

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

**CALL TO ORDER**

Mayor Henry called the March 2, 2015 meeting of the Mayor and Council to order at 8:09PM 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 Stanley Witczak  
Council President Veronica Daly

Absent: Councilman David Sharkey

Also present: Fred Semrau, Borough Attorney  
Richard Merkt, Borough Administrator

**CONSENT AGENDA**

Approval of the minutes of the regular meeting of 2/17/15

Approval of Tier 1 Banner Request from Mendham High School (4/22/15 – 5/7/15): Project Graduation

Approval of Tier 1 Banner Request from the Pastime Club (8/31/15 – 9/7/15): Labor Day Carnival

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**DISCUSSION**

**Daytop-Morris County Community Development Block Grant**

Mayor Henry explained that Daytop is applying for a Community Development Block Grant to renovate the lavatories in the main building as they are in serious disrepair. As part of the grant process, the application must be discussed at a public Council meeting and certified by the Mayor as having been discussed. Mayor Henry confirmed that no tax dollars would be used toward the project and no comments were made by the public. Mayor Henry asked Mr. Semrau if he wanted a motion to carry this item. Hearing an affirmative response, the Mayor called for a motion.

Motion to approve

First: Councilwoman Daly

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

**ORDINANCE PUBLIC HEARING/ADOPTION**

**ORDINANCE # 1-15**

**ORDINANCE OF THE BOROUGH OF MENDHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
JOINING THE MORRIS AREA ENERGY COOPERATIVE  
PROGRAM PURSUANT TO NJSA 48:3-93.1 ET SEQ.**

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

**ORDINANCE # 1-15**

**ORDINANCE OF THE BOROUGH OF MENDHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
JOINING THE MORRIS AREA ENERGY COOPERATIVE  
PROGRAM PURSUANT TO NJSA 48:3-93.1 ET SEQ.**

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing.

Mayor Henry summarized the Morris Area Energy Cooperative and inquired as to the experiences of other municipalities. Mr. Merkt explained that based upon feedback he received from participants in the Passaic County program there have been neither positive nor negative effects as bids have not been successful. He added that there is potential for resistance by those residents who do not want to opt-in.

Ms. Stacia Scaduto of Commercial Utility Consultants reiterated that participation does not require any funding commitment and that a change in provider only happens when at least 5% savings can be realized. Mr. David Sprandel of North Linden Lane asked if all members of the Cooperative get the same rates which Ms. Scaduto confirmed. She further stated the residents are notified of the program through mailings and town hall meetings.

With no further comment, the public session was closed.

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

**ORDINANCE # 1-15**

**ORDINANCE OF THE BOROUGH OF MENDHAM,  
COUNTY OF MORRIS, STATE OF NEW JERSEY  
JOINING THE MORRIS AREA ENERGY COOPERATIVE  
PROGRAM PURSUANT TO NJSA 48:3-93.1 ET SEQ.**

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Motion to adopt Ordinance # 2-15 was made by Councilwoman Daly

Second: Councilman Andrews

Discussion: Councilwoman Daly stated that the program would only result in savings for Borough residents.

Roll Call – the vote was as follows:

In favor: Andrews, Daly

Opposed: Andrus, Badal, Witczak

Abstain: None

Absent: Sharkey

Motion was defeated.

**ACTIONS TAKEN**

Res. #50-15: Refund: Tax Appeal

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Witczak, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

Res. #51-15: Appoint Cecilia Horne - Environmental Commission: Alternate II  
Motion to approve: Councilman Andrews  
Second: Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrews, Andrus, Badal, Witczak, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

Res. #52-15: Tonnage Grant Application  
Motion to approve: Councilman Witczak  
Second: Councilman Badal  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrews, Andrus, Badal, Witczak, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

Res. #53-15: Application for Municipal Alliance Grant – 2016  
Motion to approve: Councilwoman Daly  
Second: Councilman Badal  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrews, Andrus, Badal, Witczak, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

Res. #54-15: Green Communities Grant – DPW - Community Forestry Mgmt Plan  
Motion to approve: Councilman Badal  
Second: Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrews, Andrus, Badal, Witczak, Daly  
Opposed: None  
Abstain: None  
Absent: Sharkey

**ADMINISTRATOR REPORT**

Mr. Merkt stated that the New Jersey American water main project has begun and that Ferriero Engineering continues preparation of the firehouse roof specifications. He announced that the Sisters of Christian Charity have submitted additional escrow funds while Borough Professionals prepare estimates for the project. Mr. Merkt added that a number of meetings are scheduled in the upcoming week including the PBA and IT consultants as well as the financial software company.

**COUNCIL REPORTS, OLD & NEW BUSINESS**

Councilman Andrus – Tax collections are down due to appeals and the preliminary budget is down \$25,000 due to salary and wages. The joint court meeting with Chester was held and the numbers were as expected, e.g. Mendham Borough court cases and citations represent 27% of the total and as such the budgeted amount may be reduced by \$30-40K. A bond ordinance is recommended to allow refunding of \$4M in bonds that are coming due over the next six (6) years. Reissuing the bonds at a lower rate will save approximately \$73-100K after cost.

Councilman Andrews – A Planning Board subcommittee will be providing a draft ordinance and recommendations for permitting outdoor dining in the Borough.

Councilman Badal – no report.

Councilman Witczak – The salt supply is sufficient to last the remainder of winter and there have been no major equipment failures. The heat issue at the firehouse was abated with the use of a portable tank that provides diesel fuel. One unit has been repaired while two (2) are marginal. Chief Nelson received approval for temporary heating measures.

Councilwoman Daly – A Public Safety Committee meeting was held on February 19, 2015. Discussion focused primarily on heat at the firehouse and on Borough sidewalks. A letter from Chief Libertino will be circulated to all residents requesting sidewalks be shoveled within 48 hours of snowfall as a “good neighbor” consideration.

**ATTORNEY ITEMS**

Mr. Semrau thanked Chief Libertino for his assistance in establishing the joint court program and stated that no complaints have been received to date. He also explained the parameters of a particular OPRA request wherein certain documents were not available due to change in the vendor’s reporting system. If the court demands that the documents be produced, it will be the vendor’s responsibility; accordingly, the Borough is not involved in any potential litigation surrounding the issue.

**MAYOR’S ITEMS**

Mayor Henry thanked Mr. Merkt for his arrangement of the financial software meeting and noted upcoming meetings pertaining to the Schiff Nature Preserve banner and the Ross Haber Feasibility Study. He commended the success of the joint court model and thanked members of MASH for attending the Council meeting to address any questions regarding transportation services.

**PUBLIC COMMENT**

Ms. Horn, MASH President, thanked the Council and the DPW for helping to keep the MASH mobile on the road. She added that transportation services offered are those that remain essential, e.g., doctor appointments, physical therapy, supermarket, etc. Ms. Fleming added that there were fewer runs in January and February due to the weather and that the trips are primarily doctor’s visits and the supermarket.

Councilman Andrus stated that a plan should be developed so that a new bus may be obtained when the existing one fails. It was thought that perhaps a grant would be available to offset any cost along with a “Friends of MASH” campaign.

**APPROVAL OF VOUCHERS**

Minute Book Attachment Bill List dated February 17, 2015

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

**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 9:03PM next to convene at the Regular Meeting on March 16, 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