

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

CALL TO ORDER

Mayor Henry called the April 4, 2016 meeting of the Mayor and Council to order at 8:08PM 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 Witczak
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 3/21/16
Raffle License Application: NJ Center for Tourette Syndrome – On Premise 50/50 (11/19/16)
Bingo License Application: St. Joseph Catholic Church (5/21/16)
Tier I Banner Application: WMMHS Project Graduation (4/22/16 – 5/6/16)

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Witczak abstained from the vote on the minutes due to absence.

Absent: None

DISCUSSION:

West Morris Regional High School 2016 Budget

Present: Michael Ben-David, Superintendent
L. Douglas Pechanec, Business Administrator

Mr. Ben-David discussed the budget priorities as they relate to student growth and achievement, and highlighted various initiatives including expansion of district security, facility upgrades and freshman laptops. He noted the high academic ranking of the district and indicated that the IB program is offering additional courses across a number of disciplines.

Mr. Pechanec provided a summary of revenues and appropriations and confirmed that declining enrollment is considered in the budget. He further confirmed that methods to reduce healthcare costs will be pursued, however, options are limited due to the 2% cap.

Carol Brady, Loryn Lane, requested a breakout of the budget by high school and noted that the Principals' budgets were equalized.

Robert Marino, Florie Farm Road, requested confirmation on the percentage increase in healthcare.

Mr. Pechanec announced that applications and resumes for the open Board seat are currently being accepted with interviews planned for the end of April.

Outdoor Dining

Councilmen Andrews and Andrus reviewed the history behind the ordinance and thanked Mr. Semrau for incorporating subcommittee notes and public feedback into the draft. Mr. Semrau commented that Council has the option to send the draft to the Planning Board for review prior to introduction, however, the consensus was to introduce it during the April 18, 2016 meeting as it will go to the Planning Board for review then. The Council agreed that the ordinance should be sent to Peter Henry, Planning Board Attorney, for legal review prior to introduction.

ORDINANCE INTRODUCTION:

ORDINANCE #06-16

CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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

ORDINANCE #06-16

CALENDAR YEAR 2016 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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 May 2, 2016 at 8:00PM 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.

Councilman Andrus stated that the primary goals for 2016 are to reduce debt and to operate within the appropriations and tax cap. He stressed the need for department heads to be cognizant of specific line items and limit spending. He further stated that at least \$1M should be kept in fund balance.

2015 accomplishments include the following:

- \$50K savings from Chester Township shared court which exceeds the \$40K anticipated
- Capital improvement projects including the new firehouse roof, road paving and a new ambulance
- Purchase of the Scott Farm using Open Space and other funding
- S&P rating of AAA
- \$166K savings over five (5) years from debt restructuring
- Successful negotiation of PBA contract
- 2015 year-end close to budgeted amounts with the First Aid Squad coming in \$7K under and OEM spending only 20%

Councilman Andrus indicated that there were overages in the Police Department budget for legal fees and the Matrix Study. He explained that the Sisters of Christian Charity inspection expenses were taken from fund balance but would be replenished via escrow. Increases in the operating budget are due to legal fees, health insurance costs, debt repayment and the police pension.

The 2016 budget is allocated as follows:

- 33% Police
- 21% DPW
- 11% Debt service
- 5% Fire, First Aid
- 5% Capital Improvement Fund
- 3% Library
- 22% Administration, legal, boards and commissions, etc.

Councilman Andrus stated that trends show a reduction in spending and thanked the Borough employees and volunteers for their budget awareness.

Motion to introduce Ordinance #06-16 was made by Councilman Andrus
Seconded by Councilman Witczak
Discussion: None
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

ORDINANCE #07-16

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$600,000 THEREFOR FROM THE PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.

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

ORDINANCE #07-16

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF TALMAGE ROAD AND ORCHARD STREET IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$600,000 THEREFOR FROM THE PROCEEDS OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.

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 18, 2016 at 8:00PM 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 #07-16 was made by Councilman Andrus
Seconded by Councilman Witczak

Discussion: Mayor Henry commended Mr. Merkt for his efforts in securing grant funding for the project.
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #56-16 2016 Municipal Budget

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: Mayor Henry reiterated that the public will have an opportunity to comment at the public hearing to be held on May 2, 2016.

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

Opposed: None

Abstain: None

Absent: None

Res. #57-16 Pastime Club: Labor Day Fireworks Display (9/5/16 – Rain Date 9/9/16)

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Discussion: Councilman Witczak stated that he is a member of the Pastime Club, but not an Officer.

Roll Call – the vote was as follows:

In favor: Badal, Sharkey, Witczak, Andrus

Opposed: None

Abstain: Andrews (Pastime Club Trustee), Daly

Absent: None

Res. #58-16 Part-time Police Secretary Appointment: Christine Carter

Motion to approve: Councilman Andrews
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Sharkey, Witczak, Andrus
Opposed: None
Abstain: Daly
Absent: None

Res. #59-16 Historic Preservation Commission Appointment: Scott Callahan, Regular Member
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Sharkey, Witczak, Andrus
Opposed: None
Abstain: Daly
Absent: None

Res. #60-16 Tax Overpayment Refund: 17 Halstead Road, Block 705, Lot 15
Motion to approve: Councilman Badal
Second: Councilman Andrews
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Sharkey, Witczak, Andrus
Opposed: None
Abstain: Daly
Absent: None

Res. #61-16 Tax Lien Redemption: 22 Maple Avenue, Block 406, Lot 16
Motion to approve: Councilman Andrus
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Sharkey, Witczak, Andrus
Opposed: None
Abstain: Daly
Absent: None

Res. #62-16 Sewer Reservation Fee Refund: 59 West Main Street, Block 302, Lot 4
Motion to approve: Councilman Witczak
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: Daly
Absent: None

Res. #63-16 Disposal of Borough Property Authorization
Motion to approve: Councilman Sharkey
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. #64-16 2015 Audit
Motion to approve: Councilman Badal
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #65-16 Self Examination for the 2016 Budget Year
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Badal, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #66-16 Tax Overpayment Refund: Multiple Addresses

Motion to approve: Councilman Andrews

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #67-16 Planning Board Escrow Refund: 5 Cold Hill Road, Unit #23, Block 2701, Lot 5

Motion to approve: Councilman Badal

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Mayor and Council previously.

Mr. Merkt announced that Mayor Henry, Councilman Andrus and he will be attending a shared-court meeting in Chester on April 16, 2016 at 9AM. He further stated that MASH has requested that the current van be auctioned on GovDeals with the proceeds reserved for a future purchase. The firehouse roof vendor has an IRS lien and a municipal lien filed against him and the maintenance bond has not been posted. Mr. Semrau confirmed that the Borough may be able to go after funds posted in the performance bond.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – A new part-time PD Secretary will be starting this week and resumes for Zoning Officer are currently being accepted.

Councilman Badal – The Sisters of Christian Charity hearing will continue at the April 11, 2016 Planning Board meeting during which the Applicant's last witness will be heard.

Councilwoman Daly – Commendation to Nick Witzcak and the OEM team for their performance during the storm.

Councilman Sharkey – An organization requested use of Borough Park field to host a sports camp, however Borough ordinance prohibits for-profit use. Grand Marshal selection for the Labor Day parade continues.

Councilman Witzcak – Attendance is expected to be high for Little League opening day in the Mendham-Chester combined program on April 16th. DPW has started mowing. Commendation to the PD and DPW for their handling of the weekend storm and brush pick-up will be scheduled as usual. The water problem is resolved and American Water should establish contacts within the county OEM. Mr. Merkt agreed to work with Verizon to appoint a contact for the Borough during emergencies.

Councilman Andrus – no report.

ATTORNEY ITEMS

Mr. Semrau confirmed that he will send the draft outdoor dining ordinance to Peter Henry for legal review prior to introduction at the April 18, 2016 meeting.

MAYOR'S ITEMS

Mayor Henry recognized Nick Witzcak for his response activities during the storm. He further announced that the Borough was awarded \$245K by the DOT for Cherry Lane improvements. Mayor Henry stated that the new ambulance should be delivered by the end of the month, therefore, a decision must be reached regarding the disposition of the old one. Councilman Andrews indicated that the First Aid Squad would like to repurpose it as a mobile triage unit. Councilwoman Daly agreed to contact Dave Murphy to discuss their proposal and Mr. Merkt agreed to research whether FEMA funds are available.

PUBLIC COMMENT

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

Robert Marino, Florie Farm Road, thanked the Mayor and Council for incorporating public comments into the outdoor dining ordinance and requested clarification regarding site plan and offsetting seating. Mr. Semrau confirmed that applicants will file for site plan approval for the outdoor dining area only and Councilman Andrus advised that seating capacity will be considered during the approval process. Mr. Marino also questioned the range of fees associated with filing an application and Mr. Semrau stated that the fees are set to cover the costs of processing an application and explained that the complexity of the applications vary. Mr. Marino inquired about the fair market value of the MASH van and added that the Boy Scouts may be interested in purchasing it.

Laurie Felber, Environmental Commission Chair, stated that she is working with Ken O'Brien for installation of bike racks and confirmed the locations near Sorrento's, Robinson's, Van Dessel Sports and Borough Park. She further announced that the 3 Rivers Festival is April 16th at Mountainview Pond.

Charles Topping, Aberdeen Drive, presented the restored 1931 zoning map and framed Sanborn maps and recommended they be displayed during the 110th anniversary celebration. He further praised Mr. Moorman's work and thanked him for his efforts.

Frank Lupo, Dean Drive, recognized the PD for increased patrols on Dean Road and thanked Mr. O'Brien for the DPW's road repairs.

Hearing no additional comments, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated April 4, 2016

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION:

Res. #68-16 Executive Session: Pending Litigation, Attorney/Client Privilege

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

The Mayor and Council entered executive at 9:34PM.

The Mayor and Council returned to open session at 11:33PM.

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 11:34PM next to convene at a regular meeting on April 18, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk