

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

CALL TO ORDER

Mayor Neil Henry called the March 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
Councilwoman Veronica Daly
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: Councilman David Sharkey

Mayor Henry noted that Councilman Sharkey has been excused from this meeting.

CONSENT AGENDA:

- Approval of the minutes of the regular meeting of 2.19.13
- Approval of the executive session minutes of 2.19.13
- Approval of Jr. Member-Philip Schlegel-Mendham Fire Department
- Res. #42-13 Deputy Custodian of Records-Chief Libertino

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, Daly, Witczak

Opposed: None

Abstain: Councilman Garubo and Councilman Badal abstained from the approval of the minutes of 2.19.13 meeting since there were not in attendance.

Absent: Sharkey

DISCUSSION:

Daytop-Morris County Community Development Block Grant:

- Required Discussion at a Public Meeting
- Statement Certifying Discussion-Requires Mayor's Signature

Mayor Henry and the Borough Clerk noted that this is a routine procedure when filing for a Community Development Block Grant and Daytop has done this before. The Mayor added that this was for replacement of windows at this facility. There were no comments from the public or the governing body. The Clerk stated that a copy was attached to the agenda packet that was distributed to the Mayor, Council, Attorney and Administrator. The Clerk asked Atty. Semrau if he wanted a motion to carry this item. Hearing an affirmative response the Mayor called for a motion.

Daytop-Morris County Community Development Block Grant: (Cont'd.)

Motion to endorse the filing of a Community Development Block Grant by Daytop was made by Councilman Andrus

Second by Councilwoman Daly

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

West Morris High School District-Feasibility Study Options:

Mayor Henry asked Brian Cavanaugh, 610 Cherry Lane, to update his request for the council members who were not present at the last meeting. Briefly Mr. Cavanaugh explained his request for a commitment of \$10,000 for a feasibility study on two options with regard to the high school district funding formula. Each municipality's governing body will be approached with this same request, as well as the school boards in each town. Mr. Cavanaugh was asked if any of the other municipalities has responded to this request. In response the governing body was informed that it is under consideration at Mendham Township and the school districts have not been approached yet.

Mayor Henry opened the meeting to public comments, not hearing any requests, the Council was asked for their comments. The Mayor Henry continued with a brief background of a year and half of meetings with the other four communities in the hope of reaching an agreement with all 5 municipalities on what options to study. Two towns would not compromise on the Mega K option and the conversations concluded. It was noted that since a change in the funding formula would not benefit Washington Township residents and would raise their taxes, it could not be reasonable to expect that they would favor a change in the funding formula.

Councilman Badal did not want to limit the study to two options and would favor all towns on board and all options considered.

Councilwoman Daly agreed with Councilman Badal on limiting the options.

Councilman Garubo favored approaching Trenton to change the calculation of the funding formula. He voiced his disagreement with comments stating that the quality of the education at the high school is sub-standard. He continued that changing the funding formula has nothing to do with the quality of the education.

Councilman Andrus was not committed to studying two options and suggested the need for the two Chesters and two Mendhams to get together on the same page.

Councilman Witczak commented that the four towns can be a driving force and also felt that Washington Township is not going to vote and raise their taxes.

Mayor Henry opened to the meeting to the public again for the citizens who just arrived. Not hearing any comments.

Brian Cavanaugh asked for a clarification on what the Council is agreeing to.

There was cross conversation on what the consensus was within the governing body.

Hank Schramm, 2 Melrose Lane, read a prepared speech addressing the tax rate at the homeowner level where residents with no children pay the same tax rate as those that have children in the school system. Mr. Schramm would like to see equality in the funding of public education and a charge per student with elimination of the subsidy.

Mr. Cavanaugh commented on the good questions raised by Mr. Schramm. He summarized that the funding formula per student was changed around the time of the creation of the Abbott districts. The change and now present formula is based on property values. Mr. Cavanaugh gave Mr. Schramm a copy of his presentation from the last Council meeting. Mr. Cavanaugh expressed his sharing of Mr. Schramm's social justice need.

Mayor Henry commented that the inequity in the funding formula and not the education is the reason for seeking this change.

Mayor Henry read a motion for consideration:

Whereby the Council will contribute up to \$10,000 for a School District Feasibility Study, providing the following conditions are satisfied:

1. At least two (2) other communities will join such study.
2. Mendham Borough will contribute equally with the communities so long as not to exceed \$10,000.
3. There will be a minimum of two (2) studies*, and the Borough will consider additional studies if need be.
4. Ties back to the understanding that the money is taxpayer money and we are the shepherds of that money and if anything is to be done the Borough will take the leave of the other municipalities and draw that money and spend it in the best interest of the taxpayers.

The Motion made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: No further discussion was held

Roll Call: the vote was as follows:

In favor: Daly, Badal, Witczak

Opposed: Andrus, Garubo

Abstain: None

Absent: Sharkey

*(options)

ORDINANCE INTRODUCTION:

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)

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 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 18, 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

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 #2-13 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

ORDINANCE PUBLIC HEARING/ADOPTION: None

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

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

Ms. Sandman reported on the animal control report for February and how pleased the residents are with the service offered by Randolph Township. She further reported on the signed agreement between resident Chris Nicholson and the Borough for the erection of a sign at the entrance of West Field and Hidden Pond Farm. Good news for the 2013 budget, finding the owner of a bracelet placed on the Borough website, work finalizing on LOSAP-St. Mark's parking, and meeting with the Executive Director of the Petsch House for a modifying of the renewal contract was reported.

Ms. Sandman noted that the Garden Club Plant Sale will on May 18th. Ms. Sandman asked and received authorization for Mr. Bob Diffen to order the poles for the banners.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal spoke with Fire Chief DeNicola on the 2013 budget and the firehouse modifications. Chief DeNicola responded that there are discussions on the selling of the 1961 Mack Truck that the Fire Company was going to restore and some fund raising ideas to offset the cost of the requested upgrades.

Councilwoman Daly will be holding a committee meeting on April 3rd. Ms. Daly also reported that she is reviewing information on an employee vision and dental plan which would be paid for in full by the employee with no cost to the Borough.

Councilman Garubo reported that day camp planning has started. It was noted that there will be a report next meeting regarding a charge for the use of a Mendham Township facility.

Mayor Henry asked in the absence of Councilman Sharkey about the quote for the purchase of the poles for the banner. A quote of approximately \$2300 for the Borough share was noted by Administrator Sandman.

Councilman Andrus noted that the last budget meeting was lengthy with the Auditor, CFO, and Administrator. He reported an increase in the fund balance of \$79,000 due to FEMA and employee spending habits. This will help in funding repairs to Pleasant Valley Road and Maple Avenue as well as 3 other major streets this year; and the purchase of a DPW vehicle and some small projects. Mr. Andrus believes the tax increase although not certain could be 9/10 of one percent. The budget will be prepared for introduction at the next council meeting. It was further noted that the sewer budget lost reserve and there will be no capital projects this year.

Councilman Witczak commented that the Board of Directors of Little League were briefed on the maintenance of the fields and why/how we rest the fields. This allows grass to grow and results in good turf. He further reported on damage sustained by the Borough Library and the DPW doing some minor repairs. An abundance of wood chips at the DPW available for residents who need them and the ongoing interview process to fill two open DPW positions was also reported by Mr. Witczak.

ATTORNEY ITEMS:

Atty. Semrau reported an item for executive session, under contract negotiations.

MAYOR'S ITEMS:

Mayor Henry reported that the Mendee's will be held a week from Friday- tickets are available, discussion regarding generators at Mendham Commons are being held with Atty. Semrau and Atty. Germinario and the use of the 'Edmonds System' in the Borough will be discussed with Councilman Andrus and Councilwoman Daly.

PUBLIC COMMENT:

Laurie Beck, 36 West Main Street, wants to coordinate a DPW Day to give the Borough residents the opportunity to visit the DPW facility and learn about their jobs. She suggested May 11th since

this will coincide with the Electronics Recycling/Shred Day events. Ms. Beck will be requesting a donation of hot dogs and soda from the Kings Supermarket. The Mayor asked Superintendent O'Brien for his response. Mr. O'Brien was agreeable and stated that he would have stormwater information handouts as well for the public, which would give the Borough 'stormwater credits' as a program education day.

Laurie Felber, 9 Townsend Road, reported that at the entrance of Lake Drive (Cosma Track) someone dumped concrete where the new plantings were placed. She requested permission to post 'no dumping' signs. Administrator Sandman will send a formal letter to the School Board Business Administrator since the property is owned by the school.

Frank Lupo, 17 Dean Road commented on residents placing items for bulk pick-up out long before it will be picked up on a Monday. He said Dean Road is especially impacted by this. The Mayor suggested a reminder on the website and in the Mendham Messenger. Mr. Lupo further commented on the noise from generators in and around his home. He encouraged the governing body to consider and address this concern for both residential and commercial uses. The Mayor will discuss this concern with the Borough Engineer, Atty. Semrau and Atty. Germinario.

APPROVAL OF VOUCHERS:

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

EXECUTIVE SESSION: Res. # 43-13 Executive Session-Contract Negotiations (Shared Services-Municipal Court)

Motion to adopt Resolution #43-13 was made by Councilman Garubo
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witzak, Andrus, Daly, Garubo
Abstain: None
Absent: Sharkey

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 March 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