Jamie Button from Mendham Township preceded his prepared comments by stating that he spoke as a resident of Mendham Township and not as a member of the WMRHSD. He presented two questions: “What is the harm in including a regional K-12 in the study?” and “Why have Mendham Borough and Chester Township voted to include the Regional K-12 in the study?” Mr. Button charged that MB and CT’s support for including all options in the study is an attempt to “stall” the study. He also presented his belief that funding is disproportionate in favor of West

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Morris Central High School and that West Morris Mendham High School is disadvantaged as a result. Mr. Button charged “gross mismanagement by the Washington Township led West Morris Regional High School Board of Education”. He also claimed that Washington Township is “trying to fill its vacant school buildings with our children.”

Marcia Asdal asked that information in Ms. Wright’s presentation be captured in a “flow chart” and be made available to the public. Chairwoman Myers stated that this would be done.

Since there were no more comments the meeting was closed to the public by Chairwoman Myers.

MAYORS’ REPORT ON FEASIBILITY STUDY FUNDING

Before providing the update from Mendham Borough Mayor Henry strongly objected to the claim by Mr. Button that the position taken by the Mendham Borough Committee to include all three options in the study was taken as a way to stall the study. Mr. Henry addressed Mr. Button’s accusation by stating that representative government has an elected leader to ensure that constituents can make an informed decision and that all constituents have a say. Mr. Henry stated a strong desire to move forward with the study and expressed his appreciation for the fact that five communities are working together and have actually allocated funds for a study. Mendham Borough will fund the study to include all three options “so that everyone has all the facts”.

Vice-Mayor Bill Roehrich stated that the Washington Township Committee remains committed to funding their portion of the study as long as it includes all three options. When it was discussed by the Committee there was significant disagreement with the concept of splitting the district into two K-12’s but out of respect for the need to consider all options, even those that may be objectionable to his community at the end of the day, and to get all the facts on the table for constituents, the Committee will fund the study with all of the major options.

Mayor Cogger stated all four towns are “business partners” with Chester Township and that while no one seems to want a 5-town regional K-12 district, doing the analysis on all options we can learn a great deal. He also warned about conclusion bias whereby pre-ordained options cause bias and result in a “half baked study”. Chester Township supported funding the study with all three options three meetings ago and remains willing to do so.

Mayor Davis stated that at the most recent meeting Chester Borough voted to fund the study absent the 5-town regional K-12 option. There will be further discussion of the CB Committee at its next meeting to move to agreement on funding all three options and Mayor Davis felt that its approval to fund all options would be approved at that time. Mayor Davis stated that when you have five partners you have to work with them and that Washington Township has been part of the partnership and very good actors in the process.

Committeeman Strobel stated that his report reflected the view of the Mendham Township Committee and not his own. He reported that the Mendham Township Committee voted to exclude

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the 5-town regional K-12 option from the study and that no funding would be forthcoming if that option is included. Committeewoman Thomas stated that the Mendham Township constituents had spoken on the matter.

VOTE OF THE MAYORS ON FUNDING FEASIBILITY STUDY

Chester Township will fund the study with all three options

Mendham Borough will fund the study with all three options

Washington Township will fund the study with all three options

Chester Borough will not fund the study if it includes the regional K-12 option at this time. However they have requested the ability to revisit their vote. The Chester Borough Council would like the opportunity to confer with the Chester Township Council and Board of Education. Mayor Davis anticipated having a final answer at the August 16 Meeting.

Mendham Township will not fund the study if it includes the regional K-12 option

DISCUSSION AND NEXT STEPS

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A suggestion was made that if Chester Borough does indeed agree to fund the three option study the possibility exists to move forward without funding from Mendham Township. The decision was made that the study would be funded by the four towns at the original \$10,000 rate but only if Chester Borough is willing to fund its portion and allow all three options. Mayor Davis expressed optimism that with the new information provided by Ms. Wright his Council would swing to supporting and funding the broader study. Vice-Chairman Harmon stated that the original \$50,000 amount was fluid and that based on conversation with consultants and the fact that data already exists it should be possible to complete the study for \$40,000 with good oversight of the process.

It was suggested and discussed that if four towns proceed with the study that Mendham Township would not be invited to serve on the subcommittee when scope is defined, RFP's are written, direction is given to consultants and any other involvement with the study itself. A question was asked that if Mendham Township Committee was not a part of the consulting process would the Mendham Township information still be available to consultants for analysis as part of the whole. Ms. Wright stated that all necessary information was available through public channels so this would not be an issue.

Mr. Brauner asked whether his position within Mendham Township's BOE would exclude his involvement on the subcommittee.

It was suggested that if Mendham Township continues to object to funding the study inclusive of the regional K-12 they should consider funding the study at a prorated level. Committeeman

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Strobel agreed to carry this suggestion to the full Mendham Township Committee for consideration but expressed that the chance of this happening was remote. Committeewoman Thomas concurred that the likelihood of the MT Committee agreeing to pro-rated funding is remote.

Chairwoman Meyers requested that the consultant selection subcommittee meet even as funding remains uncertain. Mayor Henry was supportive in that doing so would keep the process moving so that if funding was approved we would not lose several months.

The committee was reminded by Mayor Henry that the \$10,000 allocation per town is only good for this budget year. If it is not used this year it is lost and it will be difficult to secure it again next year. It was also pointed out that there will be no increases in per/town funding in the amount of \$10,000 should Mendham Township not participate.

Chester Borough will meet next on August 7 at which time the decision will be made to hold the position not to fund or allow funding.

The previously scheduled meeting of August 16 will take place to take action based upon any potential changes in positions by Chester Borough and/or Mendham Township. Location TBD.

OPEN TO PUBLIC COMMENT

Bob Merino Mendham Borough commented on his appreciation for the effort, his happiness that there is an active citizens group to keep us on track, his concern that Mendham Township was taking heat for representing the will of its citizens and that the committee and municipalities should act on unanimous points.

Cecilia Donato of Mendham Township asked why the study does not go forward only on the options that are unanimous.

Charlene Arrington of CBS and Chester Township requested the name of the consultant group that Mr. Harmon spoke with as well as the list of consultants being considered. She also inquired as to whether consultants were to have particular expertise on schools.

Peter Dumavic of Mendham Township complimented the Mayors for being so engaged and suggested that focus should be on the funding formula only, making a feasibility study unnecessary.

Gloria Gluck of Mendham Borough commented on the small increase comment made earlier by Mayor Cogger, the “dumbing down” of schools, the fact that she isn’t concerned about other towns other than Mendham Borough and her taxes never go down.

Carol Brady of Mendham Borough said that we have everything to gain and nothing to lose by doing the broader study. She asked about assets and liabilities, the implications should there be a

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change in configuration and the concept that DFG differences and resulting higher funding from WT would be lost.

Ron Sausna of Mendham Township asked a question about whether Mendham Township could be left out in the cold if a regional K-12 was put on the ballot. Ms. Wright assured him that the above mentioned fail-safe mechanisms would prevent Mendham Township from being forced into any option and that the Department of Education will not allow any town to be left without a school for its children.

Bob Merino Mendham Borough commented in response to Ms. Brady that the DOE meeting at Mendham High School discussed the DFG subsidy issue and that he believed it would have no material impact.

Ron DiMaio of Mendham Township commented that a written outline on specific options would be helpful. Ms. Meyers concurred. He also asked about whether the conversation with a consultant on \$50,000 vs. \$40,000 was based on the intent to exclude Mendham Township. It was explained by Mr. Harmon that it was an RFP process discussion with the consultant to simply gain some general preliminary information.

Since there were no further comments the meeting was closed to the public by Ms. Myers.

The meeting was adjourned at 9:15 PM

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