

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

CALL TO ORDER

Mayor Henry called the November 3, 2014 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 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 Lou Garubo
Councilman Brad Badal
Councilman Stanley Witczak
Councilman John Andrus
Council President David Sharkey
Councilwoman Veronica Daly

Also present: Atty. Fred Semrau, Esq.
Interim Administrator Bob Casey

Absent: Maureen Massey, Borough Clerk

CONSENT AGENDA:

Approval of the minutes of the regular session meeting of 10.06.14
Approval of the minutes of the regular session meeting of 10.20.14
Approval of the minutes of the executive session meeting of 10.20.14
Approval of an On Premise Draw Raffle-12/4/14-Minutemen Sports Club
Approval of an On Premise Draw Raffle-Cash-12/4/14-Minutemen Sports Club

Motion to approve the consent agenda was made by Councilman Andrus
Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Andrus, Sharkey, Daly

Opposed: None

Abstain: Councilman Badal and Councilwoman Daly abstained from the approval of the 10.06.14 minutes; Councilman Garubo and Witczak abstained from the approval of the 10.20.14 minutes (executive and regular) all due to their absence from the meeting.

Absent: None

DISCUSSION:

Presentation-Wendy Molner-Morris Area Energy Co-Op Government Energy Aggregation

Molly Whilesmith of Concord Engineering and Rich Steel of Commercial Utility Consultants presented to the governing body information on residential energy aggregation wherein a municipality by ordinance which allows a third party firm to seek an alternate energy supplier for the total energy requirements of all residential customers in the municipality. The residents retain the ability to opt out of the aggregation at any time and the service contract guarantees that the residential customers will not pay more than they would have paid if the energy were supplied by their existing regulated energy provider. By aggregating the requirements of a large number of residents in a number of participating municipalities it is possible to obtain a lower energy cost than currently provided by existing energy providers. The suppliers are selected through an annual bid process similar to the process currently used by the Board of Public Utilities in the State. The Borough of Wharton is serving as the lead agency in seeking to obtain the participating of multiple municipalities and experience to date indicates that a

10% reduction in the cost of energy generation is reasonable to project. The energy consultants perform an extensive outreach program in all participating municipalities and can serve as an information source for residents who have questions about their energy usage or needs. The goal is to have municipalities adopt the participating ordinance by January 2015 with the auction occurring in late spring 2015.

The Mayor thanked the representatives and indicated that the Council would study their information and determine the Borough's possible participation before the end of this year.

Risk Management – Bob Casey

Bob Casey, the former Interim Administrator, presented to the governing body a proposal from Frank Covelli of Professional Insurance Associates to provide Insurance Risk Management Service for the Borough. His experience in other municipalities indicated that most employed a professional firm to handle the administration of the insurance services provided by the Morris Joint Insurance Program with the cost of these services being offset by an insurance premium reduction by the JIF. Currently in the Borough various Borough employees handle different parts of the insurance program and claim processing directly with the JIF. Although this has worked satisfactorily in the past, he would recommend the use of a third party to perform this work since there would be no additional cost to the Borough and the possible liability for failure to properly analyze and process claims or adequately evaluate insurance exposures would then be transferred to the firm. In addition if there are questions that may arise surround insurance or claims, this is better handled by a third party firm. Fred Semrau, the Borough Attorney concurred with Mr. Casey's comments. The Mayor indicated that this was the process in use in the municipality which employed him. It was recommended that this appointment be made at the January reorganizational meeting.

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

ORDINANCE #7-14

CHAPTER 155 OF THE CODE OF ORDINANCES OF THE BOROUGH OF MENDHAM ESTABLISHING A PROPERTY MAINTENANCE CODE IS HEREBY REPEALED IN ITS ENTIRETY AND THE CODE OF ORDINANCES OF THE BOROUGH OF MENDHAM IS AMENDED AND SUPPLEMENTED BY THE ESTABLISHMENT OF A NEW CHAPTER 155 ENTITLED 'PROPERTY MAINTENANCE

The Mayor indicated that the Interim Administrator had reviewed and responded to the issues raised at the last Council meeting. Mr. Casey then advised that he had re read the proposed ordinance from the viewpoint of an average resident in the Borough. He suggested several minor modifications to clarify the responsibilities of a property owner for the improvements and vegetation between the property line and the front street-curbs.

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

ORDINANCE #7-14

CHAPTER 155 OF THE CODE OF ORDINANCES OF THE BOROUGH OF MENDHAM ESTABLISHING A PROPERTY MAINTENANCE CODE IS HEREBY REPEALED IN ITS ENTIRETY AND THE CODE OF ORDINANCES OF THE BOROUGH OF MENDHAM IS AMENDED AND SUPPLEMENTED BY THE ESTABLISHMENT OF A NEW CHAPTER 155 ENTITLED 'PROPERTY MAINTENANCE

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 December 1, 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 #7-14 as amended by Mr. Casey was made by Councilman Sharkey
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 #6-14
AN ORDINANCE TO SUPPLEMENT CHAPTER 4, ADMINISTRATIVE ORGANIZATION, OF THE CODE OF ORDINANCE OF THE BOROUGH OF MENDHAM, MORRIS COUNTY, NJ TO PROVIDE FOR A NEW ARTICLE V111: SALARIES

At the Mayor's request, Interim Administrator Casey briefly explained the ordinance.

The Mayor then opened the hearing to the Public for Comments on the ordinance. There being no one seeking to comment, the Public Hearing was closed.

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

ORDINANCE #6-14
AN ORDINANCE TO SUPPLEMENT CHAPTER 4, ADMINISTRATIVE ORGANIZATION, OF THE CODE OF ORDINANCE OF THE BOROUGH OF MENDHAM, MORRIS COUNTY, NJ TO PROVIDE FOR A NEW ARTICLE V111: SALARIES

Motion to adopt Ordinance #6-14 was made by Councilwoman Daly
Seconded by Councilman Garubo
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. #144-14 Cancel Balance "Salary Adjustment Account

Motion to adopt Resolution #144-14 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Andrus, Sharkey, Daly, Garubo, Witczak
Opposed: None
Abstain: None
Absent: None

Res. #145-14 Transfer Resolution-2014 Budget

Motion to adopt Resolution #145-14 was made by Councilman Andrus
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Daly, Garubo, Witczak, Badal
Opposed: None
Abstain: None
Absent: None

Res. #146-14 Mountain Valley Dam-Permits/NJDEP

Motion to adopt Resolution #146-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Daly, Garubo, Witczak, Badal, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #147-14 Change Order -2014 Road Resurfacing Contract

Motion to adopt Resolution #146-14 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #148-14 Hire Part-Time Clerical Position-Police Department -Carolyn Mazzucco

The Mayor moved to amend this resolution to reflect a start date of November 18th.

Motion to adopt Resolution #146-14 as amended was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Administrator Merkt indicated that he started with this date and was looking forward to his employment with the Borough.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal advised that an Updated Emergency Management Plan has been submitted to the State by the Emergency Management Coordinator Nicholas Witczak. In addition, 2 people have volunteered to be on the new CERT.

Councilwoman Daly indicated that she was to meet with the new Administrator on Friday to discuss the salary issues raised by the interim Administrator, as well as an upcoming salary survey.

Councilman Garubo indicated that the recreation program was in a brief hiatus after a successful summer

Councilman Sharkey and Andrus had nothing to report.

Councilman Witczak reported that DPW had received salt deliveries and the NJDOT may be interested in the Borough's "salt paste" program.

ATTORNEY ITEMS:

Attorney Semrau introduced Dawn Sullivan of his office.

MAYOR'S ITEMS:

The Mayor briefly discussed salaries issues and it was decided to continue this discussion at the next meeting to allow for a report from the new Administrator.

PUBLIC COMMENT:

Mary Cormack, 15 Mountain Avenue, was present to discuss the NJ Walk for Tourettes Syndrome talking place in the Borough on November 16th. She thanked the Mayor and Council for the Borough's past support leading to this event being a duplicated throughout the state raising funds to address education. There was an issue over having music at the November event since this was not indicated on the original application and there was some question over the starting time. They were considering 9 a.m.

Councilman Daly moved to amend the original approval to include music at the event starting at 9 a.m.. Councilman Garubo seconded this motion. On a motion duly made, seconded and unanimously carried and adopted.

There being no other people requesting to speak the Mayor declared the public comment portion of the meeting closed.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated November 3, 2014
Motion to approve the November 3, 2014 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: The Mayor raised a question on one item which was answered by Bob Casey.
Roll Call - the vote was unanimous as follows:
In favor: - Badal, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

The Executive Session was not held and Resolution #149-14 was withdrawn.

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 9:00P.M. next to convene at the Regular Meeting on November 17, 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

(Notes taken by prior Interim Administrator Bob Casey)