

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

CALL TO ORDER

Mayor Neil Henry called the April 2, 2012 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

Councilman Stanley Witzcak
Council President John Andrus
Councilman David Sharkey
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: Councilwoman Veronica Daly

CONSENT AGENDA: (Minutes)

- Approval of the minutes of the Regular Meeting of 3/19/12
- Approval of the minutes of the Executive Session Meeting 3/19/12

Motion to approve the consent agenda was made by Councilman Witzcak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzcak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: Councilman Badal abstained from approval of the minutes from the meeting of March 19, 2012.

Absent: Daly

DISCUSSION:

West Morris Regional High School Budget Presentation:

Business Administrator Doug Pechanec, School Board Member Jacke Schram and the new Superintendent Mackey Pendergast were present.

Mayor Henry introduced Mr. Pendergast and welcomed him. The Mayor noted that he is from the Mendham area and has been a Coach and also taught at West Morris High School. Mr. Pendergast also held the position of Administrator at another school.

Mr. Pendergast briefly gave an outline of what went into the development of this 2012 budget. He commented that his prior experience as Director of Staff Development, has taught him to promote and create 'stability'. He highlighted class size as a major focus, and the instituting of Mandarin Chinese into the curriculum. Mr. Pendergast noted the greatest improvement to the High School has been within the last 3 years. He continued by giving statistics that show this improvement and referred to the NJDOE (New Jersey Department of Education) website which lists all the statistics for public reviewing.

West Morris Regional High School Budget Presentation: (Cont'd.)

Jacke Schram narrated a power point presentation for the public and the governing body. She highlighted the 'Mission Statement and noted that this has not changed over the years. Budget considerations, District offerings, enrollment trends, and the increase in the planned expenditures of 4.6% were noted by Ms. Schram. She further noted the sources and areas of increases and decreases in appropriations and pointed to the backup graphs provided by the District and the State Department of Education. A table was also presented representing 'teacher salary guide' and analysis information. The total number of teachers in the district stands at 242 according to Ms. Schram. Additional charts depicting the budget by school (WMC and WMM); the actuation cost for a four year education and the regional tax cost per household for this education; sources of revenue and the components of the tax rate computation with backup support information was outlined in this presentation. Ms. Schramm concluded with questions from the public and the governing body.

Mayor Henry asked for confirmation and received an affirmative response that the funding for the school resource officer remains in the budget.

Mr. Pechanec commented that bonding for the district's long-term debt resulting in the lower tax rate impact to residents. In response to questions on the district's debt, Mr. Pechanec responded \$22.5 million.

Temporary Freestanding Sign App/Permit-Mendham Rotary Club:

(Referred by Zoning Officer Geoff Price-Requires Council Approval)

There was a brief discussion with regard to this organization putting up this sign for some many years. The Mayor also noted that this organization benefits Mendham Borough residents. It was noted that work on revisions to the sign ordinance continues. The new sign ordinance may address this particular size of a sign, but until then the general consensus was for approval. Councilman Badal expressed his concerns over setting a precedent and have numerous signs this size throughout the Borough.

Motion to approve the sign application for the Mendham Rotary Club was made by Councilman Sharkey

Seconded by Councilman Andrus

Discussion: There was no further discussion

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: Badal

Abstain: None

Absent: Daly

2012 Budget Introduction:

Councilman Andrus thanked all the employees involved in the budget preparation and was pleased in the process. He gave a recap of the process and noted that fiscal responsibility and the last 2 years of good direction have the Borough in a financially good position. Mr. Andrus reported that the tax rate will remain the same and associated this partially on the review and increase in construction code fees by revising the fee ordinance last year. He congratulated the employees for keeping expenses down, in-house work by the DPW, and soliciting lower utility rates. The budget includes and increases in pension/health benefits, salaries, shared court expenses and dispatching services. The police pension contribution by the Borough is down approximately \$60,000 but is anticipated to rise back up \$60,000 next year. Councilman Andrus continued by noting safety related items that will require expending funds in 2012, such as the work on the surface of the tennis/basketball courts (State of NJ has deemed them unsafe); fire bay floor; and fencing at the pastime field. A 'salt spray-down' system, 5% down payment for the Fire Department ladder truck, road improvements, increase in the cost of oil (issues in the middle-east) will be timed for consideration later in the year.

Mr. Andrus asked that Sue Giordano, CFO, be requested going forward to supply quarterly input to the departments. He further recommended that departments not purchase and request reimbursement but use the voucher system. He concluded that the Borough continue sharing services and requested a review of the joint municipal court and technical costs to the Borough.

Mayor Henry asked for clarification on the 5% down payment for the fire truck.

Mr. Andrus responded that the 5% would be due this year to start the purchase process with the Borough following with financing for the remaining of the purchase price. The figures and the timing are not available at this time.

ORDINANCE #2-12
CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

(A copy of Ordinance #2-12 is attached to these minutes)
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 7, 2012** 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 approve the introduction of Ordinance #2-12 was made by Councilman Andrus
Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

RESOLUTION # 53-12 **2012 Budget Introduction**
Public Hearing – May 7, 2012

(Sheet 2-Budget Document) Resolution was read aloud by the Borough Clerk.

Motion to approve the introduction of Ordinance #2-12 was made by Councilman Andrus
Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ORDINANCE INTRODUCTION: No further ordinances to be introduced.

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #54-12 Sanitary Sewer Connection App-B1501/L2

(Copy of Res. #54-12 attached to these minutes)

Motion to adopt Resolution #54-12 was made by Councilman Witczak
Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #55-12 Contract-Sewage Treatment Plant Discharge Monitoring Tests-QC, Inc.

(Copy of Res. #55-12 attached to these minutes)

Motion to adopt Resolution #55-12 was made by Councilman Witczak
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ADMINISTRATOR REPORT:

Mayor Henry noted that the Administrator's report was circulated prior to the meeting. Administrator Sandman briefly commented on the site visit to the substation on Cold Hill Road with Mr. John Anderson of JCP&L. Councilman Andrus also attended, along with the Mayor and Councilman Sharkey. The installation of a 6 foot fence against the present chain link fence or near the road was suggested to Mr. Anderson of JCP&L. It was further suggested, that the crab trees remain and some evergreens be planted.

Mr. Andrus commented that the Borough may need to contribute some labor and money to get this all accomplished. JCP&L has safety concerns due to the stealing of copper from other substations and keeping this station visible to try and deter this from happening at this location.

The Mayor noted that the Borough and the Township have received funds from a State grant to complete work on Pleasant Valley Road.

Administrator Sandman commented on monies received for the installation of a new boiler at the Phoenix House and Police Headquarters. She is hoping for additional funding for work at the Water Reclamation Facility and the Bowers Building.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak reported that the Township sweeper was working in the Borough today. He noted the potential of shared services from Mt. Olive to the Borough of an employee and equipment. Mr. Witczak reported that FEMA visited the DPW and issued a release to remove the piles of brush from this location that was collected from the Borough due to the storms.

Councilman Sharkey noted a Sign Ordinance meeting this Thursday and trees have been ordered for planting this Spring in the Borough.

Councilman Garubo reported on the holding of interviews for the Summer day camp positions and the large turnout for the CRP/Defibrillator classes.

Councilman Badal reported on the progress on the Police Sergeant promotional process. He noted that he has drafted a letter explaining the testing procedures and suggested a minor change to the Police Manual Rules/Regulation. The change to the Police Manual was the addition of 'leadership skills and ability' to the testing procedure for the Sergeant's position. Councilman Badal has discussed this with Chief Taylor and now would like any comments from the governing body.

After a brief discussion with the governing body and Atty. Semrau, the Mayor called for a motion.

Motion to revise the Police Manual Rules/Regulation as worded by Atty. Semrau to include leadership skills and ability for Sgt. promotional testing was made by Councilman Badal
Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Councilman Badal noted that Mr. Duffy was dealing with a health concern but will review and report to him by the end of the week.

ATTORNEY ITEMS:

Atty. Semrau reported that he spoke with the County Tax Board and was pleased to hear that the Borough has approximately 30 appeals which is low compared to the rest of the County. He thanked the governing body for having the confidence and support in their Borough Assessor.

MAYOR'S ITEMS:

Mayor Henry noted that Wednesday the Personnel Committee will be reviewing the Engineering proposals submitted and that next week will be the review of the Zoning Officer proposals. There should be a final decision in early May.

He further commented that shared services are being held monthly with the Township and there has been good dialogue. There will be a Mayor's meeting on the School Funding Formula on April 18th.

Mayor Henry commented on a water color painting of the Phoenix House that he has viewed and wanted the governing body to ask and see if there was anyone interested in purchasing it.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated April 2, 2012

Motion to approve the April 2, 2012 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

Opposed: None

Abstain: None

Absent: Daly, Badal

EXECUTIVE SESSION:

Res. #56-12 Atty. Client Privilege* (Policies/Procedures for Sgt. Promotion Process)

Motion to adopt Resolution #56-12 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Garubo, Badal Witczak

Opposed: None

Abstain: None

Absent: Daly

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 9:31P.M. next to convene at the Regular Meeting on April 16, 2012 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk