This Special Meeting of the Borough of Raritan Governing Body was called to order by Mayor Charles McMullin in the Meeting Room of the Raritan Municipal Building, 22 First Street, Raritan, NJ 08869 at 6:30 p.m. on Monday, January 15, 2018.

The Mayor announced this Special Meeting was called pursuant to applicable portions of the Open Public Meetings Act. Adequate Notice was communicated to *The Courier News* and *The Star Ledger* on January 11, 2018, posted on the bulletin board in the Municipal Building and made available in the Office of the Borough Clerk.

**ROLL CALL**
Present: Mayor McMullin, Council President Tozzi, Councilman Bray, Councilman Giraldi, Councilman McGinley, Councilman Orozco
Also Present: Borough Attorney Paul Rizzo, Borough Administrator Jaxel, Borough Clerk Colvin
Absent: Councilman Carra

**INVOCATION AND FLAG SALUTE**
Councilman Bray

**PUBLIC COMMENT**
Mayor McMullin opened the first Public Comment portion of the meeting for members of the public wishing to speak.

Former Councilman Jim Foohey, 1710 Rhine Blvd. – Mr. Foohey questioned why Registrar Constance Del Rocco was not Rice Noticed for the last meeting. Attorney Rizzo said such a notice was not required because the Governing Body was discussing a position, not an individual person. Mr. Foohey said the Registrar was Rice Noticed previously. Mayor McMullin said that this time the Governing Body is discussing the position.

Mr. Foohey asked when the decision to disband the Board of Health happened. Mayor McMullin said the Council was unable, for a period of about five months, to get the Registrar to expand the hours of operation. Also, a shortfall of revenue was reported, the Mayor said, adding the Governing Body was of the opinion that expanded hours were needed.

Mr. Foohey asked Attorney Rizzo to explain the difference between a stipend and a salaried position.
January 15, 2018
Special Meeting

Attorney Rizzo said it seems to be a matter of semantics.

Board of Health President Paula Machala – BOH President Machala said she was surprised to have learned about the issues at the last meeting.

Mayor McMullin asked BOH President Machala whether there were ever conversations between Registrar DelRocco and the BOH about increasing hours and loss of revenue.

Councilman Bray, former liaison to the BOH, said some issues became known to the Board during the meetings in the Fall of 2017, but most of what was said at the last Council meeting was the first the BOH had heard about various concerns.

BOH President Machala said, if the BOH had known, perhaps they could have worked on ways to resolve the various issues with the Governing Body, adding she agrees that increasing the Registrar’s hours would better serve the community. BOH President Machala mentioned the $4,000 of estimated loss of revenue (inaudible).

Mayor McMullin said increasing a salary by $12,000 to capture $4,000 of revenue does not make financial sense.

BOH President Machala asked if other employees are judged by the revenue they generate for the Borough. Mayor McMullin presented options: A. Keep things the way they are, B. Go with the Board of Health’s budget at $23,000 or C. Use the Municipal Clerk for 35 hours a week at $7,000. That is up to the Council, Mayor McMullin said.

Seeing and hearing no additional members of the Public, the Mayor closed this Public Comment portion of the meeting.

WORK SESSION
Budget Meeting Date with Department Heads (PG)
Councilman Giraldi asked for a consensus to hold the Budget Meeting with Department Heads. He said there had been a discussion, but not a decision by the group.
Councilman Bray said Fire Chief Kredatus asked for a special meeting for his department because he could not make the proposed date of February 7.
Council agreed to put the Fire Department on for a Special Meeting prior to the Regular Meeting of January 23.
Mayor McMullin asked where the meeting would be held. Administrator Jaxel said downstairs has worked in the past. Council did not make a decision on where the meeting would take place.

Mayoral Appointment – Christine Torres, Historical & Cultural Committee (CM)
Mayor McMullin said he was contacted by the Historical & Cultural Committee, who would like another alternate. Council provided consent.

Public Health Restructuring: Update (CM)
Mayor McMullin said the Governing Body received an email from Attorney Rizzo regarding how Somerville is operating.
The Mayor said he would like to provide additional information, in summary form. The Mayor said, after months without progress on the administration end of the Office of the Registrar, he had a
conversation with Attorney Rizzo and a separate conversation with Clerk Colvin to provide Monday through Friday, 35 hours a week coverage, which would also result in a $16,000 a year savings from what the Board of Health provided. The Mayor referred to the following chart:

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>Hrs/week</th>
<th>$/hr 52wks</th>
<th>Workday</th>
<th>2018</th>
<th>Hrs/week</th>
<th>$/hr 52wks</th>
<th>Increase</th>
<th>Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Approach</td>
<td>$11,885</td>
<td>10.5</td>
<td>$71.77</td>
<td>3.5 hr: M, W &amp; F</td>
<td>$23,000</td>
<td>20</td>
<td>$11.06</td>
<td>$11,115</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>10:30am - 1pm</td>
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<tr>
<td>Proposed Approach</td>
<td>n/a</td>
<td>7.5 hr: M, T, W, Th &amp; F</td>
<td>$7,000</td>
<td>35</td>
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<td></td>
<td></td>
<td></td>
<td>8:30am to 4:30pm</td>
<td></td>
<td></td>
<td></td>
<td>$16,000</td>
<td></td>
</tr>
<tr>
<td>Legal Review</td>
<td></td>
<td></td>
<td>$4,000</td>
<td>23 hrs/yr</td>
<td># of ordinances in 2016 and 2017 and where located for public access?</td>
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</tr>
<tr>
<td>Secretary</td>
<td>$1,240</td>
<td>agendas and minutes - where published?</td>
<td></td>
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The Mayor said he asked for the Council’s consideration on whether they would like to move forward, adding he believes BOH President Machala is correct in that the Borough is not in business to make a profit, but said the Governing Body has a fiduciary duty to the public and should have hours to service the needs of the public.

**ORDINANCE – SECOND READING & PUBLIC HEARING**

**Ordinance No. 2018-01**

An Ordinance of the Borough of Raritan, County of Somerset, State of New Jersey, Amending the Code of the Borough of Raritan in Order to Replace the Board of Health with a Public Health Committee

Mayor McMullin asked for a motion to Adopt Ordinance No. 2018-01. Councilman McGinley made the motion, Council President Tozzi seconded the motion.

The Mayor then opened the Public Hearing for members of the public wishing to speak.

**Adele Goetsch, 6 Nevius Street** – Ms. Goetsch asked whether the Registrar makes a little more than $10,000 and, if Borough Clerk Colvin were to do it, he would be paid $7,000?

Mayor McMullin said the Registrar makes $11,800 for Monday, Wednesday and Friday for a couple of hours each day. Ms. Goetsch called attention to the fact that Clerk Colvin would work more hours for less pay. Mayor McMullin said he wants to make the service available 100 percent of the work week for $7,000.

**Marie Ciufo, 11 Loomis Street, Board of Health Member** – Ms. Ciufo asked, if the Board of Health becomes a committee, would the Board of Health then need to propose activities to the Council for approval?

Attorney Rizzo said yes. Ms. Ciufo said it would impact the ability to make the community aware of things because of the time it would take. Attorney Rizzo said the Governing Body could give authority to the committee to act through bylaws, which could eliminate the need for Council approval. This could also be done in the Ordinance.

Mayor McMullin said the Governing Body is not trying to stop any activities of the Board.
Attorney Rizzo said, by statute, every municipality must have a Board of Health. If the Governing Body proceeds with the Ordinance, it would become the Board of Health.

Mayor McMullin said the Board of Health does good work and this is not an attempt to take away or limit that good work, adding the right balance is needed between the activities of the Board of Health and administration and finance.

Councilman Orozco asked Attorney Rizzo if what he heard is correct, which is that the Governing Body would become the Board of Health. Attorney Rizzo said that is correct.

Registrar of Vital Statistics and Secretary to the Board of Health Constance DelRocco, 403 Danbury Ave. – Registrar DelRocco said believes the issue regarding the Office of the Registrar began because the Deputy Registrar did not always have the time needed for the funeral home.

Mayor McMullin said the issue started in May, when Registrar DelRocco communicated to the Governing Body that she would like additional hours and pay. Registrar DelRocco said the increased hours were requested to address the needs of the funeral home.

Mayor McMullin told the Registrar that there is an issue with compensation, that she works for 10 hours and there are 25 more hours in the work week. Registrar DelRocco said she was willing to work more than 25 hours, but was told that would qualify her as a full-time employee, which the Borough did not want.

Mayor McMullin said, if the Registrar works 10 hours (Registrar DelRocco interjected, stating she works 10.5 hours and is paid $11,880 and has been with the Borough for 12 years) then there are still 25 hours remaining. The Mayor asked Clerk Colvin what he is paid as Deputy Registrar. Clerk Colvin stated $650 per year.

Registrar DelRocco said the Deputy now works Tuesdays and the Alternate Deputy Registrar works Thursdays and there is a 2 p.m. cutoff for Registrar duties Monday through Friday.

Mayor McMullin asked what else the Registrar is responsible for. Registrar DelRocco said marriage applications, licenses, walkins, death certificates and reports and paying the State and Borough.

Mayor McMullin asked if the current hours work. Registrar DelRocco said they always had, until the last number of years, when the funeral home felt the Deputy Registrar and previous Deputy Registrars did not service their needs in a timely manner. Registrar DelRocco said she was then asked, by Councilman Bray, to come up with the amount of money lost and could be lost if the funeral home took its death certificates elsewhere. There was a conversation at a Board of Health meeting, Registrar DelRocco said, wherein the funeral director said the Borough is losing $10,000 a year. The number is less, the Registrar said, about $4,000.

Mayor McMullin asked the Registrar if she believed the Borough Clerk could do the job of Registrar, to which Registrar DelRocco replied she thinks it would be difficult because of the hours required.

Former Councilman Jim Foohey, 1710 Rhine Blvd. – Mr. Foohey said he feels the issue is more complicated than it needs to be and a compromise with the Board of Health can be reached. Mr.
Foohey asked if the Governing Body could ask the Board of Health to adjust their budget, instead of taking the measure that is on the table this evening.

Mr. Foohey said he believes the Board of Health is protected as a Board, but members could be open to lawsuits as a Committee.

Attorney Rizzo said he did not believe the Committee would be liable because they would be advising the Governing Body, adding he believes the Borough insurance would cover any litigation because they are performing a service for the Borough.

Mr. Foohey said the funeral director said she would have to quit if the Board were turned into a Committee, as she was advised to do by her attorney. Attorney Rizzo said he disagrees with that opinion.

Mr. Foohey said he believes transferring the responsibilities to the Municipal Clerk would not work, adding he has worked with Clerk Colvin, who, he said, works hard and has a full plate. Mr. Foohey said he believes something would suffer if the move happened, most likely the Registrar duties. If the Borough were to then establish a Deputy Registrar, Councilman Foohey said, most likely Tax Collector Gutierrez, that is problematic because the Tax Collector is also busy. Mr. Foohey said saving a few thousand dollars is not worth sacrificing the quality the Borough has had in the Registrar for the last 14 years. The $4,000 savings, Mr. Foohey said, equates to only about $1.25 per year per household.

Councilman Giraldi said no vote has yet occurred.

Board of Health President Paula Machala – BOH President Machala asked, when doing the budget, does the Borough look at last year’s spending. Mayor McMullin said yes.

BOH President Machala said she has never seen what has been spent by the BOH and believes they do not spend everything in their budget.

Edward Machala, 9 Barbieri Court – Mr. Machala asked whether the previous year spending should be provided in order to be used as a starting point for doing a budget.

Mayor McMullin said he does not believe it is the responsibility of the Governing Body to demand the BOH speak with the CFO regarding formulating a budget.

Mr. Machala said he has never worked on a budget where he was not provided that basic information.

Administrator Jaxel said the information can be instantly disseminated, if it is requested, and asked BOH President Machala whether she has ever asked for that information.

BOH President Machala said she has gone to the administrator’s office many times and has not been given answers to various questions. Administrator Jaxel said he did not know which questions BOH President Machala was speaking of, but he could easily provide financial information.

Mayor McMullin said the information should be provided.
Seeing and hearing no additional members of the Public, the Mayor asked for a motion to close the Public Hearing.

On motion by Councilman Bray, seconded by Council President Tozzi, Council moved to Close the Public Hearing.

Recorded Vote:
Yea: Bray, Giraldi, McGinley, Orozco, Tozzi
Nay: x
Abstain: x
Motion Passed: 5-0

Prior to vote, Councilman Bray said he believes a compromise with the Board of Health regarding the pay and hours of the Registrar is needed. The Councilman also cautioned that, if the Council were to remove the Registrar and have an in-house employee assume the responsibilities, the result may not be favorable due to the time required to perform the multitude of functions, adding the money dedicated for that increased role may not be proper. The Councilman went on to state that he is not in the business of taking away a job from a hardworking, dedicated employee, adding he finds this situation is especially troublesome because of the small amount of money in question. Councilman Bray then implored his fellow Council members to consider what he has said and see that voting against the Ordinance is the right thing to do.

Mayor McMullin asked whether anyone would like to change any portion of the Ordinance. No member of Council wished to do so.

Recorded Vote:
Yea: x
Nay: Bray, Giraldi, McGinley, Orozco, Tozzi
Abstain: x
Motion Failed: 0-5

BILL LIST
None

PURCHASE ORDER REQUESTS
None

OLD BUSINESS
None

COMMITTEE AND LIAISON REPORTS
None

PUBLIC COMMENT
Mayor McMullin opened the meeting Public Comment portion of the meeting for members of the public wishing to speak.
Seeing and hearing no one, the Mayor closed this Public Comment portion of the meeting.

**ADJOURNMENT**
On a motion by Councilman Giraldi, seconded by Council President Tozzi, Council moved to **Adjourn the Regular Meeting.**

**Recorded Vote**
All in Favor

Regular Meeting adjourned at 7:25 p.m.

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Eric M. Colvin, RMC, CMR
Borough Clerk

Approved: _________________