

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

**CALL TO ORDER**

Mayor Henry called the March 16, 2015 meeting of the Mayor and Council to order at 8:05PM 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 *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 John Andrews  
Councilman John Andrus  
Councilman Brad Badal  
Councilman David Sharkey  
Councilman Stanley Witczak  
Council President Veronica Daly

Also present:

Fred Semrau, Borough Attorney  
Richard Merkt, Borough Administrator

**CONSENT AGENDA**

Approval of the minutes of the regular meeting of 3/2/15

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Badal

Discussion: In the second line of Councilman Andrus' report on page 3, '25%' will be changed to '\$25,000'.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Sharkey (absence)

Absent: None

**DISCUSSION**

**Borough Park Scoreboard**

Detective Chris Irons and Officer Lee Barnes appeared on behalf of the PBA to present plans for installation of an electronic scoreboard at Borough Park. The PBA is seeking to install a LED scoreboard/message board for the middle field and is requesting Council approval prior to purchase. Detective Irons explained that a new electrical panel will be required which will connect to a computer in the field house which in turn will connect via Ethernet cable to laptops in the dugout. Discussion focused primarily on the location of the scoreboard such that Little League requirements are met, field space is not reduced and visibility from neighboring homes is minimized. Mr. Semrau advised that the Borough Engineer review the materials submitted and determine the best location all factors considered. Mr. Merkt agreed to draft a memorandum to nearby property owners to notify them of the plan.

**Tax Appeal Data**

Mr. Semrau discussed the data presented in the impact summary statement with respect to potential refunds that may become due. However, he added that the figures are only estimates until appraisals are conducted. Mr. Semrau explained the County tax appeal timeline with regard to residential and commercial appeals and added that local tax officials cannot reduce assessed values without formal tax appeals. He recommended that the Council wait for 2015 appeals to be filed and then

analyze the trends. It was agreed to invite the Borough Tax Assessor to the April 20, 2015 Council meeting to review the 2015 data.

Fleet Maintenance: Shared Services Agreement with Chester Township

Mr. Merkt indicated that the Borough Mechanic is on leave due to medical necessity. Accordingly, it was agreed that the Borough enter into a shared services agreement with Chester Township to provide mechanic services for the duration of the absence.

Opportunity to Compete Act

Mr. Semrau summarized his memorandum dated February 27, 2015 and explained that effective March 1, 2015, potential employers are not permitted to make inquiries regarding criminal history until after an initial interview has been completed.

**ORDINANCE INTRODUCTION**

**ORDINANCE # 2-15**

**REFUNDING BOND ORDINANCE AUTHORIZING THE  
ISSUANCE OF \$3,800,000 REFUNDING BONDS OF THE  
BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW  
JERSEY.**

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

**ORDINANCE # 2-15**

**REFUNDING BOND ORDINANCE AUTHORIZING THE  
ISSUANCE OF \$3,800,000 REFUNDING BONDS OF THE  
BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW  
JERSEY.**

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 April 6, 2015 at 8PM 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 approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Councilman Andrus clarified that the ordinance proposes to replace current bonds with new bonds with the same maturity but at a lower rate.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ACTIONS TAKEN**

Res. #55-15: Amend Temporary Budget

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #56-15: Amend Temporary Sewer Budget

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #57-15: Amend Reserve Budget

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #58-15: Chester Township Shared Services Agreement

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Discussion: There was a consensus that any minor changes proposed by Chester Township may be approved by Mr. Merkt.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #59-15: Executive Session

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

### **ADMINISTRATOR REPORT**

The Administrator's report was distributed to the Council previously. There were no questions or comments regarding same.

### **COUNCIL REPORTS, OLD & NEW BUSINESS**

Councilman Andrus – A meeting with Bud Jones is scheduled for March 18, 2015 to finalize the budget. They are considering capital expenditures and waiting for a report on existing capital funds so they can be balanced. Introduction of the budget is scheduled for April 6, 2015.

Councilman Andrews – A phone conference has been scheduled with the Professionals to discuss the Sisters of Christian Charity property.

Councilman Badal – Interviews have been scheduled for Land Use Assistant candidates. Update of the employee handbook is in process.

Councilman Sharkey – The Shade Tree Commission has contracted with a service to inventory Borough trees and develop a 5-year plan that will keep the Borough in good standing with the State. The State is sponsoring a program this Spring and will work with schools and other organizations to give away up to 2,000 seedlings to residents.  
Councilman Witczak – There are now two (2) vacancies at the DPW and ideally, they

should be filled prior to lawn-mowing season. Going forward, the focus will be on potholes and paving.

Councilwoman Daly – Five (5) people have completed Community Emergency Response Training and have become members of the OEM team.

**ATTORNEY ITEMS**

Mr. Semrau stated that in light of COAH's inability to pass 3<sup>rd</sup> round rules, the NJ Supreme Court has filed a motion to put COAH aside and allow the Superior Court to determine if municipalities have substantive 3<sup>rd</sup> round certification for affordable housing or are in process. He added that the Borough will be required to file for declaratory relief from the Superior Court confirming the Borough is in compliance in order to avoid any builders-remedy action. Mr. Semrau indicated that he will meet with Mr. McGroarty and Mr. Merkt to review same and that any proposed changes to the Sisters of Christian Charity property should be examined as they relate to COAH requirements.

**MAYOR'S ITEMS**

Mayor Henry stated that a meeting with Ross Haber Associates is scheduled for March 18, 2015 to discuss the feasibility study. He further announced that the theme of the Labor Day parade will be the 100<sup>th</sup> anniversary of the Pastime Club with former Councilman Lew Garubo serving as Grand Marshal.

**PUBLIC COMMENT**

Mr. Sprandel, North Linden Lane, asked whether a shredding/recycling event is planned for May. Mr. O'Brien responded that the event is a joint effort with Mendham Township and that the Township will be hosting it this year. The date has not yet been released.

**APPROVAL OF VOUCHERS**

Minute Book Attachment Bill List dated March 16, 2015

Motion to approve: Councilman Andrus

Second: Councilwoman Badal

Discussion: Administrator Merkt indicated that a duplicate item on the bill list will be deleted.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**EXECUTIVE SESSION**

The meeting was adjourned to closed session at 9:15PM.

The Council returned to open session at 10:18PM.

**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 10:20PM next to convene at the Regular Meeting on April 6, 2015 at 8:00 PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

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Margot G. Kaye  
Borough Clerk