

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

CALL TO ORDER

Mayor Henry called the May 2, 2016 meeting of the Mayor and Council to order at 8:04PM 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 Brad Badal (8:21PM)
Councilwoman Veronica Daly
Councilman David Sharkey
Councilman Stanley Witczak
Council President John Andrus

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

CONSENT AGENDA

Minutes of the regular meeting of 4/18/16
Tier IV Banner Request – Twin Boro Bears Football & Cheerleading 5/13/16 - 5/27/16

Motion to approve Consent Agenda

First: Councilman Sharkey

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Daly, Witczak (minutes only due to absence)

Absent: Badal

DISCUSSION: None

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION:

ORDINANCE #06-16

CALENDAR YEAR 2016

**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 #06-16

CALENDAR YEAR 2016

**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.

Mr. Bud Jones, Borough Auditor, stated that the budget process went smoothly and that the Borough is in good financial shape as indicated by its AAA rating. Councilman Andrus thanked Mr. Jones for his many years of service to the Borough.

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

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

ORDINANCE #06-16

**CALENDAR YEAR 2016
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 adopt Ordinance #06-16 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Ordinance #06-16 was adopted.

Res. #82-16 2016 Budget Adoption

Motion to approve: Councilman Andrus

Second: Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE #08-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND TOWING FEES

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

ORDINANCE #08-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND TOWING FEES

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing for comment. Hearing none, Mayor Henry closed the public portion of the hearing.

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

ORDINANCE #08-16

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 102. FEES, TO AMEND TOWING FEES

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 adopt Ordinance #08-16 was made by Councilman Andrews
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Ordinance #08-16 was adopted.

ACTIONS TAKEN

Res. #73-16 Tax Overpayment Refund – 17 Halstead Rd, Block 705, Lot 15 (supersedes #60-16)
Motion to approve: Councilman Witczak
Second: Councilman Andrus
Discussion: None
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #74-16 Contract Award: Esposito Construction – Orchard Street Improvements
Motion to approve: Councilman Witczak
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #75-16 Contract Award: Z Brothers Concrete Contractors – Talmage Road Improvements
Motion to approve: Councilman Witczak
Second: Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #76-16 GovDeals Auction – MBPD Surplus Property
Motion to approve: Councilman Andrews
Second: Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #77-16 Refund Cash Bond – 8 Forest Drive, Block 604, Lot 7.01
Motion to approve: Councilman Andrus
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #78-16 Fireworks Display – Roxiticus Golf Course 6/4/16 (Rain Date 6/5/16)
Motion to approve: Councilman Witczak
Second: Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #79-16 Tax Lien Redemption – 58 Mountain Avenue, Block 403, Lot 20
Motion to approve: Councilman Andrus
Second: Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

Res. #80-16 Tonnage Grant Application Approval
Motion to approve: Councilman Witczak
Second: Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrews, Daly, Sharkey, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Mayor and Council previously. Mr. Merkt indicated that he and Chief Libertino continue to work with Daytop and as a result, there has been a significant decrease in the number of residents who leave the grounds without authorization. He added that the issuance of day passes is not permitted.

Discussion followed regarding a volunteer recognition event and there was consensus that it be held in September 2016 rather than December.

Mr. Merkt confirmed that one (1) Zoning Officer candidate has been interviewed with the remaining candidates scheduled for May 3, 2016.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – Two (2) Zoning Officer candidates will be interviewed on May 3rd. The Fishing Derby had a great turn-out and recognition was extended to Detective Irons, Officers Farry and Barnes, Jennifer Price and the members of the PBA who made it so successful.

Councilman Badal – The Planning Board's next project is the Master Plan update.

Councilwoman Daly – Chief Libertino and Nick Witczak, OEM Coordinator, will be attending the next Public Safety Committee meeting on June 15, 2016.

Councilman Sharkey – DPW is handing out seedlings next week. Ash trees in the right-of-way on Gunther Street are dying and a replacement plan must be developed.

Discussion followed regarding the Grand Marshal for the 2016 Labor Day parade. The Council unanimously selected former WMMHS Coaches Jim Baglin, Bill Carpluk and Fred Corona.

Councilman Witczak – Congratulations was offered to Doug Wright, WRF Superintendent, for earning laboratory certification for 2016. Chester Township will begin street-sweeping in the Borough within the next few weeks. Scott Farm maintenance will be done in-house. Ball fields are now open.

Mayor Henry inquired about shared sewer management with Chester. Mr. Merkt explained that the Borough is licensed with a full-time operator, therefore, Mr. Wright is unable to assume the same role in another municipality. He further opined that the Borough would not want to inherit any regulatory issues that would come with such agreement.

Councilman Andrus – Applications for FEMA funds are due by May 15, 2016. Mr. Merkt stated that he would contact Nick Witczak and Councilman Witczak indicated that Mr. Witczak is aware of the available funds and is drafting a submission on behalf of the Borough. Councilman Andrus indicated that at least one (1) neighboring municipality has provisions for a Police Director position and suggested the issue be researched. Talmage Road and Orchard Street improvement bids came in within budget. There are no figures available yet for tennis court repairs.

ATTORNEY ITEMS

Judge Hansbury is expected to provide final approval of the Borough housing plan on June 27, 2016.

MAYOR'S ITEMS

The second joint meeting between the Borough and Board of Education is tentatively scheduled for June 6, 2016 at 7PM in the Garabrant Center.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public.

Mr. David Sprandel, North Linden Lane, inquired about the cost of the Talmage Road and Orchard Street improvements. Mayor Henry and Ken O'Brien, DPW Superintendent, confirmed that the costs are quite good relative to the scope of work. Mr. Merkt added that DOT grant funding will be utilized as well.

Hearing no additional comments, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Minute Book Attachment Bill Lists dated May 2, 2016

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION:

Res. #81-16 Executive Session: Attorney/Client Privilege

Motion to approve: Councilman Andrews

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Badal, Daly, Sharkey, Witzcak, Andrus

Opposed: None

Abstain: None

Absent: None

Councilman Witzcak opted to recuse from Executive Session and left the premises.

The Mayor and Council adjourned to Executive Session at 8:42PM.

The Mayor and Council returned to open session at 9:53PM.

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 9:54PM next to convene at a regular meeting on June 6, 2016 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye, RMC
Borough Clerk