

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

CALL TO ORDER

Mayor Neil Henry called the December 17, 2012 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 Stanley Witzak
Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Louis Garubo
Councilman Brad Badal

Also present: Michael Augello, Jr., Esq.
Administrator Ellen Sandman
Maureen Massey, Borough Clerk

Absent: None

CONSENT AGENDA: (Minutes)

Approval of the minutes of the regular meeting of 12.3.12

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

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION:

Sign-Hidden Pond Farm

Administrator Sandman requested that this item be tabled to the first regular meeting in January, 2013 (January 21, 2013)

Fire Truck Bids

Councilman Badal noted that Pierce Manufacturing Inc. met the specifications as outlined in our bid. There was one option for a credit of \$4,000 for steel vs. aluminum wheels.

The Borough could also realize a \$20,000 savings if they elect to make progress payments. This will be reviewed, discussed and decided at the finance committee meeting on Wednesday. An inspection at each stage of prepayment will be made. The Fire Department will be present at the pre-construction meeting.

Atty. Augello commented that the lowest bid did not qualify and meet the RFP for the length/height of the ladder and the dimensions of the truck would not fit in the Fire House bay. Next lowest bidder would not give a 5 year warranty on the 'aerial turntable'.

There was discussion held on whether the wheels remain aluminum as in the bid proposal from Pierce or take the \$4,000 credit and go to steel. Deputy Chief Chris Nelson responded with the positive features of the aluminum wheels such as the lighter weight and easier maintenance. The hours involved in cleaning the steel wheels were also noted. Either one was noted as being acceptable. The consensus was to keep the bid proposal with the aluminum wheels and if the Fire Department felt so inclined they could reimburse the Borough the \$4,000 difference between

Fire Truck Bids: (Cont'd.)

the aluminum vs. steel wheels.

Mr. Nelson responded to a question regarding the additional height of the ladder that was in the RFP and requested by the Fire Department. He noted that due to the size of some of the homes recently built, the additional footage will aid the water-way and reach the house which also allows firemen in and aid in rescue that could not be accomplished with ground ladders.

ORDINANCE INTRODUCTION: No new ordinances for introduction.

ORDINANCE PUBLIC HEARING/ADOPTION: No ordinances for adoption.

ACTIONS TO BE TAKEN:

Res. #139-12 Shared Services/Mendham Twp. /Borough-Recycling Coordinator

(Copy of Res. #139-12 attached to these minutes)

Motion to adopt Resolution #139-12 was made by Councilman Witzcak

Seconded by Councilwoman Daly

Discussion: Administrator Sandman noted that more information is needed before an agreement is considered for next year.

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #140-12 Curbside Recycling-MUA/Mendham Borough

(Copy of Res. #140-12 attached to these minutes)

Motion to adopt Resolution #140-12 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: Superintendent O'Brien discussed the increase in cost for this service. He has been seeking alternatives. Mr. O'Brien requested the 'termination clause' so that if another opportunity comes along the Borough can opt out this agreement. He noted that he was told by the MUA last year, that if Mendham Township changed their pick up day to the same as the Borough (every other Thursday) the cost could be adjusted down. This has not happened. Administrator Sandman will follow up and report back to the Council.

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #141-12 Sanitary Sewer App-Senses, Inc. d/b/a Cecil Diaz Hair-B601/L3

(Copy of Res. #141-12 attached to these minutes)

Motion to adopt Resolution #141-12 was made by Councilman Witzcak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #142-12 Return of Escrow Fees-Variou Planning Board Applicants

(Copy of Res. #142-12 attached to these minutes)

Motion to adopt Resolution #142-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #143-12 Transfer of Funds

(Copy of Res. #143-12 attached to these minutes)

Motion to adopt Resolution #143-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: The transfer for funding a new server was questioned by Councilman Andrus.

He made it clear that he was concerned over why this was not budgeted prior to it failing and not the cost to replace it. He questioned why our IT professionals did not recommend a replacement when it was nearing its life span. This conversation will continue at the December 26th Capital budget meeting.

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #144-12 New DPW Employee-Part Time-William Engleking

(Copy of Res. #144-12 attached to these minutes)

Motion to adopt Resolution #144-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #145-12 New DPW Employee-Full Time-Adam Boothby

(Copy of Res. #145-12 attached to these minutes)

Motion to adopt Resolution #145-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: Administrator Sandman commented that Mr. Boothby has a CDL license and is coming from Harding Township.

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #146-12 Municipal Alliance 2013-Supersedes Resolution 98-12

(Copy of Res. #146-12 attached to these minutes)

Motion to adopt Resolution #146-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

Res. #147-12 Award to Pierce Mfg. Inc. and Reject 2 Low Bidders-Fire Truck

(Copy of Res. #147-12 attached to these minutes)

Motion to adopt Resolution #147-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Mayor Henry noted that the Administrator's report was circulated prior to this meeting and asked if anyone has any questions.

Hearing none, Administrator Sandman reported that permits have been obtained and the fence at the Power Stations will soon be installed. She also reported that she has been conversing with George Connolly on Tranquility Garden regarding the Boy Scout project that remains to be done at this location. There will be a follow up made and a determination as to whether or not this project will be completed.

Ms. Sandman noted that the Borough has bid for gas products through the Joint Insurance Fund and a cost savings will be realized.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak reported that the brush clean up is on-going. Superintendent O'Brien has hired a third contractor. The DPW is working out in the outlying areas and after all the brush is picked up it will be grinded. He further reported that a State mandate now requires large trucks to be emissions compliant, the salt-paste system has been noticed by residents in a positive light and the recycling area will be open on Christmas Eve from 8-3 at the DPW location.

Councilman Andrus noted a capital budget meeting scheduled for December 26th, Wednesday at the Phoenix House at 6:30PM. It was also decided that the first and hopefully only budget meeting will be held on January 26, 2013 at the Garabrant Center at 9am.

Councilman Sharkey reported that the Planning Board discussed the tree ordinance and decided not to recommend expanding it but to include preservation and enhancement. This will be discussed with the Environmental Commission, Shade Tree Commission and at the request of Administrator Sandman the Open Space Committee. Mr. Sharkey announced that there will be a celebration of Arbor Day in April 2013 (26th or 27th) which may include a tree sale.

Councilman Garubo had no report but deferred to Bruce DiBisceglie (in the audience) who reported that he has received correspondence from Mendham Township requesting a fee of \$2,100 for the use of the beach for summer camp next year. It was confirmed that this is a joint camp for both municipalities and held in the Borough. Mr. DiBisceglie will look for alternatives.

Councilwoman Daly reported that in January the employee evaluations will begin. She offered her services to work with the Borough IT professionals to strategize and work on 'life cycle replacement' of Borough equipment.

Councilman Badal reported that the Superintendent of Schools has asked the Police Chief for a meeting during the first week in January to discuss "school security".

ATTORNEY ITEMS: No items to report.

MAYOR'S ITEMS:

Mayor Henry reported that the (5) Mayor's Committee next meeting will be January 31, 2013. It has been decided that the high school funding formula study will not be done but meetings will continue due to the good relationship between all the parties. Shared services and issues impacting municipalities will be collectively discussed.

Mr. Henry noted that the 'Banner Policy and Procedures' draft has been submitted and he will review. Administrator Sandman commented that Mr. Duffen has offered March or April for the installation of the poles. It was noted that the poles will be placed at the original location of the trees.

The Mayor reported that residents have begun to sign up at 'infony.org' for Borough notifications and Administrator's report.

The Mayor reported that for the New Year 2013 all professionals will remain the same.

PUBLIC COMMENT:

Laurie Felber, Environmental Commission Chairperson, 9 Townsend Road, suggested the Borough start Saturday electronics recycling as does the Borough of Madison. She welcomed recycling education in the schools from our Recycling Coordinator Ken O'Brien. She noted an "Arbor Day" seminar and Earth Day on April 22nd.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated December 17, 2012
Motion to approve the December 17, 2012 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

EXECUTIVE SESSION:

Res. #148-12 Contract Negotiations (Shared Court)
Motion to approve Resolution #148-12 was made by Councilman Garubo
Second by Councilwoman Daly
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: None

On a motion duly made, seconded and unanimously carried, the Council returned to open session.

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 10:00 P.M. next to convene at the Regular Meeting on January 21, 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