

**MINUTES OF A MEETING
OF THE
MAYOR AND COUNCIL**

CALL TO ORDER

Mayor Henry called the February 18, 2014 meeting of the Mayor and Council to order at 8:00p.m.in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry offered a moment of silence meditation, followed by the Pledge of Allegiance.

OPENING STATEMENT

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Observer Tribune and the Morristown Daily Record, and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE: Mayor Neil Henry

Councilman Brad Badal
Councilman Stanley Witczak
Councilman John Andrus
Council President David Sharkey
Councilwoman Veronica Daly

Also present: Atty. Fred Semrau
Administrator Ellen Sandman
Borough Clerk Maureen Massey

Absent: Councilman Louis Garubo

CONSENT AGENDA:

Approval of the minutes of the regular meeting of 1.20.14
Approval of the minutes of the executive session meeting of 1.20.14
Approval of Red Light/Siren Permits for Christopher Nelson/Thomas Gilligan
Approval-NJ State Firemen's Assoc. Membership App-Luke G. Engelhardt
Approval of (4) Four Raffle Applications for Minutemen Sports Club
(2) Off-Premise Draw (Merchandise); (1) Off-Premise Draw
(50/50 Cash); (1) On-Premise Draw-Tricky Tray

Motion to approve the consent agenda was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Sharkey, Daly

Opposed: None

Abstain: None

Absent: Garubo

DISCUSSION:

Superintendent Kenneth O'Brien:

-Department of Public Works-2014 Capital Budget Funding

The Mayor thanked the DPW for all their hard work during the severe weather conditions.

Superintendent O'Brien updated the Council on the last few weeks of snow storm activity and prefaced his statement with "no two storms are the same". He reported that the department incurred overtime extending into the evenings and weekends. With regard to the salt shortage, Mr. O'Brien reported that Mendham Borough is doing fine with their salt supply. He further reported on the success of the 'salt paste system' and the savings on salt for the town. He further noted that he is down employees and is in the process of looking for replacements. The DPW employees are assisting residents by clearing snow from the mailboxes. Contractors hired by residents to plow driveways are pushing snow onto grassy areas in the Borough. He further reported that the DPW goes over Main Street after the County comes through to keep the street clean for traffic.

Mr. O'Brien would like additional money put into the capital budget to make purchases of equipment so that the Borough can share equipment with Mendham Township and Harding. He requested a replacement of the 1999 pick-up truck; a wheel balancer; 'claw bucket'; and a long term request for a new DPW facility. He further requested that each year, built into the budget, money for black topping the roads.

When asked to prioritize his requests Mr. O'Brien responded with a \$50,000 request to the Capital Budget; pick up truck and the 'claw bucket'.

Graduation Lawn Signs – Fund Raiser

Res. 42-14 (Approval-Temporary Exemption)

It was noted that this was approved last year and it was decided that each year this request would be revisited since it is an exception to the ordinance. There is a resolution on the agenda for consideration later in the meeting.

2014 Preservation Planning Grant

Administrator Sandman updated the Mayor and Council on the preparation of this grant. A resolution will be available at the next meeting for consideration.

ORDINANCE INTRODUCTION:

ORDINANCE #1-14

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 38, "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF MENDHAM, NEW JERSEY, WITH AN AMENDMENT TO SECTION 38-20 A., "PROMOTION POLICY" AND THE ADDITION OF SECTION 38-20-H. ENTITLED "APPEAL OF PROMOTION PROCESS"

(A copy of Ordinance #1-14 is attached to these minutes)

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #1-14

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 38, "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF MENDHAM, NEW JERSEY, WITH AN AMENDMENT TO SECTION 38-20 A., "PROMOTION POLICY" AND THE ADDITION OF SECTION 38-20-H. ENTITLED "APPEAL OF PROMOTION PROCESS"

Be passed on first reading by title; and

BE IT FURTHER RESOLVED, that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on **March 3, 2014** at 8:00 PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to introduce Ordinance #1-14 was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Witczak, Sharkey, Daly, Badal

Opposed: None

Abstain: None

Absent: Garubo

ORDINANCE ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #35-14 Sanitary Sewer App-B801/L20 (Mendham Laundromat Assoc., LLC)

Motion to adopt Resolution #35-14 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Sharkey, Daly

Opposed: None

Abstain: None

Absent: Garubo

Res. #36-14 (TABLED)

PSA Engineering/Surveying Service-Mountain Valley Lake Dam/Ferriero Engineering, Inc.

After some discussion, it was decided that other quotes or going out for bid be researched by the Administrator and findings reported back to the Council. Since it was noted that the dam is not in immediate danger, it was decided to table this resolution until additional information is obtained.

Res. #37-14 Morris Cty Adaptive Recreation Program (McARP)-2014

Motion to adopt Resolution #37-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Daly, Badal

Opposed: None

Abstain: None

Absent: Garubo

Res. #38-14 Transfer of Funds

Motion to adopt Resolution #38-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Daly, Badal, Witczak

Opposed: None

Abstain: None

Absent: Garubo

Res. #39-14 Appoint Keith Kay-Alternate Member II-Planning Board

Motion to adopt Resolution #39-14 was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Sharkey, Daly, Badal, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Garubo

Res. #40-14 Annual Tonnage Grant Application

Motion to adopt Resolution #40-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Daly, Badal, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Garubo

Res. #41-14 (TABLED)

Settlement of 2012 Tax Appeal (2 Main Street)

After discussion, it was determined that this resolution would be tabled until the Borough discusses this with the Borough Assessor Scott Holzhauser. Mr. Holzhauser will be invited to the next meeting.

Res. #42-14 Approval-Temporary Exemption-Sign Ordinance

Motion to adopt Resolution #42-14 was made by Councilwoman Daly

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Sharkey, Daly

Opposed: None

Abstain: None

Absent: Garubo

Res. #43-14 St. Mark's Parking Agreement

Motion to adopt Resolution #43-14 was made by Councilman Sharkey

Seconded by Councilman Badal

Discussion: It was noted that the speed bumps were removed and that St. Mark's will do the stripping.

Roll Call – the vote was as follows:

In favor: Daly, Badal, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Garubo

Res. #44-14 Support Legislation to "CAP" Police/Fire Contract Disputes

Motion to adopt Resolution #44-14 was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: It was noted that the "CAP" for contract disputes will impact the negotiations. Councilman Witczak wanted to be sure that the approval of this resolution would not include the 'sick pay' resolution as the other critical issue. It was discussed and noted that the Borough does not allow accrual of sick pay therefore it was not applicable to our town.

Roll Call – the vote was as follows:

In favor: Sharkey, Daly, Badal, Witczak, Andrus

Opposed: None (Councilman Witczak voted opposed. After a detailed explanation he changed his vote.)

Abstain: None

Absent: Garubo

Res. #45-14 Contract for Acute and Chronic Bioassay testing

Motion to adopt Resolution #45-14 was made by Councilwoman Daly

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Sharkey, Daly, Badal, Witczak (Cm Andrus had left the room and was not included in the vote)

Opposed: None

Abstain: None

Absent: Garubo

Councilman Badal led the discussion regarding a request made from residents at Mendham Commons for the use of the salt past system on their roads. Mr. Badal noted that there is an older population concentrated in this area and First Aid response calls need to be able to get through.

Atty. Semrau followed up with the fact that the Commons is a 'qualified community' under the Kelly Act. The borough is obligated to treat this area in the same fashion as the other roads in the Borough. The Act specifies that the Borough will be reimbursed a percentage of the expense or the Commons can have the work done and ask for reimbursement from the town.

Councilman Andrus commented that based on what Superintendent O'Brien stated about the success of the 'salt paste system', the cost of a contractor servicing the Commons could offset the cost of utilizing the system.

Atty. Semrau further reported that the revised cost per his correspondence would be approximately \$300-\$350 an application for manpower and cost of materials to take care of the 2 miles (both sides) of the roads in the Commons.

Superintendent O'Brien shared his thoughts on the contractor for the Commons and the type of contract signed which could result in the Commons being billed based on the inches of snow fall even if there is less on the roadways due to the use of the 'salt paste system'.

After some discussion, it was agreed to revise the resolution before the Council to terminate this year and the review the results for next season.

Res. #46-14 Brine Services-Reimbursement Agreement- Borough/Mendham Commons

Motion to adopt Resolution #46-14 as amended was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: After discussion it was agreed to revise the resolution to conclude the services as of June 30, 2014, at which time the program would be evaluated and the benefits discussed.

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Daly, Badal

Opposed: None

Abstain: None

Absent: Garubo

ADMINISTRATOR REPORT:

Administrator Sandman reported interviews being held to fill the two vacant positions in the DPW. She further reported that additional funding may be received from FEMA for storms Irene and Sandy.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak commented that Superintendent O'Brien has stressed the capital items needed. He commented on the successful management of the salt and fuel by Ken.

Councilman Andrus circulated the results of the capital improvement priorities. He noted that this is not a final list but a 'guide'. He further commented on the possibility of considering short-term BANs (Bond Anticipation Notes) instead of long-term debt.

Councilman Sharkey reported that the Planning Board is reviewing 'out door dining' in the Borough.

Councilwoman Daly is waiting for the submittal of the personnel evaluations.

The Mayor commented that in lieu of Councilman Garubo's absence, if Bruce DiBisceglie wanted to comment. Bruce reported that the forms have been completed by the Pastime Club for the circus. He is presently working on contracts for the bands, movies and hiring for the summer season. The camp will be using the Racquetball Club for swimming again this year.

ATTORNEY ITEMS:

Atty. Semrau mentioned that the supervisory training, "Best Management Practices" is being held at off-site locations but he will be holding it here at the Borough if it is the pleasure of the governing body. Attendance will keep the Borough's deductible at a minimum.

MAYOR'S ITEMS:

Mayor Henry commented that Melanie Miller (Director of the MASH) was called to the Township to discuss the finances of the MASH (Mendham Area Senior Housing).

Administrator Sandman expressed concerns with the step for the MASH bus and the possibility that a new vehicle would need to be purchased. The purchase of a vehicle similar to Ford Flex that was donated to the MASH was suggested.

Mayor Henry noted that this Thursday, February 20th the steering committee (Mayors-Mendham Borough, Mendham Township, Chester Borough, Chester Township) will be meeting with representatives of two companies who have submitted a proposal for the high school funding formula review. The meeting is open to the public.

PUBLIC COMMENT:

Laurie Felber, 9 Townsend Road, commented on the importance of the work at the Mountain Valley Lake Dam citing changes in stormwater management and the strengthening of laws by the Department of Environmental Protection. She cited Rutgers reporting an increase in heavy precipitation. Ms. Felber shared a picture she took of the water flow east of Maple Avenue (culvert).

Ms. Felber is a member of the CERT team and suggested someone from the Borough OEM contact Chief Valentine for discussion on how it operates for possible use in our town.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated February 3, 2014 and February 18, 2014
Motion to approve the February 3, 2014/February 18, 2014 bill list was made by
Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: - Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

Res. #47-14 Executive Session-Contract Negotiations/Land Acquisition

(Possible Property Purchases)

Motion to adopt Resolution #47-14 was made by Councilwoman Daly
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

On a motion duly made, seconded and unanimously carried, the Council returned to open session.

ADJOURNMENT:

There being no further business scheduled for the consideration of the Mayor and Council at this time, on a motion duly made, seconded and unanimously carried by a voice vote, the meeting was adjourned at approximately 10:25P.M. next to convene at the Regular Meeting on March 3, 2014 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk