

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

CALL TO ORDER

Mayor Henry was excused from the March 20, 2017 meeting of the Mayor and Council due to personal reasons. Council President Witczak presided and called the meeting to order at 8:02PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Councilman Witczak led the Pledge of Allegiance followed by a moment of silent meditation.

OPENING STATEMENT

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the *Observer-Tribune* and the *Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Present: Councilman John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Glassner
Councilman David Sharkey
Council President Stanley Witczak

Excused: Mayor Neil Henry

Also present: Dawn Sullivan for Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 3/6/17
Minutes of the executive session of 3/6/17
Raffle Application – Mendham Rotary Club On-Premise 50/50 (4/8/17 & 4/9/17)

Motion to approve Consent Agenda

First: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION: None

ORDINANCE INTRODUCTION:

ORDINANCE #03-17

**CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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

ORDINANCE #03-17

**CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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 April 17, 2017 at 8:00PM 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 #03-17 was made by Councilman Andrus
Seconded by Councilman Andrews

Discussion: Councilman Andrus summarized the revenues and appropriations set forth in the 2017 municipal budget. He stated that the Borough is in good financial shape and commended the employees and volunteers for their budgeting efforts. He also indicated that options are available to finance the Mountain Valley Park dam project without utilizing Open Space funds. Councilman Andrus stated that sewer reserves are diminishing and may be addressed next year. He added that the Auditor manages fund replenishment and that those amounts specifically ear-marked are generally protected. Councilwoman Glassner cautioned against surplus funds being claimed by the state.

Roll Call – the vote was as follows:

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

Res. #61-17 2017 Budget Introduction

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

ORDINANCE #04-17

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 155 "PROPERTY MAINTENANCE", SECTION 8 "VACANT AND ABANDONED PROPERTIES

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

ORDINANCE #04-17

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 155 "PROPERTY MAINTENANCE", SECTION 8 "VACANT AND ABANDONED PROPERTIES

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 April 3, 2017 at 8:00PM 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 #04-17 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: Ms. Sullivan confirmed that bonds/escrow fees cannot be collected as part of the registration process.

Roll Call – the vote was as follows:

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

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #62-17 GovDeals Auction – Surplus Borough Property

Motion to approve: Councilwoman Glassner

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #63-17 Permit Fee Refund – 5 Deerfield Road, Block 202, Lot 19

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #64-17 Temporary Current Budget Amendment

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #65-17 Temporary Sewer Budget Amendment

Motion to approve: Councilman Sharkey

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #66-17 Transfer of Appropriation Reserves

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #67-17 Cherry Lane Phase I Engineering Budget Approval – Ferriero Engineering Inc.

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #68-17 Substitute Crossing Guard Appointment – Loretta Hendren

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #69-17 Substitute Crossing Guard Appointment – Kristine Horton
Motion to approve: Councilwoman Glassner
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: None

Res. #70-17 Dedication by Rider for Self-Insurance Trust
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: Councilman Andrus explained that the account is being established to cover insurance deductibles for claims against the Borough.
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Glassner, Sharkey, Witczak
Opposed: None
Abstain: None
Absent: None

ADMINISTRATOR REPORT

The Administrator's report was distributed previously. Mr. Merkt stated that the results from the Mountain Valley Park dam sediment sampling have not been received. He further confirmed that there are deeds to West Field held by the New Jersey Conservation Society which must waive the restrictions before construction of the handicapped parking and restroom facilities can begin. Mr. Merkt agreed to check for written confirmation in the energy aggregation contract that the cooperative rate will be less than or equal to the utility's pricing. He also advised that the shared court agreement with Chester Borough will not be affected by the merger of the Chester Borough and Chester Township Police Departments.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The Public Safety Committee is meeting on March 29, 2017. A local architect and builder both have provided recommendations for the 20x30 support vehicle shelter. The Mayor has requested that the police promotion ordinance be prepared for introduction in May.

Councilman Andrus – One (1) item for executive session.

Councilman Badal – Changes in personnel at the DPW resulted in inconsistencies in response time during the recent snow storm. Consequently, the roads and sidewalks were not cleared as timely which resulted in a two (2) day school closure. Councilman Witczak stated that local businesses are responsible for snow removal on the adjacent sidewalks and Councilman Andrus suggested that the owners be contacted regarding same. After discussion, there was consensus that Mr. Merkt, Mr. Venezia and a MBPD representative meet to identify those areas most travelled by school children. The sidewalk-clearing priority list may be revised, if warranted. Councilman Badal also requested that the Zoning Officer investigate the grand opening signage for Chase Bank on East Main Street.

Councilwoman Glassner – The Personnel Committee will meet with three (3) more CPWM candidates on March 21, 2017. Subsequently, a number of candidates will be invited in for a second interview.

Councilman Sharkey – The Environmental Commission is looking for guidance as to how they can better serve the Council and the community. It was suggested that the EC merge with the Shade Tree Commission and consolidate their efforts to enhance education programs and boost membership. Councilman Andrus suggested that the EC develop a location plan for dedication trees in the Borough.

Councilman Witczak – Day camp counselor interviews are scheduled and the Recreation booklets will be delivered by April 3, 2017.

ATTORNEY ITEMS

Ms. Sullivan stated that Mr. McGroarty will be attending the April 3, 2017 meeting to discuss recent COAH developments.

MAYOR'S ITEMS – excused.

PUBLIC COMMENT

Councilman Witczak opened the floor to comments/questions from the public. Hearing none, he closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated March 20, 2017

Motion to approve: Councilman Badal

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION

Res. #71-17 Attorney/Client Privilege

Motion to approve: Councilman Sharkey

Second: Councilman Badal

Discussion: Councilman Witczak stated that action may or may not be taken upon return to open session.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Mayor and Council entered into executive session at 9:01PM.

Mayor and Council returned to open session at 9:20PM.

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 9:21PM next to convene at a regular meeting on April 3, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk