

**Minutes for the Joint Consolidation/ Shared Services Study Commission of  
Princeton Borough  
and  
Princeton Township  
January 9, 2012 – 7:03 p.m.  
Township Municipal Building – Committee Room, Princeton NJ**

**CALL TO ORDER**

The meeting was called to order at 7:03 p.m., with Phyllis Persicketti reading the Open Public Meetings Act Statement:

The following is an accurate statement concerning the providing of notice of this meeting and said statement shall be entered in the minutes of this meeting.

Notice of this meeting as required by sections 4a, 3d, 13 and 14 of the Open Public Meetings Act has been provided to the public in the form of the written notice attached hereto,

On December 28, 2011, at 9:30 a.m., said notice was posted in the official bulletin board, transmitted to the Princeton Packet, the Trenton Times, the Town Topics, filed with the Township Clerk and posted on the Princeton Borough and Princeton Township websites.

**ROLL CALL - ATTENDEES**

***Commission Members Present*** – Anton Lahnston, (Chair), Mayor Chad Goerner, Valerie Haynes (Vice Chair), James Pascale (Township Administrator), Carol Golden, Ryan Lilienthal, Bernie Miller, Alice Small, Bill Metro, M. Patrick Simon, Barbara Trelstad, Heather Howard, DCA Representative Eugene McCarthy, DCA Representative Marc Pfeiffer.

***Absent:*** None

Roll Call was called out by Board Secretary Persicketti. There was a quorum present, therefore, the meeting was held.

Chair Lahnston indicated that on the agenda that Item #6 will be moved up due to the fact that there are two (2) new commission members from Borough Council and they will serve as long as the Consolidated Commission is in existence. At this time, Chair Lahnston welcomed the two members to the Commission, both members of Borough Council: Barbara Trelstad and Heather Howard. Ms. Trelstad ‘thanked’ all the commission members for their hard work.

## **REVIEW AND APPROVE MINUTES FROM DECEMBER 14, 2011**

A motion was made by Ms. Golden to approve the minutes of the December 14, 2011 meeting. The motion was seconded by Mr. Simon. No discussion. Mayor Goerner and Ms. Haynes, abstained (because they both were absent from the meeting on December 14, 2011). All other board members voted in favor, therefore, the *December 14, 2011* minutes were approved. Note: Ms. Persicketti will forward the final version of the minutes to Mr. Stefko, of CGR for posting on the CGR/Princeton website.

## **THE ADVISORY ROLE OF THE COMMISSION IN RELATION TO THE TRANSITION TASK FORCE**

Item No. 4 of the agenda, (Define the Advisory Role of the “Commission” in Relation to the “Transition Task Force”) Chair Lahnston stated that the Sub-Committee met as requested at the last meeting. The Sub-Committee met on January 5, 2012 and the Sub-committee consists of: Mr. Lahnston, Mayor Goerner, Mr. Simon, Mr. Lilienthal, Mr. McCarthy, (DCA Liaison) and Mr. Miller, who is Chair of the Municipal Consolidation Subcommittee. Mr. Miller said that the purpose was to develop a recommendation for consideration by the Commission concerning the relationship between the SSCC and the Transition Task Force to be established by the governing bodies of Princeton Borough and Township. Mr. Miller proceeded by reading the following:

As stipulated in NJSA 40:43-66.57, Discharge of Commission, paragraph c., the Shared Services and Consolidation Commission will continue as a body for 180 days following consolidation on 1 Jan 2013, ...”during which the commission shall serve as an advisory body to the governing body of the consolidated municipality.”

*“It is the recommendation of the subcommittee that during 2012 and the 180 days following consolidation the SSCC respond to requests for advice from the governing bodies, the Transition Task Force, and the subcommittees established by the Transition Task Force, as well as retain the prerogative to issue proactive advisory positions concerning the consolidation process, operations, and actions, to those bodies.”*

Mr. Miller stated that the Commission has the responsibility to continue to work this transition year and beyond, not only to respond to requests for advice, but also to act in a proactive manner to comment on the process, operations and the actions of the governing bodies, the Transition Task Force and the Sub-Committees. It was the unanimous recommendation of the Municipal Consolidation Sub-Committee to present this to the entire Commission for action.

Chair Lahnston stated that on November 8, 2011, the voters voted for a road map and Chair Lahnston feels that it is the responsibility of the Commission to ensure that what voters voted for is being followed and implemented

Chair Lahnston asked if there were any comments on the motion. Mrs. Golden asked about the two governing bodies and when they become one how will that impact the Commission? Mr.

Miller replied that the Commission will continue through 2012 and respond to both governing bodies and the Transition Task Force. In 2013, there will be one governing body and the Commission should still be in existence. Mrs. Small stated that there should be some formal process for the Commission to be updated as to what happens with the Transition Task Force Team? Ms. Howard said there should be a formal linkage between the two and we should have the Chair or a designee serve on the Transition Task Force and then inform the Commission. Chair Lahnston replied that in the Township there are two committee members serving on the Task Force, Mayor Goerner and Mr. Miller. And there may be one from the borough as well. Mr. Goerner and Mr. Miller can serve as the formal linkage to the Commission.

Mr. Lillienthal feels that the Chair should appoint a liaison to the task force.. Chair Lahnston stated that the Commission needs to be informed on the work in the sub-committees and on the Task Force, and the plan needs to be followed as recommended. Ms. Haynes feels that a critical point is the sub-committees and someone representing the Commission should be there because the Commission members were involved at that level. Mayor Goerner agrees that the Commission -- or a single member of the Commission -- may feel that the Task Force is making a decision with which the Commission may not be comfortable. Mayor Goerner further stated that the Commission has the ability to offer an advisory opinion; but the Commission does not have a role in making the final decision. The final policy is made by the elected officials, per Ms. Haynes. But the Commissioners can sit on the sub-committee. Mr. Simon said that another idea would be to have the Task Force set up sub-committees and that the Commission have the same sub-committees as well. However, Mr. Simon's concern is the number of players in the process (Commission, Task Force, etc.). A suggestion would be to streamline the process into one and the same.

Ms. Trelstad has major concerns about the Transition Task Force. She spoke to the department heads and she sees the Transition Task Force as an impediment and will slow the process down. She feels that people have applied and they don't come from municipal government and do not understand how the process works. Mayor Goerner said that the Task Force has a specific task which requires a different skill set than what is on the Commission. Applicants were looked at who had skills in finance, management, etc. One candidate had in-depth knowledge in municipal government and procedures. The Task Force needs to get up and running. Also, the Consolidation Commission should be integrated into that process. Therefore, the Commission can weigh in when they need to and offer advice and guidance as needed. Ms. Trelstad said she did not mean to suggest a delay. She said that the borough did not have any applicants with municipal government experience. However, two members of the Township governing body are serving on the Task Force (Goerner and Miller). Ms. Trelstad said she would like Administrator Pascale's comments relating to this subject matter. Administrator Pascale replied by stating that everyone can be involved in the process. Both Administrators Pascale and Brushi met with the department heads twice. They used the CGR Report as their 'bible'. Everyone is on board and wants this to be a success. The department heads were tasked with coming up with an organization chart which mirrors the CGR Report, per Administrator Pascale. The department heads were also asked to estimate transition costs.

Chair Lahnston proposed that Mayor Goerner and Mr. Miller report back and keep the Commission informed as members of both the Consolidation Commission and the Task Force. Mayor Goerner replied that neither he nor Mr. Miller would have a problem reporting back to the Commission. However, the concern posed by Mayor Goerner is perception. Perception may be that both he and Mr. Miller are elected officials and they are both from the Township. Mayor Goerner feels that the suggestion made previously in appointing a liaison who is appointed by Chair Lahnston and approved by the Commission members would make the most sense from a perception standpoint. Mr. Miller said that as a Township Elected Official and a member of the Commission and serving on the Task Force he agrees with Mayor Goerner -- from a perception standpoint. The liaison can be from either the township or borough. Chair Lahnston said that he believes only one person needs to be appointed

Chair Lahnston recommends that the liaison to the Consolidation Commission be Mr. Miller. Chair Lahnston comments that as Mayor, Mr. Goerner has a lot on his plate. He asked Mr Miller is he would act as liaison to the Commission from the Consolidation Task Force. Mr. Miller accepted the liaison position (and stated that he will be out of town the rest of the month of January, 2012).

At this time, Chair Lahnston went back to the original motion with making one change: "It is the recommendation of the subcommittee that during 2012 and the 180 days following consolidation the SSCC respond to requests for advice from the governing bodies (changed from body)". All Commission members voted in favor of the noted changes.

#### **WHAT IS THE ROLE OF THE FINANCE SUBCOMMITTEE IF ANY?**

Advising the Transition Task Force on transition costs was addressed by Mr. Simon. Mr. Simon replied that with the anticipation that the task force is being formed, it does not seem appropriate for the commission to jump in at this point and start the process. Chair Lahnston said there is no relationship at this point between the Commission, the Finance Sub-Committee, and the Transition Task Force. The Commission is waiting to see what will occur with the Transition Task Force and will be able to move forward, if necessary.

#### **UPDATE ON THE SCHOOL BOARD ELECTIONS**

Chair Lahnston stated that they may need help from the State. Chair Lahnston indicated that questions have been raised since the new voting districts have been decided upon. What is the process for getting through the school board election in April? Mr. Pfeiffer, DCA, said that DCA prepared a letter which is going to the Board of Education, the Township and the Borough on January 10, 2012. The letter will state that the answers will rest with advice from the respective attorneys to their boards. The State Board of Education will make a determination based upon the advice from their attorney as to when it changes over. The Division of Elections has reviewed the issue and has advised DCA that if the Board wants to continue the current structure into the next fiscal year, the election process will facilitate the existing (2011) election election districts.

Since consolidation has not taken effect as yet, the municipality will be electing people for the new governing body effective January 1<sup>st</sup>; 2013. Half of the School Board's budget is for the first half of the fiscal year and half will be under the new consolidated Princeton (note: the

second half of the year will be under the consolidated Princeton). DCA is advising the School Board's attorney to look at the relevant law and make recommendations to the School Board on how it wants to proceed.

Mr. Pfeiffer continued by saying that with respect to municipal elections, the question is, "How are people elected?" What term will the new council members be running for? There are six (6) persons running for six seats. Two will serve a one year term; two will serve two years and two will serve a three year term. The law provides some guidance in that it provides for two different approaches or options: (1) is that the largest vote getters take the seats for the longest terms. (2) The precedent in state law in the Borough form of government is that lots are chosen at the first meeting. Mr. Pfeiffer wanted to make it clear to the Commission that state government is not telling anyone what they should do. The State is simply providing guidance and background on the issues; but the State is expecting the municipal attorneys and their clients to come to an agreement as to the best approach. However, at the end the day, the governing body makes the final decision.

Chair Lahnston stated that he wanted to make it clear there are two separate issues being addressed and we don't want to collapse the two: (1) School Board and (2) General Elections. The Chair asked that the Commission and DCA look more closely at the School Board elections.

## **SCHOOL BOARD REVISITED**

Regarding the School Board Mr. Pfeiffer said that the attorneys need to review the law, reach their conclusions and advise their client (the School Board) as to what they believe the law says and deem the appropriate approach. The State does not weigh in on this procedure. The Board of Education may state that 'it will be business as it was, for the upcoming school year' In alternative two, new election districts will happen now and effectively start on July 1<sup>st</sup> as a single municipal district. Mr. Pfeiffer stated that the State has not determined whether either one of the afore-mentioned alternatives is the correct legal approach. The State has not conducted an analysis, nor has the Attorney General's Office looked at the law. They have not studied it and have not provided any advice, per Mr. Pfeiffer. The State is providing the two governing bodies and the Board of Education their opinion. At the end of day, it becomes the decision of the Princeton Regional Board of Education. Their attorney has the responsibility to look at the law and guide their client.

Ms. Trelstad said that they see this as a precedent setting and the state might want a say in this matter. There are things that they may not understand. She sees what Princeton is doing now and therefore, she would like the State to weigh in. Mayor Goerner replied that there are time constraints and if they have the School Board attorney analyze the two options presented, and the Attorney General's Office reviews it and says you cannot do that, it would only cause a delay. However, if the Attorney General's Office just weighs in and comes up with an opinion, then that would be the course that would be followed. Mr. Pfeiffer responded that the State has no intention of reviewing the decisions which are made in Princeton. The decision is made by the governing bodies because state government does not have statutory right to make that decision. The governing body is the elected officials in all cases, per Mr. Pfeiffer. The various attorneys

will look at the law and reach a conclusion as a matter of law. The afore-mentioned only pertains to the School Board.

Mr. Pfeiffer indicated that the State did not do a legal analysis. Yet he indicated that there is nothing specific in the law that says “in the case of consolidation -- and there is a regional school district that needs to go to a single municipal school district” -- it is up to the attorneys to look at the law and see if they see a pathway to get them there. While there are two options available the attorneys may see other options. The State is only providing guidance and thoughts. The State could have said it is up to you. Mr. Lilienthal said that the districts can use the previously election districts and this is a one-time occurrence and the School Board has latitude to identify the solution and use it. Years from now people will look back at what Princeton did and hopefully it works, per Ms. Trelstad. Mr. Pfeiffer said that it is understood that this is a first time occurrence. That is understood. However, there is absence of a direct state law, and it will have to be worked through to see what happens. The question remains: At what point do the two Princetons merge into one voting municipality? Do they merge in advance of the municipalities’ merger or do they follow?

Chair Lahnston said that it concerns him that the State is not making a choice, not making a decision and providing it. Mr. Pfeiffer stated that in theory the State could have said, “here is what to do.” But it is not their call. The legal analysis was that it is not the State’s call. It is a local issue on which local elected officials and attorneys need to make a decision, per Mr. Pfeiffer.

The letter from the State will go to the School Board tomorrow and they will read it and get the ball rolling from that point. At the same time, on January 10, 2012, the governing bodies – as well as the School Board will receive the letter, per Mr. Pfeiffer.

The School Board decision needs to be made very quickly. Petitions have to be filed so people are able to run for office.

## **MUNICIPAL GENERAL ELECTIONS**

Chair Lahnston said that there seem to be two options provided by the State: by lot or by top vote obtained. The existing law (Borough Act) says that they are chosen by lot. There will six (6) seats open. The State is not providing legal advice. The current Borough Law at the State level talks about creating new boroughs. At first election one goes by lot and this is something the attorneys can think about, per Mr. Pfeiffer. Attorneys will do an analysis and make recommendations other than by lot and by top vote gotten. The State is not second guessing anything.

The Borough decision does not have to be made right away because whatever happens will not have any effect until after the election, or January 1, 2013. If they are going by the “lot” process, it will be determined before the primary election.

The question was asked, “If the attorneys made recommendations, how will this be implemented into law (via ordinance, resolution, etc.)? Mr. Pfeiffer replied that this will be left up to the attorneys to include how they will do it. Mr. Pfeiffer stated that they (DCA) appreciate the challenge and uncertainty consolidation created. The decision is local, based

upon the opinions of the attorneys. It is not the Attorney General's place to make that decision.

At this time, Mr. Pfeiffer announced his retirement from state government to become effective in March of 2012.

## **PUBLIC COMMENT**

Kate Warren, asked if the agenda for the Commission meetings is available to the public prior to the meeting? It was stated that the agenda is available on the CGR website, per Chair Lahnston. Also, relating to the School Board, Ms. Warren asked if the attorney fees were included in the transition costs. Chair Lahnston replied that there are attorney's fees estimated in the transition costs but are not specified for one specific area.

## **DISCUSSION AND DECISION ON THE COMMISSION'S PARTICIPATION IN A "COURAGE TO CONNECT" SEMINAR ON MARCH 28, 2012 (IN EAST BRUNSWICK)**

Chair Lahnston indicated that Gina Genovese from "Courage to Connect had met with several members of the Commission along with former Mayor Marvin Reed. The organization (Courage to Connect) has developed a handbook on consolidation and they are in the process of developing a consolidation seminar that will be held in March in East Brunswick. The Commission was asked to participate. A panel should consist of 3-5 people. The panel is set up to discuss 'CONSOLIDATION IN PRINCETON' (up to November 8, 2011, the date of the vote). Chair Lahnston suggests that five (5) individuals be involved in the panel to include; Mayor Goerner, Mr. Lahnston, Mr Miller, Ms. Golden and Mr. Walonin (representing Unite Princeton). (Ms. Golden said that she has a prior engagement and cannot attend.) Chair Lahnston will make a decision and send an e-mail to the Commission members. Mayor Goerner made a motion with respect to the seminar being held in East Brunswick on March 28, 2012 and the afore-mentioned panel. The motion was seconded by Mrs. Small. No comments. All Commission members voted in favor.

Ms. Genovese from Courage to Connect also asked if some member(s) of the Commission would be willing to write an overview of the roles and responsibilities of a "commissioner." Chair Lahnston requested a volunteer. Following some discussion Mr. Simon volunteered to take on this responsibility along with Ms. Small and Ms. Golden.

## **OTHER BUSINESS**

Chair Lahnston said that he would like to keep in touch with the creation of the sub-committee for the Transition Task Force in areas the Commission specifically worked on regarding roles and responsibilities (for example, Ms. Haynes worked on Public Works) . Ms. Golden asked if the Task Force and the Subcommittees will be different people. Mayor Goerner replied that there will be a structure similar to the Consolidation Commission, but the sub-committee will extend to other members. The Township has many applications with plenty of talent to be

utilized for the sub-committees, per Mayor Goerner. Borough and Township staff members will be on the sub-committees as well. An e-mail will be going out on January 28, 2012 giving the particulars.

No other business was presented at this time.

### **FUTURE MEETING DATES**

Chair Lahnston indicated that he would like to set meetings on the 3<sup>rd</sup> Wednesday of the month. The meetings will commence at 7:00 p.m. The future meeting dates are listed below:

**February 15, 2012**  
**March 21, 2012**  
**April 18, 2012**  
**May 16, 2012**  
**June 20, 2012**

If there is no reason to hold one or more of the meetings, the meeting will be canceled and proper notice will be posted.

### **ADJOURNMEENT**

A motion was made to adjourn the meeting by Mayor Goerner and the motion was seconded by Ms. Golden. The meeting was adjourned at 8:39 p.m. All board members voted in favor.

Respectfully submitted,

Phyllis Persicketti, Board Secretary  
Joint Consolidation/Shared Services  
Study Commission

/p