

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

CALL TO ORDER

Mayor Henry called the May 18, 2015 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 *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 John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilman Stanley Witczak
Council President Veronica Daly

Absent: Councilman David Sharkey

Also present: Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator

CONSENT AGENDA

Approval of the minutes of the regular meeting of 5/4/15

Approval of the minutes of the executive session of 5/4/15

Approval of Raffle Application for the Pastime Club: Off-Premise Draw (50/50 Cash)

Motion to approve Consent Agenda

First: Councilwoman Daly

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Andrews abstained from the Pastime Club raffle application.

Absent: Sharkey

DISCUSSION

Request for Road Closure: Modern Athlete 5K Charity Race – 8/1/15

Present: John Williams

Mr. Williams explained that a Borough resident was diagnosed with a serious illness and is currently receiving treatment. He is seeking Council approval to organize a 5K charity race for approximately 200-300 participants to help offset some of the treatment costs. Mr. Williams stated that the Mendham Borough First Aid Squad was the first responder at the onset of the illness and would like to donate a portion of the proceeds to the First Aid Squad. Stomp The Monster, a non-profit organization that provides assistance to family members of those receiving treatment, will also receive funds from the race. Mr. Williams confirmed that the proposed race route is the same as the Harvest Hustle route and is already certified.

After discussion, Mr. Williams agreed to the following terms:

- Members of the local triathlon club will serve as volunteers to block roads and to direct residents
- Two (2) police officers will be required and paid for by Garden State Races
- Notice will be distributed to affected residents
- DPW will be reimbursed for costs associated with the race including but not limited to barricade placement and trash removal

Motion to approve

First: Councilman Andrews

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

High School Scoreboard: Girls' Softball Field

Present: Mike Surella

Tim Buckley

Susan Skuraton

Mr. Surella explained that the Board of Education has approved the installation of a new scoreboard to be located in right field of the High School Girls' Softball Field. Wind screening for the dugouts has also been approved by the BOE. He confirmed that the screening would be 'see-thru' rather than opaque and would include the Mendham logo on the back. Mr. Surella confirmed that the project will be funded by booster fundraising and that an engineer has been retained to draw up formal plans. He further confirmed that the scoreboard will be controlled remotely from the bench and that it will not have video or sound capabilities.

Mr. Semrau indicated that schools are exempt from site plan review. He added that an informational hearing before a Land Use board is usual if residents are affected by the project, but in this case there are no adverse effects. Mayor Henry agreed and stated that Mr. Surella may inform neighboring property owners but it is not required by the Council.

Motion to approve

First: Councilman Andrus

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follow:

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

Opposed: None

Abstain: None

Absent: Sharkey

IT Report: TR Business Solutions

Present: Ron Ruiz

Tom Magill

Mr. Ruiz stated that his firm conducted an assessment of the Borough's IT capabilities and has prepared a summary of findings. He made a number of recommendations regarding point personnel and contractual issues dealing with IT support. Mr. Ruiz further identified gaps and inefficiencies related to voice and email systems, internet connections and data security. Mr. Merkt stated that there exists a hierarchy of needs that must be addressed in a cost-effective manner. He added that he will inquire about a possible partnership with the School Board's internal liaison.

Personnel Manual Revisions

Councilman Badal indicated that the personnel policy has been revised and sent to Mr. Semrau for legal compliance review. In response to Mayor Henry's question whether exempt status should be included in the personnel manual, Mr. Semrau stated that exempt/non-exempt status can be included in either the job description or the salary ordinance. There was consensus that it be included in the job descriptions which Councilman Badal stated is the next project for the Personnel Committee.

Mayor Henry proposed that a policy be established to encourage employee retention whereby the Borough Administrator is contacted immediately after a department head receives a notice of resignation. He further requested that language be added to the manual to address tracking of tardiness/missed days for department heads. Mr. Semrau suggested that Councilman Badal run the employment reduction clause past MEL.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

ORDINANCE #3-15

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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

ORDINANCE #3-15

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Hearing none, the public session was closed.

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

ORDINANCE #3-15

**CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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 approve Ordinance #3-15

First: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Motion was approved.

ORDINANCE #4-15

**AN ORDINANCE CONCERNING SALARIES FOR
OFFICERS AND EMPLOYEES OF THE BOROUGH OF
MENDHAM**

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

ORDINANCE #4-15

**AN ORDINANCE CONCERNING SALARIES FOR
OFFICERS AND EMPLOYEES OF THE BOROUGH OF
MENDHAM**

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Hearing none, the public session was closed.

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

ORDINANCE #4-15

**AN ORDINANCE CONCERNING SALARIES FOR
OFFICERS AND EMPLOYEES OF THE BOROUGH OF
MENDHAM**

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 approve Ordinance #4-15

First: Councilman Badal

Second: Councilman Andrews

Discussion: Mayor Henry reiterated that the revised salary range limits permit possible adjustments following performance review. The ordinance was revised to add a Class II Officer position to Public Safety with a salary range of \$20-35/hour.

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Witczak, Daly

Opposed: None

Abstain: Andrus

Absent: Sharkey

Motion was approved.

ACTIONS TAKEN

Res. #77-15 PBA Contract Ratification

Motion to approve: Councilwoman Daly

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #81-15 Interlocal Services Agreement: Houston-Galveston Area Council

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: Mr. David Murphy explained the co-op buying process to the Mayor & Council and confirmed that the \$1,000.00 fee was assessed only after a purchase order is executed. Mr. Merkt added that by July 1, 2015, proposed federal regulation will increase the cost of an ambulance by at least \$27,000. Mr. Semrau confirmed that HGAC is the only national co-op and should the Council decide to adopt the resolution, notice will be published to give competitors the option to join the co-op.

Roll Call – the vote was as follows:

In favor: Andrus, Badal, Witczak, Daly

Opposed: None

Abstain: Andrews

Absent: Sharkey

Res. #82-15 Vehicle Transfer to Chester Township

Motion to approve: Councilman Witczak

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #83-15 Award Contract: New Jersey Analytical Laboratories – Monitoring Well Testing

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #84-15 Tax Sale Redemption - Block 501, Lot 8

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #85-15 Appointment to Shade Tree Commission: Nicholas Witczak, Christian Nicholson

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Daly

Opposed: None

Abstain: Witczak

Absent: Sharkey

Res. #86-15 Salary Adjustments: Peter Hafemeister, Robert Orgera, Douglas Wright

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Sharkey

Res. #87-15 Appoint Police Matron: Denise Stanford
Motion to approve: Councilwoman Daly
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Witczak, Daly
Opposed: None
Abstain: None
Absent: Sharkey

Res. #88-15 Tax Refund: Duplicate Payment – Block 705, Lot 16.01
Motion to approve: Councilman Andrus
Second: Councilman Andrews
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Witczak, Daly
Opposed: None
Abstain: None
Absent: Sharkey

Res. #89-15 Letter of Agreement: Mendham Municipal Alliance Supplemental Funding
Motion to approve: Councilman Andrews
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Witczak, Daly
Opposed: None
Abstain: None
Absent: Sharkey

Res. #90-15 Budget Amendment
Motion to approve: Councilman Andrus
Second: Councilman Andrews
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Witczak, Daly
Opposed: None
Abstain: None
Absent: Sharkey

Res. #91-15 Executive Session
Motion to approve: Councilman Andrus
Second: Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Andrus, Badal, Witczak, Daly
Opposed: None
Abstain: None
Absent: Sharkey

ADMINISTRATOR REPORT

The Administrator’s report was distributed to the Council previously. No discussion.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrus – no report.

Councilman Andrews – Representatives of the Sisters of Christian Charity and Borough Professionals met to discuss permitting and other issues surrounding the Master Plan/zoning changes for the property. Mr. Merkt added that a proposed timeline/schedule of events has been established.

Councilman Badal – The Finance Committee met and finalized the 2015 salary recommendations which will be voted upon during the June 1, 2015 meeting. Councilman Badal thanked Mr. Merkt for his preparedness throughout the process.

Councilwoman Daly – The Firemen’s Ball will be held on May 30, 2015 in Brookside. Negotiations continue regarding the Fire House ordinance revisions.

Councilman Sharkey – absent.

Councilman Witczak – no report.

ATTORNEY ITEMS

Mr. Semrau indicated that the Borough cases heard by the County Tax Board on May 5, 2015 were all dismissed without reduction.

MAYOR’S ITEMS

No report.

PUBLIC COMMENT

Mayor Henry opened the meeting to questions/comments from the public. Hearing none, the public portion was closed.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill List dated May 18, 2015

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Witczak abstained from the vote for check #10602.

Absent: Sharkey

EXECUTIVE SESSION

The meeting was adjourned to closed session at 9:58PM.

The Council returned to open session at 10:07PM.

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 10:08PM next to convene at the Regular Meeting on June 1, 2015 at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk