

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

CALL TO ORDER

Mayor Henry called the August 17, 2015 meeting of the Mayor and Council to order at 8:04PM 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 David Sharkey
Councilman Stanley Witczak
Council President Veronica Daly

Absent: Councilman Brad Badal

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

CONSENT AGENDA

Approval of the minutes of the regular meeting of 7/13/15

Approval of the minutes of the executive session of 7/13/15

Approval of revised minutes of the executive sessions of 1/19/15, 2/17/15, 3/16/15, 4/6/15 and 4/20/15

Request for Road Closure: New Street and Prospect Street - 9/12/15 Block Party

Request for Road Closure: Garabrant Street - 9/12/15 Block Party

Request for Road Closure: Forest Drive - 9/12/15 Block Party

Appointment of Gary Lynch & Brandon Taylor, Regular Members - Mendham Hose Co.

Approval of Peddlers and Solicitors License: Andreas Tsoukalas - Sant's Catering

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

DISCUSSION

Harvest Hustle

Present: Steve McLaud

Mr. McLaud announced that the annual Harvest Hustle will be held on October 3, 2015 from 8AM-10AM followed by the Mountain View School Fair. It is expected that the event will draw 400 adults and 150 children for the 5K race and the one-mile Fun Run. In response to a question regarding attendance trends, Mr. McLaud indicated that the numbers are fairly consistent from year to year.

FOP Disease Awareness

Present: Gary Whyte

Mr. Whyte provided an overview of Fibrodysplasia Ossificans Progressiva and its effects on a number of people in the tri-state area. He stated that he has addressed the Assembly Health Committee in Trenton in order to raise awareness and has successfully obtained proclamations/resolutions from 436 of New Jersey's 565 municipalities. Mr. Whyte indicated that those documents are being put into books for the New Jersey Historical Society and requested that the Council consider passing a resolution to show support.

Mr. Whyte introduced Mrs. Suzanne Hollywood and her son, Joseph, who has FOP. Mrs. Hollywood and her son addressed the Mayor and Council and distributed information regarding the disease. The Mayor thanked the Hollywoods for sharing their story and wished them much success in their awareness campaign. He further suggested that Resolution #135-15 supporting FOP disease awareness be voted upon immediately.

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

Motion carried.

Proclamation - Pastime Club Centennial Anniversary

After discussion, it was agreed that the Proclamation recognizing the Pastime Club's 100th Anniversary will be presented by the Mayor during the Labor Day parade.

MBPD Organizational Review

Mr. Semrau stated that the Council will be conducting an organizational assessment of the Police Department similar to those conducted for the IT and financial systems. Outside firms will be identified and interviewed to evaluate budget practices, organizational flow and governance from a Public Safety perspective. Mr. Semrau further recommended the Councilmen Andrus and Witczak recuse from discussions and votes regarding same.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #126-15 Website Terms of Use and Privacy Policy

Motion to approve: Councilman Andrews

Second: Councilman Sharkey

Discussion: Mr. Semrau highlighted key elements of the policy and agreed to amend the policy to include a provision to address the timeframe for content removal.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #127-15 Appoint Police Matron: Antoinette Gallicchio (supersedes #123-15)

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

Res. #128-15 Form of General and Sewer Refunding Bonds of 2015

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Councilman Andrus explained that the bond refunding would result in savings of \$115,000.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #129-15 Contract Award: Accurate Waste Removal Services (Sludge)

Motion to approve: Councilman Witczak

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #130-15 Appoint Crossing Guard: Britta Gangemi

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #131-15 2015-2016 Liquor License Renewal

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

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: Andrus, Sharkey, Witczak, Daly

Opposed: None

Abstain: Andrews (Pastime Club Officer)

Absent: Badal

Res. #132-15 Gov Deals Auction – Scooter & Bicycles

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #133-15 3rd Quarter Tax Bills – Interest Calculation Date Extended

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #134-15 Authorize Execution of Letters of Agreement – Municipal Alliance

Motion to approve: Councilwoman Daly

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #135-15 FOP Disease Awareness (approved earlier in the meeting)

Motion to approve: Councilwoman Daly

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #136-15 Appoint Hearing Officer: Thomas L. Weisenbeck, Esq.

Motion to approve: Councilman Sharkey

Second: Councilwoman Daly

Discussion: Mr. Semrau recommended that Councilmen Andrus and Witczak recuse in order to avoid any perception of conflict. Councilman Witczak stated his intention to recuse. Councilman Andrus indicated that he was not willing to recuse as he had not received a copy of the resolution and therefore, was unable to determine whether a recusal was appropriate. He further suggested that the resolution be tabled which Mr. Semrau did not recommend.

The meeting was adjourned at 8:45PM for a brief recess.

Mayor Henry called the meeting to order at 9:00PM.

Discussion resumed regarding the hearing officer appointment and Councilman Andrus agreed to recuse. Mr. Semrau reiterated that Councilmen Andrus and Witczak will not participate in any future discussions or votes regarding same.

Roll Call – the vote was as follows:

In favor: Andrews, Sharkey, Daly

Opposed: None

Abstain: Andrus, Witczak

Absent: Badal

Res. #137-15 Appoint DPW Driver/Operator: Joseph Simms

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #138-15 BOA Escrow Refund – 13 West Main Street, Block 301, Lot 38

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #139-15 Engineering Escrow Refund – 4 Peacock Lane, Block 603, Lot 8.03

Motion to approve: Councilman Witczak

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #140-15 Sanitary Sewer – 20 East Main Street, Block 601, Lot 9

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Council previously. Councilman Andrus praised Mr. Merkt for his diligence in the Scott Farm contract negotiations. Mayor Henry commended Councilman Andrus for same. Mr. Merkt added that a site visit is scheduled on August 18, 2015 for the Open Space Advisory Committee and the Historical Society.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – A discussion regarding the draft outdoor dining ordinance will be on the Council agenda for September 8, 2015. The Planning Board has scheduled a public hearing on September 14, 2015 to discuss the proposed amendment to the Land Use Element of the Master Plan.

Councilman Andrus – A meeting was held among Mr. Merkt, Mrs. Giordano and the Councilman to discuss the mid-year condition of the budget. Certain improvements including road paving, the firehouse roof and a new ambulance have been completed. However, the capital budget has been exceeded postponing to 2016 any other projects such as the IT finance systems upgrade.

Councilman Badal – No report.

Councilman Sharkey – Summer camp continues to do well and the concert and movie events were well attended. A Recreation meeting is scheduled for August 19, 2015.

Councilman Witczak – Fence installation at the Pastime Field has been completed and North Linden Lane has been paved. A new DPW employee has been hired and a second will hopefully be named at the September 8, 2015 meeting. The front stairs of the Phoenix House have been repaired and steps are being taken to install railings.

Councilwoman Daly – no report.

ATTORNEY ITEMS

Mr. Semrau stated that a motion for immunity from a builder's remedy suit was filed and that the Borough now has five (5) months to prepare a 3rd Round affordable housing plan. He further stated that every item raised in the last JIF safety report has been addressed and recognized Mr. O'Brien's contribution to the success of the most recent report.

MAYOR'S ITEMS

Mayor Henry stated that he met with Dave Murphy of the First Aid Squad and asked that Mr. Murphy address the Council directly. Mr. Murphy approached the dais and proposed that the Council approve the repurposing of the old ambulance as a rapid response vehicle. He explained that the vehicle would be pre-loaded so that it could arrive at fires more quickly and be positioned closer so that the intent of the rapid response vehicle could be fully utilized, i.e., be close enough to be of real service to the responders. Mr. Murphy asked that the Council consider the proposal prior to the

arrival of the new ambulance in 2016.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Ray Kelsey of Phoenix Drive expressed concern regarding the condition of Cosma Lake. He opined that the lake is an eyesore and a liability and is teeming with mosquitoes. Mr. Kelsey recommended that the Borough take responsibility for draining the lake and using it for flood containment. Discussion focused on potential liability and it was suggested that the Borough Engineer prepare an analysis of the lake condition. It was further recommended that the property owner be positively identified.

Hearing no further comments/questions, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated August 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 9:45PM next to convene at the Regular Meeting on September 8, 2015 at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk