

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

CALL TO ORDER

Mayor Henry called the April 15, 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 for the victims of the Boston Marathon bombing, 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
Councilman Brad Badal

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

Absent: Councilwoman Veronica Daly, Councilman Louis Garubo

CONSENT AGENDA: (Minutes)

- Approval of the minutes of the regular meeting of 3.18.13
- Approval of the minutes of the regular meeting of 4.1.13

Motion to approve the consent agenda was made by Councilman Witczak
Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Badal, Witczak

Opposed: None

Abstain: Councilman Badal abstained from the approval of the minutes of the 3.18.13 meeting since he was not in attendance at this meeting.

Absent: Daly, Garubo

DISCUSSION:

LOSAP (Length of Service Awards Program) Agreement:

Councilman Badal commented on the amount of review that has taken place to modify the existing structure of this program to achieve equality between the two emergency service organizations. He further noted that an increase in the base of the contributions was discussed and achieved with the intention of providing incentives for recruitment of new members and to retain the existing members for the Mendham Fire and First Aid organizations of the Borough.

Councilman Badal addressed the increase in costs to the Borough in response to Councilman Andrus. Mr. Badal prefaced his response with the fact that this is the first financial adjustment to this program in 6 years. The 2013 cost if the governing body considers and adopts the two ordinances, that have been given to them for review, will be approximately \$46,000 of the budgeted line item of \$50,000.

Councilman Badal asked the Council to consider going forward and introduce the two ordinances this evening.

LOSAP (Length of Service Awards Program) Agreement: (Cont'd.)

Motion to approve the Ordinance #4-13/#5-13 was made by Councilman Badal
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Badal
Opposed: None
Abstain: None
Absent: Daly, Garubo

ORDINANCE INTRODUCTION: LOSAP:

ORDINANCE #4-12

**AN ORDINANCE OF THE BOROUGH OF MENDHAM TO AMEND ORDINANCE 21-99,
“AN ORDINANCE OF THE BOROUGH OF MENDHAM TO CREATE A LENGTH OF
SERVICE AWARDS PROGRAM”**

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

ORDINANCE #4-12

**AN ORDINANCE OF THE BOROUGH OF MENDHAM TO AMEND ORDINANCE 21-99,
“AN ORDINANCE OF THE BOROUGH OF MENDHAM TO CREATE A LENGTH OF
SERVICE AWARDS PROGRAM”**

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 May 6, 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 #4-13 was made by Councilman Badal
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Witczak, Sharkey, Badal
Opposed: None
Abstain: None
Absent: Daly, Garubo

ORDINANCE INTRODUCTION: LOSAP:

ORDINANCE #5-13

**AN ORDINANCE OF THE BOROUGH OF MENDHAM TO INCREASE THE BASE OF
CONTRIBUTIONS TO THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)**

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

ORDINANCE #5-13

**AN ORDINANCE OF THE BOROUGH OF MENDHAM TO INCREASE THE BASE OF
CONTRIBUTIONS TO THE LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)**

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 May 6, 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 #5-13 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Witczak, Sharkey, Badal

Opposed: None

Abstain: None

Absent: Daly, Garubo

Girl Scout Troop 4060:

Mayor Henry welcomed GS Troop 4060 and thanked them for the wonderful job they have done with the rehab of the Garabrant Center. Each of the girls shared with the governing body and the public what they learned and liked about their personal participation in this project. The girls were given compliments by council and administrative personnel. Leader Barbara Stanton mentioned further that there will be planting of flowers and a bar-be-cue for the seniors of Mendham that the Troop will undertake. She shared how proud she was of the girls and much they have and will give to the community.

Budget:

Mayor Henry opened the meeting for the 2013 budget discussion. The Mayor noted that Borough Auditor Bud Jones was present if there are any questions on the budget from the public or the governing body.

The Mayor called for a motion to adopt the self-examination resolution for our 2013 budget.

RESOLUTION #54-13
**RESOLUTION AUTHORIZING PARTICIPATION IN SELF-
EXAMINATION PROGRAM OF THE MUNICIPAL BUDGET
FOR THE 2013 BUDGET YEAR**

Motion to adopt Resolution #54-13 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Badal

Opposed: None

Abstain: None

Absent: Daly, Garubo

Public Hearing: Adoption:

Mayor Henry opened the public hearing on the 2013 budget for comments from the public. There were no public comments.

RESOLUTION #55-13
Budget Adoption

Resolution #55-13 was read aloud by the Borough Clerk, Maureen Massey.

The Mayor called for a motion to adopt the 2013 budget.

Motion to adopt Resolution #55-13 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

ORDINANCE INTRODUCTION: There were no further ordinances for introduction.

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #56-13 Garden State Labs Contract-Discharge Monitoring-WRF

Motion to adopt Resolution #56-13 was made by Councilman Witczak
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Daly, Garubo

Res. #57-13 Dedication by Rider-Snow Removal Reserve Trust Fund

Motion to adopt Resolution #57-13 was made by Councilman Badal
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey,
Opposed: None
Abstain: None
Absent: Daly, Garubo

Res. #58-13 Banner Policy/Application

Motion to adopt Resolution #58-13 was made by Councilman Sharkey
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey,
Opposed: None
Abstain: None
Absent: Daly, Garubo

Res. #59-13 Recycling Tonnage Report

Motion to adopt Resolution #59-13 was made by Councilman Badal
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly, Garubo

Res. #60-13 Certification of 2012 Audit

Motion to adopt Resolution #60-13 was made by Councilman Andrus
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Badal, Witczak
Opposed: None
Abstain: None
Absent: Daly, Garubo

Mayor Henry asked the governing body if they wished to consider a resolution that was withdrawn at the prior council meeting. This resolution authorizes a shared services agreement with the Township of Chester for 'Fleet Maintenance Services'.

Superintendent O'Brien commented that the language in the agreement was adjusted on the advice of Atty. Semrau and the addition of a 'not to exceed' amount. The hourly rate remained the same from the prior time it was on the agenda. Atty. Semrau confirmed the minor language changes to the agreement.

Res. #62-13 Authorizing the Execution of a Shared Services Agreement with the Township of Chester for Fleet Maintenance

Motion to adopt Resolution #62-13 was made by Councilman Sharkey

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Garubo

ADMINISTRATOR REPORT: (Written report circulated before the meeting to the Council)

Administrator Sandman commented on the successful Garabrant Girl Scout project and the installation of the fence at the sub-station by JCP&L. She noted that JCP&L will be mulching the area, fixing the sidewalk and adding some plantings. Councilman Sharkey completed the on-line insurance course resulting in an additional \$250.00 off the Borough's deductible.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak reported work on West Field and the planting of seed with the assist of West Morris Soccer members. The DPW is also working on fencing at the Garabrant Center, completion of the exhaust system on the diesel truck, and work at Police Headquarters. Mr. Witczak commented that summer-seasonal help will be employed earlier this year due to the DPW short on full time personnel.

The completion of the resurfacing of the floors at the Fire/First Aid bays today. Next week the floors can be driven on and return to normal.

In response to the Mayor's question, the baseball courts will be resurfaced during the last week in April.

Councilman Witczak asked for remembrance of Mr. Bill Conover who died this week.

Councilman Andrus noted his review of the audit and commented on the Borough cap for debt and the conservative nature of the Borough. He further noted that the Borough maintains a strong financial position.

The Mayor asked about the road paving in the Borough and the schedule for starting. Ms. Sandman responded that the paving will be moving forward and will be done in piece meal with Talmage, Maple and Balbrook being first to be done. Superintendent O'Brien is working with the Morris Co-Op for the best price on supplies, noting the oil rates to be stable until 2015. It will be started when schools are out of session.

Councilman Sharkey reported work on the solar and wind ordinances. The solar ordinance will be on for discussion at the next meeting with Mr. McGroarty here to answer any questions.

Councilman Badal reminded everyone about the April 28th Police, Fire and First Aid day and the fishing derby on May 5th.

Mr. Badal shared his concern for the rise in the number of training hours required for emergency personnel. The increase for EMT's has gone up from 130 to 235 hours and for fire department volunteers to drive/pump they need to complete Firefighter Training #1. The New Jersey League of Municipalities has reported a decrease in volunteer statewide. He expressed concern that this will lead to paid departments due to this impossible hours of training. Mr. Badal requested the Borough become pro-active and determine what action can be taken. Administrator Sandman will report back to Councilman Badal.

ATTORNEY ITEMS:

Atty. Semrau commented on the enforcement of the sign ordinance and his coordination with the Borough Planner and Zoning official to coordinate the changes and resolve issues.

Mr. Semrau reported on the tax appeals and noted that not many were received. There will be a written report forthcoming.

Atty. Semrau shared points of interest from his conversation with the President of the Association of Mendham Commons on the topic of generators. It was noted that temporary generators are prohibited by the Association for safety reasons, such as the storing of gasoline to supply the generators. Some residents have inquired about permanent generators that are hooked up to the gas service. Mr. Semrau has been meeting with Tom Germinario, Atty. to the Board of Adjustment and Paul Ferriero, Borough Engineer discussing set-backs, impervious coverage and the disparity in zoning requirements. The close proximity of the homes and compliance with the noise ordinance was also addressed. A strict balance is hard to accomplish and suggested that each case be determined on an individual basis.

Alice Lazarati was present and representing the Mendham Commons Association and requested a ruling from the Council on zoning requirements this evening.

The use of the Commons club house as a warming center during power outages was a recommendation made. Mayor Henry noted that going forward the Garabrant Center will be used as a warming station, which can be used by the Mendham Commons residents.

The Mayor noted again that the Association prohibits temporary generators. It was further noted that there is no global answer and each case has to stand on its own. The Mayor noted that Ms. Lazarati circulated a notice for volunteers to man the 'club house' if it became a warming center during power outages and she received only 3 responses.

The application with the Board of Adjustment for a variance starts at approximately \$1,500 plus the high cost of notices to all property owners within 200ft. A resident would also need to have the Association of Mendham Commons approval along with the Board of Adjustment.

MAYOR'S ITEMS:

Mayor Henry noted that the new fence at the JCP&L site was installed at no cost to the Borough. The Mayor thanked Mike Zedalis and Chris Nicholson, of the Historic Preservation Commission, for their site inspection of the new fence.

Mayor Henry commented on the positive changes at Police Headquarters, maximizing the space and making it clutter free.

PUBLIC COMMENT:

Laurie Felber, 9 Townsend Road, Environmental Commission Chair, updated the public and the governing body on the upcoming events of this commission. 4/20 cleanup at India Brook, 4/25 talk on tree maintenance, 5/1 DARE program at Cosma Natural Area-dogwood trees to be planted by Mt. View students, and 5/11 Electronic Recycling/Shred Day –DPW Open House.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated April 15, 2013
Motion to approve the April 15, 2013 bill list was made by Councilman Andrus
Second by Councilman Badal
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly, Garubo

EXECUTIVE SESSION:

**Res. # 61-13 Executive Session-Contract Negotiations (Shared Court)/
Potential Litigation (Cell Tower)**

Motion to approve Resolution #61-13 was made by Councilman Badal

Second by Councilman Sharkey

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Badal, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Garubo

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 9:50P.M. next to convene At the Regular Meeting on May 6, 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