

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

CALL TO ORDER

Mayor Henry called the May 19, 2014 special 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 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: Councilman Louis Garubo

CONSENT AGENDA:

Approval of the minutes of the regular meeting of 5.5.14
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: None
Absent: Garubo

DISCUSSION:

Proclamation to Michael Monahan: Mr. Monahan was not in attendance.

Board of Chosen Freeholders 2014 Budget Presentation:

Freeholder Hank Lyon gave a condensed version by stating that the budget was adopted in April with 0% increase in taxes since 2012 while maintaining vital services.

Mr. Lyon commented that County spending is basically flat. He highlighted from his handout to the governing body and public the 2014 Budget Trends, the Zero Tax Increase achieved by controlling employee costs and budget scrutiny.

He continued his presentation by sharing that in the public safety area the Sheriff's Office offered to all municipal police officers forensic training, courthouse security enhancements and a countywide Sheriffs Emergency Response (SERT TEAM). These enhancements, shared services, increased fund in the capital fund resulting in less borrowing and the proper funding for winter operations aided in a solid budget. Healthcare liability, pension obligations and the County share of psychiatric/disabled care are state mandated obligations that continue to impact the budget.

Mr. Lyon summarized the services provided by the County in the area of Human/Social Service and Public Safety.

Freeholder Lyon continued with pointing out that keeping within a budget that is subject to contract terms for 21 bargaining units and a billion dollars in health care liability is subject to long term financial planning, Department Heads receiving monthly actual measures to track and measure performance vs actual spending/staffing; Freeholder Board quarterly reviews. Mr. Lyon finalized his presentation commenting on the strong financial structure of the 2014 Morris County Budget.

PBA Presentation:

Police Officers Barnes and Irons addressed the governing body about the PBA purchase of a score board for the Borough Park. They have funds that have been donated through a fund drive and would like to give something back to the Borough. They asked the Council for any comments or suggestions and asked what the next step would be. It was suggested that dialogue with the Little League and even though it is not located in the Historic District, sending the HPC a courtesy letter of what they want to do would be appropriate. It was further noted that the PBA will purchase, maintain and keep the board operational. It was requested that the DPW be available to install. Mayor Henry suggested a recreation sub-committee inclusive of Recreation Director Bruce DiBisceglie and Little League representatives.

Councilman Sharkey shared his thoughts on a scoreboard he has seen with a roof over it which added protection from the weather.

A formal resolution would need to be approved once the final plan is worked out.

Atty. Semrau added that the good news is that this project is subject to the approval of the governing body will be for the 'public purpose' which allows for some immunity in the process. Mr. Semrau suggested that the Borough Engineer be contacted early in the project to discuss positioning and lighting.

Councilman Badal responded that this offer by the PBA is appreciated.

Banner Request Mendham Business Assoc.:

(Insurance through Mendham Borough,
Request made to Morris County BOCF)

Banner Request Pastime Club-Circus Event:

(Insurance limits not met, Request made to Morris County BOCF)

The banner requests discussions were held until the end of the meeting.

Atty. Semrau will consult with the Jt. Insurance Fund regarding the additional coverage needed by the Pastime Club to comply with the banner policy. This would be a one-time approval. It was further noted that the insurance limits for this process and the insurance limits for events held in the Borough will be reviewed.

It was decided by the governing body to hang the Mendham Business Assoc. banner. The Pastime Club approval for their banner will be contingent on information received from the Borough Attorney.

Budget:

RESOLUTION #76-14
RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM
OF THE MUNICIPAL BUDGET
FOR THE 2014 BUDGET YEAR

(A copy of the resolution is attached to the minutes)

Motion to adopt Resolution #76-14 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: None

Absent: Garubo

Public Hearing: Adoption of the Budget:(Cont'd.)

Open: The public hearing was opened by Mayor Henry

Comments: There were no comments.

Close: The public hearing was closed by Mayor Henry

RESOLUTION #77-14
Budget Adoption

(A copy of the resolution is attached to the minutes)

Motion to adopt Resolution #77-14 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: None

Absent: Garubo

ORDINANCE ADOPTION: (A copy of this ordinance is attached to the minutes)

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

ORDINANCE #3-14

Rev. 4.21.14/ Rev. 5.1.14

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY SUPPLEMENTING THE CODE OF THE BOROUGH OF MENDHAM, NEW JERSEY, BY AMENDING CHAPTER 206, "VEHICLES AND TRAFFIC," TO ADD ARTICLE XVII, "RESIDENT PERMIT PARKING ONLY" TO PROVIDE FOR PARKING ON ORCHARD STREET BY PERMIT ONLY

Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.

Lisa Panfile, 11 Orchard Street, thanked the governing body for resolving this issue but she did express her concern for the number of signs to be posted on the street. Chief Libertino responded that they will be every 75 ft.

Atty. Semrau reported that he spoke with the attorney for Audi and asked to be contacted to discuss further the parking on Orchard Street, but received no response. Mr. Semrau reached out again, with still no response. Mr. Semrau in his letter to the attorney requested the understanding that there will be 'no parking' on Orchard Street and that this is a violation of the site plan requirements for the Audi Dealership.

Mr. Semrau continued that there was a meeting held with him and the Administrator, Zoning Officer, Engineer and Board of Adjustment Attorney and it was unanimous that the Audi Dealership is in violation of their site plan approval. Mr. Semrau further commented that the position of the dealership is that once the property across the street is purchased all parking will be at that location. Mr. Semrau stated that some type of approval will be needed at this new site if the Dealership is considering parking as the primary use of the property.

Patrick Weaver, 7 Orchard Street, had a question regarding the signs. Chief Libertino stated that the signs would be place the entire length of Orchard Street.

Chief Libertino stated that there may be some 'wiggle' room. Councilman Badal commented that there would be as few and as less intrusive as dictated by the law.

Britta Gangemi, 13 Orchard Street, asked how long it would take to 'repeal' the ordinance. Atty. Semrau responded approximately 30 days.

Mayor Henry will speak to the school and request that pickup of middle school students be at the Borough Park.

Public Hearing (Ord. #3-14):(Cont'd.)

Philip St. Jacques, 17 Orchard Street, thanked the Mayor and Council for their assistance with this matter.

Mayor Henry commented that violation of the Audi site plan will continue to be monitored.

There was general conversation regarding test driving and the parking since the last meeting. Residents stated they noticed a favorable difference.

Britta Gangemi, 13 Orchard Street, commented that he noticed at least 5 cars from the dealership parking still on Orchard Street.

Atty. Semrau suggested that photos be taken. Mr. Semrau stated that due to the purchase of signs and decals this ordinance will take effect on July 2, 2014 to allow for time to make the purchases. He further stated that a copy of the minutes is being sent to the corporate offices of Audi.

Mayor Henry requested that the website show an 'info alert' and an article for the Mendham Messenger regarding the hours of parking and the restrictions for Orchard Street, as approved by the adoption of the ordinance.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #3-14 Rev. 4.21.14/ Rev. 5.1.14
AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY SUPPLEMENTING THE CODE OF THE BOROUGH OF MENDHAM, NEW JERSEY, BY AMENDING CHAPTER 206, "VEHICLES AND TRAFFIC," TO ADD ARTICLE XVII, "RESIDENT PERMIT PARKING ONLY" TO PROVIDE FOR PARKING ON ORCHARD STREET BY PERMIT ONLY

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 #3-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: Councilman Badal questioned the penalties for violating this ordinance. Atty. Semrau commented that he believes the ordinance is appropriate as is and in response to Councilman Badal Mr. Semrau feels that there is a process for repeat offenders when issuing tickets. A court appearance would allow the system to impose the appropriate penalties.

Atty. Semrau mentioned that compliance will be effective July 1, 2014.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ORDINANCE ADOPTION: (A copy of this ordinance is attached to the minutes)

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

ORDINANCE #4-14
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$165,000 THEREFOR FROM PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED AND FROM VARIOUS FUNDS OF THE BOROUGH

ORDINANCE #4-14:(Cont'd.)

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 #4-14
**ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES
TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE
COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$165,000
THEREFOR FROM PROCEEDS OF OBLIGATIONS OF THE BOROUGH
HERETOFORE ISSUED AND FROM VARIOUS FUNDS OF THE BOROUGH**

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 #4-14 was made by Councilman Andrus
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Daly, Badal
Opposed: None
Abstain: None
Absent: Garubo

ORDINANCE ADOPTION: (A copy of this ordinance is attached to the minutes)

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

ORDINANCE #5-14
**ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND
ADDITIONAL EQUIPMENT FOR USE BY THE SEWER UTILITY OF
THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW
JERSEY, AND APPROPRIATING \$70,000 THEREFOR FROM THE
SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH**

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 #5-14
**ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND
ADDITIONAL EQUIPMENT FOR USE BY THE SEWER UTILITY OF
THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW
JERSEY, AND APPROPRIATING \$70,000 THEREFOR FROM THE
SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH**

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 #5-14 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Daly, Badal
Opposed: None
Abstain: None
Absent: Garubo

ACTIONS TO BE TAKEN: (A copy of the resolution is attached to the minutes)

Res. #78-14 Contract QC Labs,-Sewer Plant-Testing/Sampling Monitoring Wells

Motion to adopt Resolution #78-14 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Res. #79-14 Release Cash Bond-Road Opening Permit-Talmage Rd. B1601, L14

Motion to adopt Resolution #79-14 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Daly, Badal Witczak

Opposed: None

Abstain: None

Absent: Garubo

Res. #80-14 Award Bid For 2014 Road Resurfacing Program

Motion to adopt Resolution #80-14 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ADMINISTRATOR REPORT: (No written report available)

Administrator Sandman reported on the Talmage Road improvements; update on FEMA funds to come; funding for Phoenix House repairs; and the filling and subsequent insurance payment for the roof of the Phoenix House due to the 'ice damming' from the frequent snow and ice storms last winter.

Ms. Sandman commented on the excessive potholes in the Kings Shopping Center. A letter was drafted by Atty. Semrau but has not been sent since Ms. Sandman has seen some activity in rectifying the problem. Ms. Sandman may send a revised version of this letter.

A member of the public commented on the landlord and the leaving of the 'Mendham Bookstore'.

Ms. Sandman commented that the department heads have attended the classes recommended by the JIF (Joint Insurance Fund) and the benefit to the Borough's insurance deductible.

Ms. Sandman noted that the grass at the sub-station needed to be mowed and with Mike Obremski present in the audience, he confirmed that he would have it taken care of.

Ms. Sandman reminded everyone that the fire hydrants will be 'flushed' by NJ American Water as posted on our website. She also noted that the "Walking Tour to Fatima" will be passing through Mendham on May 25th between 7am-9am.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that there will be non-substantial changes to the SRO Agreement (School Resource Officer) with the High School. There will be a 2% increase in the amount the Borough receives; the hours of the SRO will be condensed and continuous time resulting in the same hours worked as the prior agreement.

Councilwoman Daly reported that the written performance evaluations will be done by Ellen before she leaves on June 13th.

Councilman Witczak commented that Chester Township will provide their 'sweeper' for Borough use.

ATTORNEY ITEMS:

Atty. Semrau reported on the County Tax Board appeals and how well they went. Mr. Semrau would like to discuss an item in executive session under 'contract negotiations'.

MAYOR'S ITEMS:

Mike Obremski from JCP&L was in the audience and was acknowledged by the Mayor and thanked for attending.

Mayor Henry updated the governing body on the progress in locating someone to prepare a feasibility study for the high school funding formula. A meeting will be held with the Mayor Steering Committee at Mendham Township on Tuesday, May 27th. The Mayor asked the Clerk to prepare and send a 'quorum' notice.

PUBLIC COMMENT:

Britta Gangemi, 13 Orchard Street, questioned the approval of the lights on the Nursery School sign. The Borough Administrator will research and get back to the Council.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated May 19 2014
Motion to approve the May 19, 2014 bill list was made by Councilwoman Daly
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: - Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

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 10:10P.M. next to convene at the Regular Meeting on June 2, 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