

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

CALL TO ORDER

Mayor Henry called the November 4, 2013 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

Council President Stanley Witczak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Louis Garubo
Councilman Brad Badal

Also present: Atty. Fred Semrau
Administrator Ellen Sandman

Absent: Borough Clerk Maureen Massey

CONSENT AGENDA: There was no consent agenda.

DISCUSSION:

Draft Ordinance – Pay to Play:

Atty. Fred Semrau led the discussion and noted that 10 years ago the State of New Jersey adopted legislation regarding restrictions on campaign contributions thus establishing policy for the awarding of professional service and vendor contracts.

The ordinance under discussion this meeting would make the present legislation more restrictive for the Borough of Mendham. This ordinance has been adopted by other municipalities and creates a balance by addressing and closing certain loopholes in the present legislation. It does not take away any fundamental right, but creates balance.

It addresses contributions made to the County or any legislative race that exceed \$300 and excludes any vendor or professional from being award a contract with the Borough.

This particular ordinance has been utilized for years by at least 3 other municipalities by providing a tightening up of the pay to play regulations and allows for a window of time to return any contributions made in error. This discussion came about while reviewing the Best Practices Questionnaire at a Council meeting before submittal to the State. One of the questions addressed was whether or not your municipality had a Pay-to-Play Ordinance. Atty. Semrau responded to a question regarding the impact of this ordinance by stating that vendors and professionals would be required to comply. He further elaborated that each year pay to play documentation is submitted prior to the awarding of the professional service contracts.

There was agreement that this ordinance be placed on the November 18th meeting for introduction. Atty. Semrau will update the model ordinance to reflect the effective date of January 1, 2014 since this cannot impact contracts already awarded.

Garabrant Center/Warming Station:

Councilman Badal started the discussion by commenting that the size generator needed for the Garabrant Center would be approximately the same as for a home which would be 20 kilowatt, at a cost of approximately \$15,000. He asked the Council to consider moving forward on this purchase.

Administrator Sandman noted that monies are available from FEMA to make this purchase but the

municipality needs to make the purchase and then request reimbursement. Councilman Witczak noted that the Garabrant Center has a 3 phase electrical system. Superintendent Doug Wright has offered to assist in the process due to his prior generator installation experience at the Water Reclamation Facility. The Administrator will have the financial mechanisms in place for the next Council meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TO BE TAKEN:

**Res. #126-13 Cross River Fiber NJ, Inc. Right-of-Way Agreement (Res. # change)
(Tabled last meeting 10.21.13)**

Atty. Semrau reported that municipalities cannot charge for the use of the right of way and he highlighted the agreement before the Council for consideration. Mr. Semrau did negotiate with Cross River Fiber citing the 'favorite nation agreement' for a 15 year agreement; 'right of review of their plan' by the Borough Engineer with his fees paid; right to renegotiate if the law changes and fees can be collected.

There was a brief discussion and concerns expressed about a 50 year or even 15 year agreement. Atty. Semrau noted that the 'telecommunications act' states that municipalities have to give consent. The highlighted changes did achieve a 15 year agreement along with the other changes from the original agreement. Mr. Semrau stated that the Borough could wait to see what other communities do and the Council can revisit this in 30-60 days. Other towns have also received this request from Cross River Fiber.

Motion to table Resolution #126-13 for reconsideration in 60 days was made by Councilman Andrus
Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #125-13 Transfer of Funds

Motion to adopt Resolution #125-13 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT: There is no written report for this meeting.

Administrator report will be available for the next meeting. The administrator highlighted the funds available for generators and the process.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported on the brief Public Safety meeting covering general topics and readiness for the upcoming winter season. Research was accomplished to locate any OEM funds or grants that may be available for the purchase of equipment. Inter-Borough radio systems came in under budget and the new fire truck will be here soon in a couple of weeks. Meetings were held regarding the parking on Orchard Street. The Borough's suggestion to mail a letter to the residents on this street to explain the issues and the working of all parties to find an alternative was done by the Audi Dealer. The expansion of this business is greater than anticipated. It was suggested and there will be a review of the tax maps to see if there is any property that could be rented for parking. The business also may consider a van shuttle with parking off site for employees. Councilman Badal commented that we are all moving in the right direction and the owners are very cooperative to find a solution.

Councilwoman Daly reviewing resumes for open Borough positions and interviews to be set up.

Councilman Garubo commented Recreation is slow at this point until the end of December.

Councilman Sharkey cited the approval of Kings major store renovations. He noticed the improvement.

Councilman Witczak referenced photos of damage and rot at the Carriage House. He reported that the generator has been tested and operational. The DPW is composting 'pumpkins'.

ATTORNEY ITEMS:

Atty. Semrau announced the next shared Court meeting on Wednesday and that we are right on target. He noted he is very positive for the January 1st starting date.

He further reported that the Professional Service Contract template and agreements are ready to go and he is working with the Administrator's office.

Councilman Badal asked about the increasing of fines for the municipal court that he proposed. Atty. Semrau expressed his opinion that this is not the right time to make these changes. There will be an opportunity to do this in the first quarter of next year. Atty. Semrau noted that he can prepare a draft ordinance for review.

MAYOR'S ITEMS:

Mayor Henry reported that there are vacant positions for the boards and requested any suggestions from the Council.

The Mayor reported that the RFP's for the funding formula for West Morris Regional High School has been advertised and the Mayor thanked Atty. Semrau and Sue DeJessa for their help in getting this process started.

Atty. Semrau noted that his office tried to post on the NJEA NJ Education Assoc. of School Boards could not put on website based on their policy.

The Mayor has other studies available for those interested in reviewing. They were given to the Administrator for the Clerk to copy.

PUBLIC COMMENT:

Margie Gurnik, 8 Leddell Road, requested the status for road paving since her area was scheduled for repair and confirmed the terrible shape they are in. Mayor Henry noted for the record that those commitments were made but they were made by the representatives of the Regional School Board during the construction. Mr. Henry asked for a meeting with himself, Ken O'Brien and Ellen Sandman to discuss with the school board.

Superintendent O'Brien did concur that the roads in that area have heavy road traffic, pedestrian traffic and age not on their side.

Mayor Henry noted that someone will get back to her after the meeting and Ken O'Brien will review these roads during the next budget process.

Ms. Grennick commented that she has been impressed with DPW and the PD on the work they do and the difference in the community.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated November 4, 2013
Motion to approve the November 4, 2013 bill list was made by Councilman Sharkey
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Sharkey, Daly, Garubo, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

EXECUTIVE SESSION: There was no executive session held.

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 9:20P.M. next to convene at the Regular Meeting on November 18, 2013 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk