

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

CALL TO ORDER

Mayor Henry called the April 3, 2017 meeting of the Mayor and Council to order at 8:03PM 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 *Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Present: Mayor Neil Henry
Councilman John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Glassner
Council President Stanley Witczak

Excused: Councilman David Sharkey

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

CONSENT AGENDA

Minutes of the regular meeting of 3/20/17

Minutes of the executive session of 3/20/17

Tier I Banner Approval – Pastime Club Carnival (8/22/17 – 9/5/17)

Tier IV Banner Approval – Twin Boro Bears (3/30/17 – 4/13/17)

Tier I Banner Approvals – Mendham Business Association: Sidewalk Sale (5/22/17 – 6/5/17)
Holly Trail (11/20/17 – 12/4/17)

Raffle Approval – Pastime Club: Off-premise 50/50 (9/4/17)
Carnival Games (9/1/17 – 9/4/17)

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Badal

Discussion: Councilman Witczak noted that he is a member but not an officer of the club.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Andrews – Pastime Club banner and raffles only (Pastime Club officer)

Absent: Sharkey

DISCUSSION:

West Morris Regional School District 2017 Budget

Present: Michael Ben-David, Superintendent
Doug Pechanec, Business Administrator

Mayor Henry welcomed the Borough's newly-elected representative on the Board of Education, Mr. Tom Brooks. He then welcomed and introduced Mr. Ben-David and Mr. Pechanec.

Mr. Ben-David stated that the budget is the financial reflection of the educational plan for the district and discussed the major budget initiatives that support three (3) major goals:

1. Maintain existing staff/educational programs while expanding technology and investing in infrastructure on a "pay as you go" basis
2. Attempt to keep pace with the district's long-range facilities plan
3. Anticipate increasing health care costs and potential changes to NJ state aid funding formula

Mr. Pechanec provided a summary of revenues and appropriations broken down by services and departments (presentation attached). He reviewed equalized value calculations among the municipalities and projected enrollment to decline steadily over the next five (5) years. Mr. Pechanec added that additional surplus is anticipated at the end of the year and confirmed that the BOE will continue to fund a shared School Resource Officer.

Shade Tree Committee/Environmental Commission Merger

Mr. Semrau stated that the Environmental Commission (EC) is statutory while the Shade Tree Commission (STC) is not. Accordingly, a subcommittee of the EC may be created to perform STC functions or the STC can merge into the EC via ordinance with existing STC members being appointed to the EC. Mr. Merkt agreed to contact Councilman Sharkey to discuss next steps.

ORDINANCE INTRODUCTION:

ORDINANCE #05-17

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$25,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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

ORDINANCE #05-17

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE SYSTEM IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$25,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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 #05-17 was made by Councilman Andrews

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

ORDINANCE #06-17

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$738,100 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH.

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

ORDINANCE #06-17

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$738,100 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH.

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 #06-17 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

ORDINANCE ADOPTION:

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 and 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"

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing. Hearing no comments, Mayor Henry closed the public portion of the hearing.

BE IT RESOLVED, by the Borough Council and 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 and adopted on this 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 #04-17 was made by Councilman Badal

Seconded by Councilman Witczak

Discussion: Mr. Semrau highlighted a number of changes to the existing ordinance which incorporate revised fees and the registration form, and provide for liens against certain properties and service of process for foreclosed-upon properties.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Ordinance #04-17 was adopted.

ACTIONS TAKEN

Res. #72-17 Pastime Club – Labor Day Fireworks Display (9/4/17)

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: Councilman Witczak noted that he is a member of the club but not an officer.

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: Andrews (Pastime Club officer)

Absent: Sharkey

Res. #73-17 Tax Overpayment Refund – 3 Lake Drive, Block 302/Lot 6 (Supersedes #58-17)

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #74-17 Tonnage Grant Authorization/Recycling Coordinator Designation – Kenneth O'Brien

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: Mayor Henry explained that a Certified Recycling Coordinator must be appointed in order to apply for the annual tonnage grant. Discussion followed regarding the term of the appointment (one year) and Mr. Merkt confirmed that the new CPWM will have the opportunity to obtain CRP certification within a matter of weeks.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #75-17 Duplicate Tax Refund – Core Logic (various)

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #76-17 Capital Improvement Appropriation Balance Cancellation

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Councilman Andrus explained that funds from a 2014 road repair ordinance are being cancelled and rolled into a 2017 road repair account.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #77-17 Interim Municipal Court Judge Appointment Extension – Brian J. Levine, Esq.

Motion to approve: Councilman Badal

Second: Councilman Andrus

Discussion: Mayor Henry requested that members of the Personnel Committee attend an April 7th meeting in Chester relating to court staffing and seek an update from Mayor Hoven on the permanent judge appointment.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

ADMINISTRATOR REPORT

Mr. Merkt indicated that the DPW list of Borough sidewalks for snow removal is not currently prioritized but will be. He further stated that Mr. Dalessio performed a structural inspection on the Scott Farm barn to ascertain whether short term repairs are required prior to the application for a restoration grant. The engineer's report should be available within the week.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – The Public Safety Committee met on March 29, 2017 during which Sergeant Camoia, OIC, was given the green light for hiring a new patrolman. The Committee has set a May target date for candidate recommendations. The Committee has also scheduled a follow-up meeting on April 13, 2017 to discuss the Chief promotion policy.

Councilman Andrus – The Finance Committee has scheduled a meeting on April 19, 2017 to discuss long-term capital needs of the MFD and the MFAS. The 2017 budget is scheduled for adoption during the April 17, 2017 meeting of the Mayor and Council.

Councilman Badal – The DPW is shifting its seasonal activities to include catch basin cleaning, ball field preparation and exterior painting. One (1) personnel item for executive session.

Councilwoman Glassner – The Personnel Committee will meet with three (3) final CPWM candidates on April 4, 2017.

Councilman Sharkey – excused.

Councilman Witczak – Day camp counselor interviews are ongoing and the Recreation booklets have been delivered.

ATTORNEY ITEMS

The tax appeal filing deadline has passed and the Borough was not overly inundated. Mr. McGroarty will be attending the May 15, 2017 meeting to discuss recent COAH developments. One item for executive session.

MAYOR'S ITEMS

Mayor Henry confirmed that Mr. Merkt is coordinating a meeting among Borough Public Safety, Township Public Safety and Assemblyman Declan O'Scanlon to further discuss joint police efforts. A meeting among the Borough, Township and MASH is also being considered in order to review the funding breakdown related to transportation costs.

Mayor Henry added that changes in his professional responsibilities may necessitate a change in the Council meeting night. He asked the Council to consider meeting on the first and third Thursdays of each month at 7PM or 7:30PM.

Mayor Henry commended Sergeant Camoia, OIC, for his thorough reporting and suggested that Members of Council contact him should they have any questions.

PUBLIC COMMENT

Mayor Henry 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 April 3, 2017

Motion to approve: Councilman Badal

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Witczak (#003346 only)

Absent: Sharkey

EXECUTIVE SESSION

Res. #78-17 Attorney/Client Privilege, Contract Negotiations, Personnel

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: Mayor Henry 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, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

Mayor and Council entered into executive session at 8:56PM.

Mayor and Council returned to open session at 9:35PM.

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 9:36PM next to convene at a regular meeting on April 17, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk