

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

CALL TO ORDER

Mayor Henry called the February 2, 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 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

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

Absent: Councilman Brad Badal

OATHS OF OFFICE

Mr. Semrau administered an Oath of Office to Margot Kaye, Borough Clerk, and to Chris Nelson, Fire Chief.

CONSENT AGENDA

Approval of the minutes of the regular meeting of 1/19/15
Approval of the minutes of the executive session meeting of 1/19/15
Approval of Social Affairs Permit for Mendham Independent Hook & Ladder Co.
Approval of Two (2) On-Premise Raffle Applications for Mendham Independent Hook & Ladder Co. (1) Casino Night (2/21/15), (1) On-Premise Draw (50/50 Cash)
Approval of Three (3) Raffle Applications for West Morris Mendham High School PTO
(1) Off-Premise Draw (Merchandise), (1) Off-Premise Draw (50/50 Cash) and
(1) On-Premise Tricky Tray

Motion to approve Consent Agenda: Councilman Witczak

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilwoman Daly recused from approval of the regular and executive minutes.

Absent: Badal

DISCUSSION

New Jersey American Water – Main Street Water Main Project

Present: Nick Pinto, NJ American Water

Armando Vegas, Montana Construction

Mr. Pinto explained that the project will involve replacement of 507,000' of existing main with 16" main beginning at Ralston Hill Road and moving east to Mountain Avenue. He added that ten (10) fire hydrants will be replaced as will service for 76 customers, primarily residences. The side streets affected include Hilltop Road, Mountain Avenue, New Street, Lake Drive, Westfield Road, Linden Lane, Hampton Road, Country Lane, Quimby Lane, Farmhouse Lane, Ironia Road and Ralston Hill Road. Mr. Pinto stated that the current main was installed circa 1941 with 4" and 6" pipes and that the proposed improvements will result in improved flow and reduced dirty water complaints. He estimated the cost of the project to be approximately \$1.9 million and the duration approximately 10-12 weeks with a completion date of no later than July 31, 2015. He addressed concerns regarding sewer line location by confirming that utilities will be marked out as required by law.

Mr. Pinto agreed to work with the Police Department to manage traffic control. Individual notice will be provided to affected property owners and 'on or about' signage will be visible along the project route. He further confirmed that the work will be completed in 500' sections between 9AM-4PM and will include daily street sweeping. Mr. Pinto stated that service will be suspended briefly (less than an hour) only during final connection. Parking will be suspended in the work zone and within 100' in both directions. Mr. Pinto indicated that he would like to start the project two weeks after receiving Council approval and providing sufficient notice (on or about February 16, 2015).

Chief Liberto stated that the Police will be on site to manage traffic. He added that they intend to shut down one lane at a time, however, should both lanes require closure, a detour route will be established with affected residents receiving notification as well. Mr. Pinto added that emergency vehicles will have the ability to travel through the work zone quickly and safely.

Mr. Pinto indicated that he will be meeting one-on-one with the bigger merchants and will have handouts delivered to Borough residents. He added that he will provide verbiage for Mayor Henry to include in the Mendham Messenger. In response to a question regarding paving, Mr. Pinto stated that re-paving will be done in accordance with county requirements.

Morris Area Energy Cooperative:

Ms. Molner was unable to attend due to the weather and is invited to attend the next Council meeting on February 17, 2015.

Risk Management Screening Process:

Councilman Andrus advised that the ad hoc committee had met with three (3) risk management firms and had unanimously selected Skylands/D&H Risk Management. Deciding factors included the company's professionalism, fee structure and focus on cost savings.

Board of Adjustment Annual Report

The Council agreed that some of the issues listed in the Annual Report were worthy of consideration. Mayor Henry requested that the report be included in the next Planning Board packet for their review.

ORDINANCE INTRODUCTION

ORDINANCE # 1-15

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY JOINING THE MORRIS AREA ENERGY COOPERATIVE PROGRAM PURSUANT TO NJSA 48:3-93.1 ET SEQ.

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

ORDINANCE # 1-15

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY JOINING THE MORRIS AREA ENERGY COOPERATIVE PROGRAM PURSUANT TO NJSA 48:3-93.1 ET SEQ.

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 March 2, 2015 at 8PM 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 approve: Councilman Witczak

Second: Councilman Andrus

Discussion: Mayor Henry suggested that an "opt-in" ordinance be introduced so that should the Council vote in favor of membership, the public hearing and subsequent adoption will occur within the prescribed timeframe. In response to Councilman Andrus' request to speak with other Cooperative members, Mr. Semrau agreed to provide a list of participating municipalities.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ACTIONS TAKEN

Res. #34-15: Sanitary Sewer App – B1501/L41 (Baus, Allen & Jurist, Alice)

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. #35-15: Appoint Tax Search Officer to a Four-Year-Term (1/1/15 – 12/31/18)

Motion to approve: Councilman Andrus

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. #36-15: Appoint John Dannenbaum, Alternate Member I - Env Commission

Motion to approve: Councilman Andrews

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. #37-15: West Morris Mendham High School: Sign Ordinance – Temp Exemption

Motion to approve: Councilman Sharkey

Second: Councilwoman Daly

Discussion: Mayor Henry stated that these were the small signs but in the yards of

the graduating class.

Roll Call – the vote was as follows:

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

Res. #38-15: Refund – Tax Appeal

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. #39-15: Refund – Tax Appeal

Motion to approve: Councilman Sharkey

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. #40-15: Refund – Tax Appeal

Motion to approve: Councilman Andrews

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. #41-15: Refund – Duplicate Tax Payment

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. #42-15: PSA Risk Management Svcs – Skylands/D&H

Motion to approve: Councilman Andrews

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. #43-15: PSA Engineering/Architect Svcs – Ferriero Engineering (Fire House Roof)

Motion to approve: Councilwoman Daly

Second: Councilman Andrews

Discussion: Mr. Merkt explained that this expenditure was initially budgeted for 2016, however, conditions of the roof necessitate it being addressed immediately.

Roll Call – the vote was as follows:

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

Res. #44-15: PSA IT Consulting Svcs - TR Business Solutions, LLC

Motion to approve: Councilman Andrus

Second: Councilwoman Daly

Discussion: Mr. Merkt explained that the consultant is being hired to analyze the various proposals from Peggnet to determine which will best fit the Borough's needs from an IT perspective.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #45-15: Executive Session

Mr. Giacobbe was not able to attend the meeting due to weather and is scheduled to present at the February 17, 2015 Council meeting.

ADMINISTRATOR REPORT

Mr. Merkt announced that a Finance Committee meeting has been scheduled for February 9, 2015. He further informed the Mayor and Council that Mr. Semrau and he have an appointment with Daytop on February 5, 2015 to discuss placement at the facility. Mayor Henry reiterated that permitted residency is strictly voluntary and must not be a result of a court order. Mr. Merkt indicated that a Land Use subcommittee meeting is scheduled for February 5, 2015 to discuss the Sisters of Christian Charity proposed overlay zone and a public safety meeting is scheduled for February 19, 2015. He added that a draft salary ordinance is in process.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Witczak – no report.

Councilman Andrus – The Finance Committee is reviewing the budget and the operating budget looks to be in good shape. He asked that the Council think about capital expenditures such as DPW equipment/projects, fire house roof, new ambulance, roads and sidewalks, etc. to supplement the subcommittee recommendations during the decision-making process.

Councilman Sharkey – no report.

Councilman Andrews – A Land Use Committee meeting is scheduled for February 5, 2015.

Councilwoman Daly – A Public Safety Committee is scheduled for February 19, 2015.

ATTORNEY ITEMS

Mr. Semrau stated that he is working with the Administrator and the Zoning Officer to address the parking issue at 29 East Main Street. He also indicated that he is meeting with Councilman Andrews and Ms. Kaye on February 3, 2015 and visiting Daytop with Mr. Merkt on February 5, 2015.

MAYOR'S ITEMS

No report.

PUBLIC COMMENT

Mr. David Sprandel suggested that paving be considered for North Linden Lane and requested that copies of the agenda and resolutions be available for public inspection at the meeting. Ms. Kaye agreed to make those documents available going forward.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated February 2, 2015

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

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 9:01PM next to convene at the Regular Meeting on February 17, 2015 at 8:00 PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Margot G. Kaye
Borough Clerk