

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

CALL TO ORDER

Mayor Henry called the May 5, 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 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:

Approval of the minutes of the regular meeting of 4.21.14
Approval of YMCA 50/50 Cash On-Premise Raffle

Motion to approve the consent agenda 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

DISCUSSION:

Board of Chosen Freeholders 2014 Budget Presentation: Rescheduled for next meeting.

West Morris Regional HS District 2014 Budget Presentation:

Superintendent Mackey Pendergrast initiated the power point presentation with examining the existing programs, strategic development which he stressed would include new national testing by computer which is a dramatic event, and safety/security. He addressed enrollment at both Mendham Central and West Morris Mendham noting that at the moment it was showing a declining enrollment for Mendham. He anticipates this will change after enrollment for the new school year.

Business Administrator Douglas Pechanec discussed the difference in the building capacity of Mendham Central and West Morris Mendham and the long range facility planning.

Mr. Pechanec summarized points of interest in the 2014-2015 final budget, reference the appropriation summary and the percent budgeted by department as provided. The sources of increase in the appropriation portion of the budget were highlighted with the amount of increase.

West Morris Regional HS District 2014 Budget Presentation: (Cont'd.)

The sources of decrease in the appropriation portion of the budget were also highlighted with amounts, with emphasis on the decrease in employee benefits due to the contributions of the employees with this decrease continuing going forward.

The figures on 'per pupil spending' were addressed and the difference between teacher salaries with West Morris Central showing higher is due to 'teacher longevity' at this location vs. West Morris Mendham.

In response to Mayor Henry, Mr. Pendergrast stated that contract negotiations with the teachers is in progress and further stated that there is conversation and discussion.

Councilman Andrus asked if the capital fund reserves were used for this budget. In response it was noted that the capital projects will be funded outside the reserves and cited a huge HVAC project that will be taken on. This will not impact the tax rate.

Mr. Andrus asked Mr. Pendergrast about the 1.83% increase in tax levy and the impact on the Borough. Mr. Andrus added that due to the present formula per student ratio, in reality the Borough increase will be around 2.9%. It was confirmed that both Boroughs, Mendham and Chester this year would realize a higher percentage than the 1.83%

The extra curricular achievements and a visit from the Assistant Commissioner of Education were highlighted.

Mayor Henry asked Brian Cavanaugh to speak if he wished. Mr. Cavanaugh he commented that he was in overall support of the budget but going forward wants equalized spending. Mr. Cavanaugh complimented a well thought out proposal by the finance committee. This budget presentation is on the website. The budget preparation is impacted this year not only by the unfunded State mandates but anticipating the outcome of a new teacher's contract while staying within the 2% cap. In response to Councilman Andrus, Mr. Cavanaugh outlined four areas that impact maintaining costs such as, teacher's salaries; special education; transportation and the physical infrastructure.

Banner Request-Hexagon Players

Councilman Andrus recalled that this application was denied in the past because this group is not a Mendham organization but were from Chester. There was discussion centered around the address on the application being a post office box. The Clerk was asked if there was any other group in Tier I who was scheduled for this week. After receiving a negative response, the Mayor asked the governing body for their thoughts. The consensus of the Council felt that if no one else has made a request for the time requested by the Hexagon Players then they would be willing to approve this request.

Motion to approve this banner request from the Hexagon Players was made by Councilman Badal
Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Sharkey, Daly

Opposed: Garubo, Andrus

Abstain: None

Absent: None

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

Mayor Henry summarized this ordinance before introduction.

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 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 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 19, 2014 at 8:00 PM 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 #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, Garubo, Badal

Opposed: None

Abstain: None

Absent: None

ORDINANCE INTRODUCTION: (A copy of this ordinance is attached to the minutes)
Mayor Henry summarized this ordinance before introduction.

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 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 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 19, 2014 at 8:00 PM 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 #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, Garubo, Badal

Opposed: None

Abstain: None

Absent: None

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

ORDINANCE #2-14
CALENDAR YEAR 2014
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 of the Borough of Mendham that:

ORDINANCE #2-14
CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

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 #2-14
CALENDAR YEAR 2014
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

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 #2-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
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: (A copy of the resolution is attached to the minutes)

Res. #75-14 Award Bid-Curbside Collection/Disposal of Trash
Motion to adopt Resolution #75-14 was made by Councilman Witczak
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT: (No written report available)

Administrator Sandman reported on the recycle/shredding event to be held on Saturday May 10th. She reminded and recommended someone from the governing body should be at the County on Saturday for the awarding of the Historic Preservation Grant. Mayor Henry will be attending.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak reported that the DPW has starting the mowing, fields are in good shape, batting cage is being repaired; work being done on the trucks due to all the storms. Mendham Township has ceased sweeping the Borough streets so Ken O'Brien is hoping to work with Chester to sweep and the Borough will respond 'in kind'.

Mr. Witczak further reported on the Earth Day event held in conjunction with the Environmental

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

Commission which included a cleanup behind the racquet ball facilities and distribution to the schools of about 700 trees. The DPW still has one employee out due to an injury. There has been another incident of a computer screen being washed into the storm drain, which will be taken care of by the Borough. Mr. Witczak asked that everyone remind residents that computer screens are not collected on bulk pick up day and can be taken to any electronic collection day.

Councilman Andrus reported that the Borough has realized a \$78,000 savings on court funding over last year.

Councilman Sharkey reported on discussions being held on whether or not to combine the Board of Adjustment and the Planning Board.

Atty. Semrau responded that one joint board does have drawbacks but could benefit in continuity and cost savings.

Councilman Garubo stated that the Recreation Commission is running smoothly.

Councilman Daly reported that the 2014 salaries will be reviewed after employee evaluations. Ms. Sandman responded that she has met with Councilwoman Daly regarding this.

Councilman Badal reported that the radios are in and there will be a meeting held in a couple of weeks, the new fire truck back at dealer for punch lists items; and the fishing derby was another success.

ATTORNEY ITEMS:

Mr. Semrau reported that he will be defending tax appeals before the Board of Taxation but noted that there are not many. He updated the governing body on a Government Records Council complaint filed against the Clerk and the Borough but after negotiating, a favorable conclusion has been reached.

Atty. Semrau has corresponded with the Audi Dealership, he will forward a copy of the approved minutes and an update on the zoning issues will be available at the next meeting.

MAYOR'S ITEMS:

Mayor Henry introduced the new reporter in the audience who will be reporting on the Borough.

The Mayor reported on the re-advertising of the RFP (Request For Proposal) for the high school funding formula. The two RFP's received when first advertised were reviewed by the Mayor's and one has since withdrawn. David Crotsley has agreed to be the Grand Marshall at the Labor Day parade.

Mayor Henry referred to the Mendham Village Center and the condition of the parking lot. He reported receiving phone call complaints, all of which he has returned leaving messages, and no return phone calls. The complaints were generally from Mendham Township residents. The Mayor noted that the Borough has no liability but asked the Administrator to write a letter to the management company referencing the complaints received and putting the owner 'on notice'.

MASH transportation was discussed at the last board meeting and Mayor Henry reported that due to a shortfall of funds from Mendham Township, transportation will be limited to doctor appointments and shopping. Councilman Andrus recommended a contract between the parties going forward.

The Fire Department will not be hanging the banners for organizations. The Chief is not comfortable using the new truck to do so. There was some discussion regarding the former procedure of using the shared 'bucket truck' with the Township. The Clerk was asked to locate a prior resolution and agreement with Mendham Township.

Administrator Sandman reported receiving a call from FEMA on not qualifying for reimbursement to the Borough for Hurricane Irene.

Mayor Henry read and presented the Clerk with a proclamation for Municipal Clerk's week (May 5th through the 10th) and thanked her for her dedication to him and the governing body.
(Copy of the proclamation presented is attached to these minutes.)

PUBLIC COMMENT: No one from the public wished to be heard.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated May 5, 2014
Motion to approve the May 5, 2014 bill list was made by Councilman Andrus
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: - Garubo, Badal, Witczak, Andrus, Sharkey, Daly
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 9:25P.M. next to convene at the Regular Meeting on May 19, 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