

**BOROUGH OF MOUNT ARLINGTON
SPECIAL COUNCIL MEETING MINUTES
OCTOBER 9, 2007**

1. Call to Order

- 2. Adequate notice** of this meeting of the Mayor and Borough Council of the Borough of Mount Arlington was given as required by the Open Public Meetings Act as follows: Notice was published in the Daily Record on October 6, 2007; notice was posted on the bulletin board in the main hallway of the Municipal Building on October 5, 2007 and said notice is on file in the office of the Borough Clerk.

3. Flag Salute

The Mayor asked for a moment of silence to remember our armed forces.

4. Roll Call

Councilwoman Mulligan, Councilman Doran, Councilman Sorge, Councilwoman Cerasoli, Council President Driscoll, Mayor Ondish. JoAnne Sendler, Borough Administrator, and Fred Semrau, Special Borough Counsel, were also present. Councilman Stone was starting a new job and could not take the day off.

Attorney Fred Semrau stated that procedurally the meeting had been advertised to discuss public safety, which means anything that has to do with the Police Department. There is a study that has been conducted relative to the Police Department. Mr. Semrau's understanding is that Mr. Ehrenburg would be here today to discuss and distribute a report that he intends to finalize relative to his study of the Police Department and any other options that may be available to the Borough. When Mr. Ehrenburg brings in the report, Mr. Semrau believes it should be discussed and gone over with Mr. Ehrenburg in the public portion of the meeting. Mr. Semrau stated that the only things Council should not discuss relevant to the report in the public portion of the meeting is if there are any personnel performance type issues, ex. Fred Semrau is not an effective police officer. If there is discussion in the report that relates to the safety of the public, ex. having Fred Semrau situated in Roxbury Township between the hours of 2:00 a.m. and 6:00 a.m. and having no other officers available, that is something that is a public safety concern; Council would not want certain members of the public to know this potential public safety issue. It would be incumbent upon the Council to address these issues in Executive Session or if Mr. Ehrenburg starts to go in that direction, tell him that we will hold that for Executive Session because it has to do with protecting the safety of the public. Anything else can be discussed in the public portion of the meeting; if Mr. Ehrenburg indicates that this is his complete report, Mr. Semrau would like to have an opportunity after the meeting and before we turn the report over to the public, to go over it with the Administrator and Clerk to identify which areas would be redacted and not released to the public. Those areas would be anything relating to a personnel performance or anything that would release facts that would endanger the public; everything else can certainly be released to the public under the Open Public Records Act.

Mr. Semrau stated that he understood Council was not taking any action today; Mr. Ehrenburg will be here to give Council an overview and then respond to questions. Mr. Semrau stated no decision would be made today; the meeting is almost in a workshop format. Mr. Semrau stated that for the benefit of the public as well, it is an informational type of session. Council requested time to read the report and pose questions upon completion. JoAnne Sendler distributed the financial report prepared by Nisivoccia & Co.

Ted Ehrenburg distributed the report to the Mayor and Council. Mr. Ehrenburg stated that for this conversation, he thought this document should be the draft; any corrections will be made and submitted to the Clerk. The Mayor emphasized that anything going to the public comes from the Clerk, not from Council Members. Mr. Semrau also stressed

this especially because there may be portions of the report that he may have to redact. Mr. Semrau stated that if there are any questions that may jeopardize public safety, Council has the right to defer them until Executive Session. Mr. Semrau did quote the report where it stated that Blue Shield would perform an appraisal the Police Department as an organization, not the abilities or performance of individual members of the department, so there is no personnel type evaluation in this report. Council decided to sit and read the report, without interruption, and address questions afterwards. Council asked that the tape recording continue while Council reads the report.

Mr. Semrau stated that after Council discussion he would review the Blue Shield report to see if anything must be redacted; the redacted report should be to the Clerk by Thursday at which time it will become a public document. The Clerk will release the study to Chief Peterson before making it available to the public.

The Mayor and Council Members questioned Mr. Ehrenburg on various points made in the study. Council decided to address any grammar/punctuation changes at the end of the meeting. Mr. Semrau stated that this meeting was advertised as an Executive Session but clearly does not appear that there is a need for Council to hold an Executive Session; all discussion has been completed in the public portion.

Council President Driscoll stated that when we met with the FOP last, they asked for a copy of the study before it goes to the general public. Mr. Semrau stated that if we have a public meeting with Mr. Ehrenburg available to answer questions from the public before Council deliberates any further, the questions aren't necessarily directed to the Mayor and Council. The Mayor stated we should not make any decisions until we have the public meeting; Council agreed. Mr. Semrau suggested setting the public meeting date now. The Clerk was directed to check on MAPS for October 17th and October 23rd, 7:00 p.m. Mr. Ehrenburg stated that in the past, there would be a public meeting in each town involved in the shared service.

5. Executive Session

2007-142

Resolution of the Mayor and Borough Council of the Borough of Mount Arlington, in the County of Morris, New Jersey, Authorizing Conference of the Mayor and Borough Council with the Public Excluded.

Motion to **Withdraw** the Executive Session: Councilman Sorge.

Second: Council President Driscoll.

All in Favor- Aye; None Opposed.

Motion Approved/Resolution Withdrawn.

6. Open to the Public

No public present.

7. Adjourn

Motion to Adjourn: Councilman Sorge.

Second: Council President Driscoll.

All in Favor – Aye; None Opposed.

Motion Approved.

Linda DeSantis, R.M.C.
Borough Clerk

Minutes Approved at Council Meeting of February 11, 2008.

