

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

CALL TO ORDER

Mayor Henry called the May 4, 2015 meeting of the Mayor and Council to order at 8:02PM 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 David Sharkey
Councilman Stanley Witczak
Council President Veronica Daly

Also present:

Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator

CONSENT AGENDA

Approval of the minutes of the regular meeting of 4/20/15

Approval of the minutes of the executive session of 4/20/15

Tier 1 Banner Approval for Rotary: Taste of Mendham 2015
10/5/15 – 10/19/15

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

Approval of Raffle Application for Mendham Home School Association for (1) Off-Premise
Draw (50/50 Cash)

Motion to approve Consent Agenda

First: Councilman Andrus

Second: Councilman Witczak

Discussion: Councilman Andrews requested additional details regarding the Request for Road Closure. After discussion, it was agreed that the Applicant appear before the Mayor & Council for discussion at the next meeting and the matter was tabled until May 18, 2015. Councilman Andrus further indicated that the banner tier designation refers to the event rather than the organization and Mayor Henry confirmed that Taste of Mendham is a Tier 2 event.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilwoman Daly abstained from the minutes due to absence.

Absent: None

DISCUSSION

None

ORDINANCE INTRODUCTION:

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**

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 18, 2015 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 #4-15 was made by Councilman Badal
Seconded by Councilman Andrews

Discussion: Mayor Henry confirmed that the salary ranges are being revised and that the limits are established in order to permit possible adjustments following performance review. Mr. Merkt added that Councilman Andrus has reviewed the ordinance and his comments are incorporated into the current draft.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ORDINANCE ADOPTION: None

ACTIONS TAKEN

Res. #74-15 Ensure Veterans' Organizations Eligibility for CDBG Funding

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: Mayor Henry stated that veterans' organizations have been deemed ineligible to receive community development grants based on a federal designation as 'social clubs' for the benefit of members only. Council agreed that it is important to support Assemblyman Anthony M. Bucco's efforts to overturn this legislation.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #75-15 Appoint Administrative Assistant: Carolyn Mazzucco

Motion to approve: Councilman Sharkey

Second: Councilman Witczak

Discussion: Administrator Merkt explained the timeline for Ms. Mazzucco's employment, i.e., she will continue on a part-time basis until transitioning to full-time on August 1, 2015 or another agreed-upon date.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Andrus

Absent: None

Res. #76-15 Gov Deals: 2004 Crown Victoria and 2004 Expedition XLT

Motion to approve: Councilman Witczak

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #77-15 PBA Contract Ratification – matter tabled pending final contract review

Res. #78-15 COAH Compliance Declaratory Action Authorization

Motion to approve: Councilwoman Daly

Second: Councilman Andrus

Discussion: Attorney Semrau indicated that COAH's Third Round rules were declared invalid and the certification process returned to Superior Court. He further explained that the Court has jurisdiction to determine eligibility for protection from a builder's remedy lawsuit and recommended the Council authorize him to file an action for determination.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #79-15 Award Contract: Frank Buck Motors d/b/a Pocono Peterbilt

Motion to approve: Councilman Witczak

Second: Councilman Andrews

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #80-15 Executive Session

Motion to approve: Councilman Andrews

Second: Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT

The Administrator's report was distributed to the Council previously. Mr. Merkt clarified there were no obvious violations at Daytop and he continues to monitor the situation. He further explained that Class II Officers for court security and a Police Ride-Along program are under consideration. Councilman Witczak suggested that Ordinance #04-15 be amended to include the Class II Officer salary range.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrus – The public hearing and final approval of the 2015 Budget will be held on May 18, 2015. Councilman Andrus formally thanked Officer Farry for his contributions to the success of this year's Fishing Derby.

Councilman Andrews – no report.

Councilman Badal – The Personnel Committee has a meeting scheduled on May 6, 2015 to review salary recommendations. The Committee is also addressing four (4) items in the personnel manual that are under review. Councilman Badal requested that Mr. Merkt redline the current manual to show proposed amendments and distribute it to the Mayor and Council for discussion at the next meeting.

Councilwoman Daly – The Public Safety Committee continues to work on the fire department ordinance and has requested additional information regarding mutual aid

and authorization of equipment travel. Mr. Merkt confirmed that amendments have been submitted to the fire department for review. Mr. Merkt further stated that FEMA funds may be available for reimbursement for purchase of a generator.

Councilman Sharkey – The Shade Tree Commission is seeking new members. Mr. Merkt added that Councilman Sharkey donated a maple tree to the Phoenix House garden.

Councilman Witczak – Road work continues in the Borough and a joint shredder event is being held at Mendham Township DPW on May 9, 2015.

ATTORNEY ITEMS

Mr. Semrau indicated that five (5) or six (6) cases are being heard by the County Tax Board on May 5, 2015. He added that a Notice of Tort Claim has been filed against the Borough and that the 2015 JIF training program should be available to Mayor and Council in October.

MAYOR'S ITEMS

Mayor Henry announced that Mr. O'Brien applied for municipal aid and the Borough received \$150K for Orchard Street improvements. Referring to a correspondence regarding senior transportation, the Mayor reiterated that the Borough subsidizes, but does not manage, transportation for Borough seniors which is available for doctor appointments and food shopping only. At noon on May 17, 2015, the First Aid Squad is hosting the dedication of their new inflatable shelter to the memory of Penny Kopschik.

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 4, 2015

Motion to approve: Councilman Andrus

Second: Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION

The meeting was adjourned to closed session at 8:49PM.

The Council returned to open session at 9:41PM.

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 9:42PM next to convene at the Regular Meeting on May 18, 2015 at 8:00PM at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Margot G. Kaye

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Borough Clerk