

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

CALL TO ORDER

Mayor Henry called the March 3, 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 Louis Garubo
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: None

CONSENT AGENDA: (Minutes)

Approval of the minutes of the regular meeting of 2.18.14
Approval of the minutes of the executive session meeting of 2.18.14

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Garubo (Not present at 2.18.14 meeting)

Absent: None

DISCUSSION: -Rotary Sign (April Antique Show)

There was a brief discussion regarding the placement of this oversized sign in front of the high school. It was noted that it is back off from the sidewalk and has been posted at this location for many years.

Motion to approve (Rotary Sign) for location in front of the high school with the understanding that the Council may or may not be as inclined to exercise this waiver next year.

Seconded by Councilman

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

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)
Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.
No one wished to be heard, the public hearing was closed.

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 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 #1-14 was made by Councilman Badal
Second by Councilwoman Daly
Discussion: Councilman Badal had questions; one typographical correction was noted and made (H 1. (second sentence...reason(s)...)
Roll Call - the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Daly, Garubo, Badal
Opposed: None
Abstain: None
Absent: None

ACTIONS TO BE TAKEN:

Res. #48-14 Return Escrow Fees/Site Plan Waiver-B1501/L5

Motion to adopt Resolution #48-14 was made by Councilman Badal
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

**Res. #49-14 PSA Engineering/Surveying Service-Mountain Valley
Lake Dam/Ferriero Engineering, Inc.**

Motion to adopt Resolution #49-14 was made by Councilman Badal
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: None

Res. #50-14 New Hire Department of Public Works-Casey Lakicevic

Motion to adopt Resolution #50-14 was made by Councilman Witczak
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Daly, Garubo, Badal
Opposed: None
Abstain: None
Absent: None

Res. #51-14 Appoint Joseph Murphy-Member Recreation Commission

Motion to adopt Resolution #51-14 was made by Councilman Garubo
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Daly, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: None

Res. #52-14 Adoption of Mendham Borough Police Standard Operating Procedures

Motion to adopt Resolution #52-14 was made by Councilman Badal
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Daly, Garubo, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #53-14 Transfer of Funds

Motion to adopt Resolution #53-14 was made by Councilman Badal
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Daly, Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT:

Administrator Sandman commented that on her meeting with Pastime Club members and the upcoming Circus they are sponsoring which will be held in June this year. She suggested they complete the banner application for approval. Ms. Sandman updated the progress on the Historic Preservation grant documents for work on Phoenix House. This grant will be a 80/20 split, with the Borough's share being 20% and the submission date is March 28th. Interviews with Architects have been completed and proposals are expected shortly. She anticipates having a resolution for governing body consideration for the next meeting of March 17th.

Ms. Sandman noted that FEMA funds are still in the process. She reported that she contacted the County on a property discussed with the governing body and the possibility of applying for farmland preservation.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that the Deer Management Program has concluded. The budget for this program of \$3,000 was not entirely used with approximately \$2,286 spent. 44 deer were culled, 6 of which were donated to an organization that feeds the hungry. There were no problems to report.

Documents were requested and received on the Board of Education-Strategic Planning. The e-ticket equipment will be here in approximately 2 weeks for our new system. Councilman Badal asked Police Chief Libertino to read a letter received from the County regarding Ptl. Irons and his tour of duty with them and stating how well the program worked. It was noted that Ptl. Irons learned things that will be an asset to the Borough and showing that inter-agency cooperation can benefit both sides. Chief Libertino responded that the new shared court is going well in response to Mayor Henry's question.

COUNCIL REPORTS, OLD & NEW BUSINESS: (Cont'd.)

Councilwoman Daly has received the first mark-up of the personnel manual from Atty. Semrau's office. Ms. Daly asked Administrator Sandman about the employee evaluations.

Councilman Garubo reported that Recreation is running smoothly and shared a name for the Grand Marshall for the Labor Day parade.

Councilman Sharkey commented that land use is slow at this time. The Borough was granted Tree City USA status again this year. Mr. Sharkey will be working on a 5 year management plan for planning, with a cost of approximately \$3,000, but \$2,000 will be grant money. Seedlings will arrive on March 20th and will be distributed to the schools.

Councilman Andrus noted receiving the budget from Ellen and Sue. He has a number of questions and requested a meeting next week. Monday or Tuesday was suggested and the Administrator will make the arrangements.

Councilman Witczak commented that the Department of Public Works will be cutting back snow piles at the intersections to help drivers see around them. Superintendent O'Brien is continuing to interview for the two remaining vacant positions. He thanked the part-timers who helped the DPW plow during the snow days. Mr. Witczak received a request from the Library for some help with inside work. The DPW employee who could assist is recovering from an injury and surgery at this time. Mr. O'Brien has been working on a recycling bid.

Atty. Semrau commented that there was a meeting held with the Contractor, representatives of the Association of Mendham Commons, Administrator Sandman and Superintendent O'Brien. Mr. Semrau asked Mr. O'Brien if the Contractor discussed charging Mendham Commons for plowing even, if not needed, due to the effectiveness of the salt paste treatments. This was a concern shared by Mr. O'Brien at the last Council meeting. O'Brien responded that this was not discussed expressing his feeling that this is between the Contractor and Mendham Commons but believes it was resolved. Mr. Semrau thought this point would be addressed for clarity at the Commons meeting.

ATTORNEY ITEMS:

Atty. Semrau commented that Scott Holzhauser will be discussing at the request of Council the last request for settlement of a tax appeal. This will be done in executive session.

MAYOR'S ITEMS:

Mayor Henry briefly commented that at the last meeting held, the steering committee of Mayors' have reviewed the two proposal received in response to the published RFP.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

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

Res. #54-14 Executive Session-Litigation (Tax Appeal) (Tax Assessor Scott Holzhauser)

Motion to adopt Resolution #54-14 was made by Councilman
Seconded by Councilman
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.

Res. #55-14 Settlement of 2012 Tax Appeal (2 Main Street)

Motion to adopt Resolution #55-14 was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: 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 9:30 P.M. next to convene at the Regular Meeting on March 17, 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