

**MINUTES OF A REGULAR
MEETING OF THE
MENDHAM BOROUGH
MAYOR AND COUNCIL**

CALL TO ORDER

Mayor Henry called the October 3, 2016 meeting of the Mayor and Council to order at 8:00PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry led a moment of silent 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 *Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Present: Mayor Neil Henry
Councilman John Andrews
Councilman Brad Badal
Councilwoman Veronica Daly
Councilman David Sharkey
Councilman Stanley Witzcak
Council President John Andrus

Also present: Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 9/6/16
Minutes of the executive session of 9/6/16
Tier I Banner Request: Mountain View School 8th Grade Fair (10/10/16 – 10/24/16)
Tier V Banner Request: Community of St. John the Baptist (10/3/16 – 10/10/16)
Peddler/Solicitor License: Gerard Raho (Edward Jones Financial Services)

Motion to approve Consent Agenda: Councilman Andrews
Second: Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus
Opposed: None
Abstain: Witzcak (regular and executive session minutes only due to absence)
Absent: None

DISCUSSION

MBPD Succession Plan

Councilman Witzcak recused from the discussion and stepped down from the dais to join the public.

Mayor Henry opened the discussion with a PowerPoint presentation (attached) and stressed the importance of soliciting feedback from the public regarding Mendham Borough Police Department (MBPD) staffing. He stated that he has met with representatives from the local PBA and State Chiefs' Association in order to foster open communication among them.

Mayor Henry discussed Chief Libertino's upcoming retirement and its effects on future staffing of the department. He listed a number of leadership options including:

1. Promoting a new Chief from within (among the eligible Sergeants or a wider pool)
2. Hiring a Civilian Director who would manage all administrative matters but without police powers
3. Upgrading to regional/local shared services among neighboring municipalities (no merger)

Although the Chesters and Harding Township have opted out, Mayor Henry opined that a partnership between the Mendhams may make financial sense. He requested public comment to gauge whether residents are interested in moving the idea forward.

Mayor Henry opened the floor for comments/questions from the public.

Jack Fetro, Borough resident, stated that the MBPD is the wrong place to cut costs and that it would be a mistake to give 50% police power to the Township.

Sal Bracco, Borough resident, indicated that as a member of the MFAS, he has worked with Borough officers countless times and that a new Chief should be promoted from within the current ranks.

George Connolly, Borough resident, offered his support for an Officer In Charge (OIC) while different options are explored. He added that he is skeptical of combining the different cultures of the Borough and Township police departments.

Jim Cillo, Borough resident, stressed the importance of Police Chief qualifications and recommended inviting representatives from the State Chiefs' Association to measure the qualifications of our existing officers. Former Chief Cillo stated his opposition to a Civilian Director and added that shared services with the Township must entail dissolution of the Township PD and assimilation into the Borough PD.

Wayne LaBlond, Borough resident, stated his support for cutting costs by approaching the Township to gauge interest in combining the departments. He added that vacancies in both ensure no officers would be subject to termination.

Hardee Kilgore, Borough resident, asked whether an OIC or Acting Chief would eventually transition to the Chief position. Mayor Henry indicated that the OIC/Acting Chief position allows for a probationary period before a permanent appointment.

John Pecoraro, Borough resident, opined that the two (2) Police Chief vacancies in the Borough and the Township present an opportunity for cost savings and increased accountability. He stated his support for exploring the various options.

Alexa Lewandowski, Borough resident, noted the importance of proper staffing and morale within the police department and suggested structuring the Chief's contract so that it doesn't equate to tenure. Ms. Lewandowski further recommended a joint study with the Township.

Barbara Nelson, Borough resident, expressed her support for an OIC or Acting Chief appointment.

Pat O'Neill, Borough resident, stated that cost savings and accountability are the primary issues.

Brian Kristiansen, Borough resident, indicated his support for a feasibility study and asked that the findings be presented at a public meeting.

Gary Cavalli, Borough resident, expressed support for a feasibility study with the cost of same being shared with the Township. He further stated that while morale within the police department is very important, promotion from within should occur only if there is a qualified candidate.

Bruce Mayer, Borough resident, stated his support for expansion of the promotion pool in order to identify the best candidate within the existing department.

Christine Glassner, Borough resident, stressed that the goal is to manage costs and to ensure adequate staffing, particularly nights.

Karl Grohn, Borough resident, commended the Police Department and First Aid Squad for their actions in February when his wife passed away.

Sean McDonough, Borough resident, stated that he is not in favor of a department upgrade.

Noreen Staples, Township resident, questioned if this proposal was a "takeover" or an invitation to explore the options.

Warren Gisser, Township resident, stressed that an equal level of commitment by both municipalities is required.

Hearing nothing further from the public, Mayor Henry opened the floor for comments from the Council.

Councilman Andrews stated that the time is right to conduct a feasibility study with buy-in from the Township.

Councilman Badal opined that promotion should come from within and a Township contract for shared police services should be explored. He stated that he does not support the appointment of a Civilian Director and recommended that a Lieutenant be hired for the OIC position along with two (2) additional officers.

Councilwoman Daly agreed that a Civilian Director is not appropriate and that two (2) officers should be hired along with a Lieutenant (but not as the OIC). She added that the Borough should investigate whether the Township is interested in a partnership as the current situation is unsafe for the officers.

Councilman Sharkey opined that the pool of eligible Chief candidates should be expanded and the final candidate be offered an "at will" contract. He commended the MBPD and offered his support for shared services with the Township, particularly for night shifts.

Councilman Andrus indicated his support for an OIC during the Chief search and suggested appointing multiple officers to limited-duration terms. He recommended that there be a contractual agreement with the new Chief to ensure accountability and avoid a "tenured" appointment. Councilman Andrus endorsed the expansion of mutual aid with the Township and opined that shared services, not a merger, may be possible.

Mr. Semrau clarified that the Council is not able to manage the day-to-day activities of the department but can establish reporting requirements.

Mayor Henry summarized next steps to include:

1. Identification of Officer In Charge candidates
2. Review of police promotion process to ensure best candidate selection (Councilmen Badal and Andrus to continue ordinance review)
3. Evaluation of Township interest in the expansion of mutual aid/contract for shared services

Councilman Witzczak rejoined the Mayor and Council on the dais.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #141-16 Sanitary Sewer Approval – 5 Cold Hill Road, Block 2701, Lot 5C004B

Motion to approve: Councilman Witzczak

Second: Councilman Sharkey

Discussion: None

In favor: Andrews, Badal, Daly, Sharkey, Witzczak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #142-16 Treatment Works Approval – 15 West Main Street, Block 301, Lot 33

Motion to approve: Councilman Witzczak

Second: Councilman Sharkey

Discussion: None

In favor: Andrews, Badal, Daly, Sharkey, Witzczak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #143-16 Personnel Policy and Procedure Manual Update

Motion to approve: Councilman Witzczak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzczak, Andrus

Opposed: None

Abstain: None

Absent: None

Res. #144-16 Civil Rights Policy Affirmation
Motion to approve: Councilman Witczak
Second: Councilman Andrews
Discussion: None

Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #145-16 Change Order – Talmage Road Improvements
Motion to approve: Councilman Sharkey

Second: Councilman Witczak
Discussion: Vote was tabled pending clarification of the reason for the change order. Mr. Merkt later confirmed that the contract was based on estimated quantities which were higher than actual measured quantities. Accordingly, the final contract amount was reduced.

Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #146-16 Truck Sale to the Borough of Mount Arlington
Motion to approve: Councilman Andrews
Second: Councilman Witczak
Discussion: None

Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT

The completed Best Practices survey will be circulated for approval during the October 17, 2016 Council meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – no report.

Councilman Badal – no report.

Councilwoman Daly – no report.

Councilman Sharkey – no report.

Councilman Witczak – The Labor Day carnival went well and the grass is recovering nicely. Training on the new Bobcat is under way and snow plows are being readied for winter. Mount Arlington has purchased a Borough truck for parts and the recommendation for the sample MBA banner is to hang it on a pole on Main Street.

Councilman Andrus – Mr. Merkt agreed to look at Open Space funding and summarize what is available and how the funds are to be utilized, e.g., Open Space maintenance, related expenditures, etc. Charles Topping is requesting that a map be created depicting Open Space, recreation trails and historic sites. Councilwoman Daly suggested that the Messenger be utilized to publish a volunteer project opportunity for Scouts, graphic artists, etc.

ATTORNEY ITEMS

Attorney Semrau stated that Affordable Housing arguments are being heard by Judge Hansbury on October 18, 2016.

MAYOR'S ITEMS

No report.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Hearing none, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated September 19, 2016 and October 3, 2016

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzzak, Andrus

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION: None

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 10:35PM next to convene at a regular meeting on October 17, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk

