

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

**CALL TO ORDER**

Mayor Neil Henry called the March 18, 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

Also present: Fred Semrau, Esq.  
Administrator Ellen Sandman  
Maureen Massey, Borough Clerk

Absent: Councilman Brad Badal

**CONSENT AGENDA:**

- Approval of the minutes of the regular meeting of 3.4.13
- Approval of the executive session minutes of 3.4.13
- Approval of Blue Light Permit-Sean Curtis-Mendham Fire Department
- Res. #44-13 Emergency Appropriation-Budget 2013
- Res. #45-13 Emergency Appropriation-Sewer Utility Budget 2013
- Res. #46-13 Transfer Appropriations Reserves
- Res. #47-13 Release Engineering Inspection Escrow Fees

(A copy of Res. #44-13 to and including Res. #47-13 are attached to the minutes)

Motion to approve the consent agenda was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Sharkey abstained from the approval of the minutes of 3.4.13 meeting since there were not in attendance.

Absent: Badal

**Budget Introduction: 2013 Budget Introduction**

Mayor Henry asked Councilman Andrus the Finance Chairman, to highlight the budget for the Council and the public. The Mayor noted that the public hearing and adoption will be held at the April 15<sup>th</sup>, 2013 Borough Council meeting.

Councilman Andrus reported that the fund balance is up slightly by approximately \$76,000 for 2013. Noting few new ratables generating little tax money, Mr. Andrus cited the containing of expenses by department heads and receiving of grant monies as a way to maintain our budget increases.

The Borough contributions for Police and employee pensions are up but significantly lower than past years, health benefits increased by \$19,000 and a police contract for a 2013 salary increase of 1 ½ percent are all increases not in the municipality's control for a total increase of \$40,000. The portion of the operating budget that the Borough controls and will be down for 2013 approximately \$26,000. The total increase this year is not substantial.

Capital improvements planned will be a DPW multi-purpose truck, protective gear for First Aid, maintenance of Patriots Path, a Water Reclamation Facility mobile generator and a grid-cleaner totally \$279,000. This will be paid by capital reserves, FEMA monies and the sewer budget where appropriate.

Mr. Andrus continued by reporting the borrowing of funds this year will be greater than what will be spent. Due to low interest rates, now is the time to borrow. The borrowing of money will enable the Borough to complete work on the Borough roads, sooner than later, when rates are higher and the roads are in worse condition resulting in an expense to 2-3 times higher. Mr. Andrus continued by a scope of work which included completion of 3 or 4 Borough roads which have been highlighted for repairs, use of FEMA money for 4 to 5 others and grant money for Pleasant Valley Road. This will give the Borough efficient flexibility.

The new fire department ladder truck will be delivered next year and paid for with funds that have been set aside for capital improvements; the sale of current truck and the rest of the cost will be borrowed. The total 2013 appropriation, not including the reserve for unpaid taxes, is up approximately \$15,000 from last year. Money will still be put in the 2013 capital improvement fund. Mr. Andrus stated that he anticipates a tax increase of 6 cents per \$100 of assessed value. On a house assessed at \$500,000 this would result in a \$30 increase in the Borough portion for 2013.

The Sewer Utility Budget is down by approximately \$30,000 due to a reduction in capital expenses.

Bud Jones commented that the budget is consistent. Mr. Andrus thanked Auditor Bud Jones for his part in the successful budget process this year and for personal assistance.

A great job on the budget was added by Mayor Henry. Mr. Henry again noted the public hearing date/adoption of April 15<sup>th</sup>, 2013.

Mayor Henry proceeded with the introduction of this ordinance.

**ORDINANCE #3-13**  
**CALENDAR YEAR 2013**  
**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET**  
**APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**  
**(N.J.S.A. 40A:4-45.14)**

Councilman Andrus and the Mayor asked Bud Jones to briefly explain the upcoming ordinance establishing a CAP Bank. Mr. Jones added that this ordinance basically raises the cap bank threshold from 2% to 3.5%. It will allow the Borough to bank the amount of the appropriations that are subject to the CAP for possible future use. It doesn't spend additional money but gives the authority to authorize additional funds in case Borough needs it.

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

**ORDINANCE #3-13**  
**CALENDAR YEAR 2013**  
**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 1, 2013 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

ORDINANCE #3-13: (Cont'd.)

**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 #3-13 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Andrus, Witczak, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None  
Absent: Badal

**RESOLUTION # 48-13      2013 Budget Introduction  
Public Hearing – April 15, 2013**

(A copy of Res. #48-13 is attached to the minutes)  
The Clerk read this resolution aloud.

Motion to adopt Resolution #48-13 was made by Councilman Andrus  
Seconded by Councilman Witczak  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Witczak, Andrus, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None  
Absent: Badal

**DISCUSSION:** No items listed for discussion.

**ORDINANCE INTRODUCTION:** There were no further ordinances for introduction.

**ORDINANCE PUBLIC HEARING/ADOPTION:**

**Ordinance #2-13  
ORDINANCE AMENDING A GRANT APPROPRIATION  
ORDINANCE FOR THE IMPROVEMENT OF PLEASANT  
VALLEY ROAD IN AND BY THE BOROUGH OF MENDHAM,  
IN THE COUNTY OF MORRIS, NEW JERSEY, HERETOFORE  
ADOPTED ON OCTOBER 15, 2012 (#11-12)**

(A copy of Ordinance #2-13 is attached to these minutes)  
Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.  
No one wished to be heard, the public hearing was closed.

Be it resolved, by the Borough Council of the Borough of Mendham that:

**Ordinance #2-13  
ORDINANCE AMENDING A GRANT APPROPRIATION  
ORDINANCE FOR THE IMPROVEMENT OF PLEASANT  
VALLEY ROAD IN AND BY THE BOROUGH OF MENDHAM,  
IN THE COUNTY OF MORRIS, NEW JERSEY, HERETOFORE  
ADOPTED ON OCTOBER 15, 2012 (#11-12)**

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Motion to adopt Ordinance #2-13 was made by Councilman Witczak  
Second by Councilman Sharkey  
Discussion: None  
Roll Call - the vote was as follows:  
In favor: Andrus, Witczak, Sharkey, Daly, Garubo  
Opposed: None  
Abstain: None  
Absent: Badal

**ACTIONS TO BE TAKEN:** There were no further resolutions for consideration.

**ADMINISTRATOR REPORT:** Administrator Sandman was not present at this meeting. Mayor Henry stated that her report was submitted and if any Council member with questions regarding this report should contact her during the week.

**COUNCIL REPORTS, OLD & NEW BUSINESS:**

Councilman Witczak reported on the installation of the poles in front of St. Marks for the hanging of banners across Main Street. The vacancy and interviewing for 2 positions at the Department of Public Works was noted.

Councilman Andrus reported that resident and Borough Historian Charles Topping informed him of available grants for historic preservation purposes. Mr. Andrus recommended the Borough file for and continue on a yearly basis to apply for any grant that could be used to complete repairs at the Phoenix House. It was recommended that the Administrator handle this process. Mayor Henry further noted that the Board of Chosen Freeholders announced that the Historic Preservation Trust is alive and well.

Councilman Sharkey reported that he will be coordinating with Administrator Sandman the Earth/Arbor Day Spring events and the tree sale.

Councilman Garubo reported that Mendham Township Recreation requested a fee for use to the beach this season. It was decided that the Borough will decline and will substitute water games at locations in our town. The amount requested was \$2,100. In the past, the Borough made a donation to pay for the lifeguards only. It was determined that there would be no negotiation, that communication did take place between both towns, and the Borough decided not to participate this year. Recreation Director Bruce DiBisceglie reported that a survey was sent to approximately 551 households and he has reviewed the feedback. Bruce expressed his further concern with the fact that if the Borough did use the beach this season it would not be for their exclusive use. This has changed from previous years. Bruce voice his has safety concerns associated with this change.

Mayor Henry asked Bruce DiBisceglie for a suggestion for a Grand Marshall for this year's parade.

Councilwoman Daly reported a Personnel Committee meeting for April 3<sup>rd</sup>. She is presently reviewing dental plans for the employees. There will be no cost to the Borough, but a group plan will allow employees to purchase insurance at a group rate.

Mayor Henry responded that he has been completing salary comps from other municipalities and is compiling an Excel spreadsheet for easy review.

**ATTORNEY ITEMS:**

Atty. Semrau reported land use/contract negotiations to be discussed in executive session.

**MAYOR'S ITEMS:**

Mayor Henry will be attending a JCP&L meeting to discuss their request rate increase. He asked if anyone on Council would like to attend with him. Atty. Semrau responded that presently Marlboro is in litigation and opposing the rate increase. He noted that towns are invited to join them which would result in a less costly process and present a united front. Atty. Semrau will forward information to the attention of the Mayor.

Councilman Andrus asked if electric could be purchased elsewhere. Atty. Semrau responded that JCP&L has a franchise permit and their consent would be needed.

Mayor Henry noted that the other evening high school parents were driving back from a Lacrosse game on Route #95. There was an accident and our Councilman Witczak stopped and gave assistance. Mr. Witczak was applauded.

**PUBLIC COMMENT:** There was no one from the public wishing to comment.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated March 18, 2013  
Motion to approve the March 18, 2013 bill list was made by Councilman Andrus  
Second by Councilman Sharkey  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Witczak, Andrus, Sharkey, Daly  
Opposed: None  
Abstain: None  
Absent: Badal

**EXECUTIVE SESSION: Res. # 49-13 Executive Session-Contract Negotiations-Land Use**

Motion to adopt Resolution #49-13 was made by Councilman Garubo  
Seconded by Councilman Sharkey  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Witczak, Andrus, Sharkey, Daly, Garubo  
Abstain: None  
Absent: Badal

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 9:45 P.M. next to convene At the Regular Meeting on April 1, 2013 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

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Maureen Massey, RMC, CMC  
Borough Clerk