

BOROUGH OF PARK RIDGE
MAYOR AND COUNCIL MEETING
Special meeting with the Board of Public Works

OPEN WORK SESSION

September 13, 2011
7:38 P.M.

Present: Council members; Kilmartin, Hopper, Misciagna, Kane, Council President Maguire, and Mayor Ruschman

Absent: Councilmember Viola (arr. 8:23 p.m.)

Also Present: Robert Mancinelli, Borough Attorney
John D'Anton, Rate Counsel
Board members; Mehm, Moore and Ludwig
Bill Beattie, Director of Operations
Colleen Ennis, CFO
Kelley O'Donnell, Borough Clerk/Administrator
Carole Reen, Board Secretary

Mayor Ruschman read the compliance statement earlier as required by the Open Public Meeting Act, P.L. 1975, Chapter 231.

Amendment to Chapter 55A – Security Deposits

- G. Mehm stated that with this amendment the board would have the authority to collect larger security deposits from the commercial customers
 - Councilman Hopper stated that he was happy to see this, feels it is long overdue
 - R. Mancinelli asked the Board if they had considered adding language with regard to the responsibility of the property owner as well
 - G. Mehm agrees
 - **All present in favor of amendment**
- **R. Mancinelli to prepare**

Resolution suggesting the requirement of a public referendum in order to sell the Electric and/or Water Utility

- Recommendation from the Board of Public Works to amend the Borough Code to include language that it would need to be put to public referendum prior to the sale of any utility
 - Council President Maguire stated that he knew there was a statute in place, but felt the language was vague
 - R. Mancinelli stated that if the governing body was in favor of amending the Borough Code to require a public referendum for the sale of, he would recommend including language for lease as well
 - He further stated that he is comfortable that it is already covered by the statute
 - He recommended that language be included in the event the statute changes

- R. Mancinelli also advised that there is a cost in advertising and codifying this request
 - Council President Maguire asked the Board if they would be willing to cover these costs
- Councilman Hopper asked for the language in the statute
 - The information was provided for him
 - Councilman Hopper stated that he feels the request for the addition to the Borough Code was redundant
- G. Mehm stated that he felt even if the statute changed he feels it is an important enough issue that it should go to a referendum
 - The utilities are an important part of the make-up of the town
 - G. Mehm stated that he would like to make sure that the Borough Code would not change the requirement even if the state statute did
- Councilman Hopper stated that he would like to see it encompass assets of the town over \$500,000; not just the utilities
 - Feels the utilities are already covered by the statute
- Mayor Ruschman stated that he sees no harm in adopting this ordinance
 - Councilman Misciagna stated that he agrees with Mayor Ruschman, feels the spirit is there
- Council and Board discussion on what if the legislature decides that they are not mandating a referendum
 - G. Mehm stated that he would like to see language in the Borough Code protecting the town
 - R. Mancinelli advised that all ordinances have an invalid provision
- R. Mancinelli explained that if the state passes legislature with strong enough language in it that states a referendum would no longer be required; the statute would have precedence over the Borough's code
- Councilmembers Kane and Kilmartin are in favor of the ordinance
- **R. Mancinelli stated that he will draft a proposed ordinance for introduction at the next meeting**
 - Councilman Kane advised that this will stop the talk of selling the utilities with politics

Proposed Amendment to Chapter 2-36.1 – Abolishment of the Board of Public Works

- Council President Maguire stated that the next proposed ordinance would require a super majority in order to abolish the Utility Board
 - R. Mancinelli stated that the proposal suggests a greater than 75% vote required
 - The Mayor only votes to break a tie
 - 5 out of 6 is 83%
 - He further stated that there are statutes in place with regard to Mayor and Council roles in a Borough form of government
 - R. Mancinelli stated that he feels this would not be upheld if challenged
 - C. Moore asked R. Mancinelli for his recommendation to accomplish what the intended spirit is
 - R. Mancinelli stated that the statute reads majority of Council present

- He advised that it could be tweaked to require majority of full council
- Council discussion on the intent of the proposed ordinance
- Mayor Ruschman asked if it was possible to put this to a referendum
 - R. Mancinelli cautioned that you do not want to single out one board; and it would be a non-binding referendum
- Discussion that there are statutory regulations for other boards; i.e. Board of Health, Planning and Zoning Boards
- R. Mancinelli solicited input from Council and Board
 - Councilman Kane suggested including language in the referendum for the sale or lease of the utility that only this would abolish the Board
- R. Ludwig stated that there are long term plans made
 - Business decisions 20-30 years out
 - R. Ludwig feels it is in the best interest of the residents of the Borough of Park Ridge
- **R. Mancinelli will work with J. D'Anton on language**

Proposed Amendment to Chapter 2-36.2 - Appointment of Professionals for the Board of Public Works

- G. Mehm stated that the intent of this ordinance is to clarify the current code to state the Mayor and Council will appoint the professionals recommended by the Board of
 - Councilman Kane stated that a Reorg organizational meeting has been set up so that we do not have the rush at the beginning of the year as the Borough has had in the past
 - He further stated that he thinks the process works
 - G. Mehm stated that he would like to see the requirement be greater than 50% for the Mayor and Council to not appoint a professional recommended by the Board
 - R. Ludwig stated that the Board should review the list of most qualified
 - R. Mancinelli stated that the Board could make a list of the criteria that they would like included in their RFQ's
 - C. Moore questioned if "shall" meant "shall"
 - R. Mancinelli reviewed with those present an ordinance that was adopted in the 1980's that was never codified
 - Statute that it referenced has since been repealed
 - Mayor Ruschman stated that over the years most of the recommendations from the Board were approved
 - G. Mehm stated that each year they appoint 4 professionals
 - He further stated that these professionals are necessary to run the operations
 - Mayor Ruschman stated that most of the time they are approved
 - G. Mehm stated that he is trying to protect future boards
 - Councilman Misciagna stated that if it makes the Board feel more comfortable he would support it
 - He further stated that there is nothing that prevents it from being changed in the future
 - Councilman Hopper stated that for 2011 the Board has a rate attorney and for 2 years they did without and the Borough attorney handled things

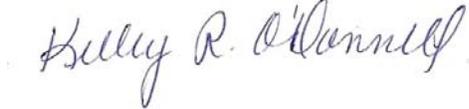
- He further stated that in the past the Board attorney and Borough attorney were the same person,
 - He feels the continuity would be a good thing
- G. Mehm stated that the Board and Borough may not always agree and it is important that they have separate counsel
 - R. Mancinelli agreed with G. Mehm and further stated that there have been times when he has been in a conflicted position
 - R. Mancinelli stated that the Utility Board has specific needs and obligations

8:23 p.m. Councilman Viola arrived

Mayor Ruschman summarized the evening's meeting. He stated that he thought there was great dialog this evening. He thanked the Board for coming. Mayor Ruschman further stated that he felt the Mayor and Council should meet quarterly. Felt a lot of good was accomplished.

Public Work Session adjourned to Public Hearing at 8:25 p.m.

Respectfully submitted,



**Kelley R. O'Donnell, RMC
Borough Clerk/Administrator**