

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

CALL TO ORDER

Mayor Henry called the January 19, 2015 meeting of the Mayor and Council to order at 8:00PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry offered 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 Brad Badal
Councilman David Sharkey
Councilman Stanley Witczak

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

Absent: Council President Veronica Daly

CONSENT AGENDA

Approval of the minutes of the reorganization meeting of January 6, 2015
Approval of Appointment of Thomas Githens, Michael Cordova, Nicholas Thomas and Harrison Drahzal as Junior Members, Mendham Hose Company
Approval of Banner Request from Mendham Little League

Discussion: The Mayor requested that the Little League banner request be added to the Consent Agenda for approval.

Motion to approve Consent Agenda: Councilman Witczak

Second: Councilman Sharkey

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Andrus abstained from approval of the minutes.

Absent: Daly

DISCUSSION

2015 Public Health Nursing Services Contract

Discussion: Administrator Merkt indicated that the contract for public health nursing services is up for renewal for 2015.

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

3-Year Interlocal Public Health Services Contract 2015 through 2017

Discussion: Administrator Merkt identified Bernards Township Health Department as the current vendor for providing health department services and indicated that the three-year contract is up for renewal.

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Sisters of Christian Charity:

Present: Tiena Cofoni, Attorney
Erik Heller, Engineer
Sean Moronsky, Planner
Valerie Mutterperl, Architect
Anthony Bastardi, Developer

Ms. Cofoni thanked the Council for their time and introduced the members of the team. Mr. Heller outlined their proposal for a new motherhouse on the Sisters' nearly 113 acre property. He referred to photographs and drawings to illustrate the topography and sightlines from various locations. Referring to a physical model of the property with existing and proposed structures, Ms. Mutterperl described the interior and exterior elements of the proposed structure and indicated that the architecture of the new motherhouse is in keeping with the Villa Pauline which will remain on the property as a retreat house. Mr. Moronsky indicated that the applicants are seeking an overlay zone for the entire site.

In response to a question regarding the intended use of the current motherhouse, Mr. Bastardi indicated that it is unknown at this time and that their priority is getting the new motherhouse built in order to move approximately 60 Sisters from a facility in Pennsylvania. He stated that the existing motherhouse would continue with the same use but in a diminished capacity, and that disposition of the building would not be decided without Council approval.

Mr. Semrau stated that the property has a pre-existing non-conforming use but is allowed as it predates the zoning regulation. He received confirmation that the existing structure will not change in use and suggested that it remain non-confirming so that any future change in use would trigger an application. Mr. Semrau further recommended that the overlay zone apply to the new structure only in order to grant permission for it to be built and function as intended while prohibiting further development without application to the Borough.

Mr. Bastardi stated that the current uses of the property include living space, retreats, administrative and grounds keeping personnel and health professionals rendering services to residents. The current population is approximately 60 with an additional 60 Sisters to be moved from Pennsylvania. He noted that Assumption College has moved to Denville.

A question regarding access by emergency personnel was posed and Mr. Bastardi stated there will be no impact on the Borough as the Sisters will contract for private EMS services. He stated that the Order is maintaining its numbers and can sustain the new facility financially. Mr. Bastardi further confirmed that upon formal application to the Borough, simulations will be provided to allow for streetscape sightlines.

Mayor Henry opened the meeting to the public for questions and comments. There being none, the public session was closed.

The Mayor requested that the Land Use Committee meet with Mr. Semrau and Mr. McGroarty to vet the project and to develop a recommendation to the Council.

Morris Area Energy Cooperative:

Mayor Henry reminded the Council that the decision to participate in the Cooperative must

be timely such that the ordinance can be introduced at the February 2, 2015 meeting. He requested that the Council review the material provided and be prepared to discuss at the next meeting.

ACTIONS TAKEN

Res. #23-15 Release of Cash Bond, 16 Country Lane, Block 302, Lot 14

Discussion: None

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #24-15 Release of Cash Bond, 138 Hilltop Road, Block 2001, Lot 1.08

Discussion: None

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #25-15 Tax Court Settlement, 15 West Main Street, Block 301, Lot 39

Discussion: None

Motion to approve: Councilman Sharkey

Second: Councilman Witczak

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #26-15 Morris County Adaptive Recreation Program (McARP) – 2015

Discussion: None

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #27-15 Purchase of 2015 Ford 350 4WD Super Duty Pickup w/Options through
Morris County Cooperative Pricing Council

Discussion: None

Motion to approve: Councilman Witczak

Second: Councilman Badal

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #28-15 New Hire: Stephen Santangelo, DPW Driver/Operator

Discussion: None

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #30-15 Appt. of Robert Jephson, Alt. I, Open Space Advisory Committee

Discussion: None

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #31-15 Transfer of Appropriation Reserves

Discussion: None

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #32-15 Professional Services Agreement – Matthew Petracca, Esq.

Discussion: Mayor Henry inquired as to whether this matter should be discussed in executive session. Mr. Semrau confirmed that it is protocol to retain a third-party consultant for certain types of workplace matters.

Motion to approve: Councilman Andrews

Second: Councilman Witczak

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ADMINISTRATOR REPORT

Administrator Merkt announced that the 2014 audit is in process and that preliminary review shows that the reserve for tax appeals is diminished. He also indicated that New Jersey American Water is proposing a water main project on Main Street which will significantly impact the Borough. Mr. Merkt has requested that water company representatives make a formal presentation to the Council on February 2, 2015.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Witczak – Mr. O'Brien has applied four (4) tons of Cold Patch to Borough streets in order to stay ahead of the potholes. Mountain Valley Park was opened and closed for skating. Blue Diamond has started recycling and bulk pickup.

Councilman Andrus - He will arrange a Finance Committee subcommittee meeting to discuss the Fire House roof, budget and risk management process.

Councilman Sharkey – He plans to get more involved in recreation matters.

Councilman Andrews - no report.

Councilman Badal – no report.

ATTORNEY ITEMS

Mr. Semrau stated that is looking forward to working with Councilman Andrews on the Land Use Committee and will continue to work with Administrator Merkt on matters as they come in.

MAYOR'S ITEMS

Mayor Henry stated that a meeting with Ross Haber Associates was held in late December and the feasibility study/final report of the regional high school study is expected in late January/early February. He will report on same once it is released.

PUBLIC COMMENT

Mr. Tim McChesney of 21 Orchard Street stated that the Pastime Club would like to host the Kelly Miller Circus at Borough Park on June 10, 2015. He highlighted the success of the circus in the past and reiterated that there have been no traffic issues or inconveniences nor any damage to the Borough grounds or community. He added that the Borough will be named as additional insured on the insurance policy.

Discussion: Mayor Henry pointed out that this is an annual event which he supports and reminded Mr. McChesney to submit a Banner Request Form in a timely manner so as to ensure its position over Main Street. Mr. Sharkey asked that the circus be reminded to restore the ball fields to their previous state. Mr. Semrau inquired as to police presence which is coordinated between the applicant and the police department.

Motion to approve: Councilman Badal

Second: Councilman Andrews

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Sharkey, Witczak

Opposed: None

Abstain: Andrews (Councilman recused himself as a trustee of the Pastime Club)

Absent: Daly

Mayor Henry opened the meeting to the public for questions and comments. There being none, the public session was closed.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated January 19, 2015

Discussion: Mayor Henry requested clarification regarding payment made on behalf Police Chief (Ret.) Smith. Chief Liberto explained that Mr. Walter Smith contacted him and said that he was the first Chief of Police in the Borough which Chief Sillo (Ret.) confirmed. Chief Smith indicated that had never received a retired police shield nor did he possess any identification of same. Since it is customary for a retired Chief to receive a badge and identification, Chief Liberto had them made and he and Chief Sillo delivered them to Mr. Smith on December 23, 2014. Mayor Henry also enquired as to funds expended for a radio installation. Administrator Merkt confirmed the name of the vendor that supplied emergency radios.

Motion to approve: Councilman Badal

Second: Councilman Andrews

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

EXECUTIVE SESSION

Res. #29-15 Executive Session: Contract Negotiations/Personnel (PBA, Clerk/Registrar)

Discussion: None

Motion to adopt Resolution #29-15 was made by Councilman Sharkey

Second by Councilman Witczak

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

On a motion duly made, seconded and unanimously carried, the Council reconvened from Executive Session and returned to open session at 9:35PM.

ACTION TAKEN

Res. #33-15 Appointment of Margot Kaye to One-Year Term as Borough Clerk

Discussion: None

Motion to approve: Councilman Andrus

Second: Councilman Badal

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Sharkey, Witzak
Opposed: None
Abstain: None
Absent: Daly

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 9:40PM next to convene at the Regular Meeting on February 2, 2015 at 8:00 PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Richard Merkt
Borough Administrator