

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

CALL TO ORDER

Mayor Henry called the May 20, 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 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
Council President Stanley Witczak
Councilwoman Veronica Daly
Councilman Louis Garubo

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

Absent: Councilman John Andrus
Councilman David Sharkey
Councilman Brad Badal

CONSENT AGENDA:

Approval of the minutes of the regular meeting of 5.6.13
Approval of the minutes of the executive session meeting of 5.6.13
Raffle License-YMCA-50/50 Cash Draw Raffle-6/24/13

Motion to approve the consent agenda was made by Councilwoman Daly
Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Daly, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Andrus, Sharkey, Badal

DISCUSSION:

Girl Scout Troop 6: (Taken out of sequence)

Catherine Ruska presented the troop to the public and the Council. Troop 6 recited the Girl Scout pledge and scout individually gave a report on how they accomplished the goal of educating and instilling awareness of adopting an animal from a shelter vs. a pet store or breeder.

The girls of Troop 6 attended a Mendham Borough school assembly promoting their slogan, "Adopt Don't Shop"; collected food and supplies; produced a brochure "Animal Licensing and Control Information"; and visited Pet Value during an animal rescue organization adoption event. It was evident that the girls of Troop 6 were passionate about this project and gave completely of their time and energy and truly deserving of the "Bronze Leadership Award". The Mayor and Council thanked them all for a job well done.

Board of Chosen Freeholders-Freeholder Hank Lyon:

Copies of the 2013 Morris County Budget were distributed to the governing body and copies available for the public.

Freeholder Lyon noted that the budget before them included 39 towns in Morris County.

His presentation included the 2013 budget highlights noting the actual spending reduced by \$2.3M; the Operating Budget Overview; highlighting savings in the Pension/HealthCare due to reform by Governor Christie and health care redesign/salaries/outsourcing of housekeeping, laundry, food services resulting in the first zero increase in 15 years.

Morris County Services provide for senior citizens citing a wide variety of human/senior service programs that are available. It was further noted that the County allocates fund to the County College of Morris, Morris County School of Technology and the Morris County Park Commission. There was a pie-chart provided showing how the millions of dollars are spent by the County. The presentation supported the financial strength that the County is maintaining by a lower budget, reduction in salaries/employees, reduction in health and pension costs, reasonable long-term labor agreements and the use of surplus remain unchanged. The 2013 surplus funds used is actually \$200,000 less than last year noted Freeholder Lyon.

Mr. Lyon reported on debt management and noted an addition to the Public Safety Training Academy, renovations to the Central Avenue Complex and 4 multi-use turf fields as projects presently under construction. He continued with citing some additions to the budget and noted risks for the 2014 future budget. Attached to the handout were additional facts and figures for future reference.

Mr. Lyon commented on the Open Space tax that was instituted and still presently being collected to maintain open space and Historic Preservation. There are discussions presently on whether or not to continue to collect this tax money. Mayor Henry noted that Mendham Borough benefited from the Morris County Trust Grant back in 2003-2004 which was used for maintenance on the Phoenix House and money from the open space tax to maintain the Cosma Track property for passive recreation.

Mayor Henry and Council questioned Mr. Lyon on the high cost of belonging to the County Emergency Dispatch Services. It was further noted that the cost does rise each year. Mr. Lyons responded that the increase for year 2013 was only 1.25% and this is attributed to the inflationary costs citing employee raises of 1.75%. Mr. Lyons did not have the historical data available to respond further, but will consult with another freeholders and obtain this information. He did further respond that only 40% of the municipalities in the County are part of this service but is anticipating that this will change in phases once the Public Safety Training Academy is expanded and can handle additional municipalities. It was noted that there have been questions from other towns that this service be incorporated in the County taxes collected from municipalities. This is being considered and the goal of the County long term is to dispatch for all the County municipalities.

Councilman Garubo supported by Chief Libertino expressed concern over the level of service in efficiency being realized over the last 2 years. Chief Libertino cited a specific recent incident he encountered. Mr. Lyon will consult with the other freeholders and voice these concerns.

Approval Road Closure-Harvest Hustle 5K:

Amy Johansen represented this application and noted that there were no changes from the previous year.

Motion to approve the road closure application was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Daly, Garubo

Opposed: None

Abstain: None

Absent: Andrus, Sharkey, Badal

Banner Application Approval-Mendham Business Association-6/1/13-one week:

Motion to approve the banner application for the MBA was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Daly, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Andrus, Sharkey, Badal

ORDINANCE INTRODUCTION:

ORDINANCE # 7-13

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING THE BOROUGH CODE, CHAPTER 81 "BUILDINGS, UNFIT" TO PROVIDE THAT THE CONSTRUCTION OFFICIAL SHALL BE THE REHABILITATION DIRECTOR

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

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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 June 3, 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 #7-13 was made by Councilman Witczak

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Daly, Garubo,

Opposed: None

Abstain: None

Absent: Andrus, Sharkey, Badal

ORDINANCE INTRODUCTION:

ORDINANCE # 8-13

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$174,000 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH

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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 #8-13 was made by Councilman Witczak
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Daly, Garubo
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

ORDINANCE INTRODUCTION:

ORDINANCE # 9-13
ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL EQUIPMENT FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$105,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

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Be passed on first reading by title; and

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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 #9-13 was made by Councilman Witczak
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Daly, Garubo,
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

ORDINANCE ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #68-13 Return of Escrow -Site Plan App/Engineering Inspection Fees
Motion to adopt Resolution #68-13 was made by Councilman Witczak
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Daly, Garubo
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

Res. #69-13 Special Item of Revenue-Clean Communities Funding

Motion to adopt Resolution #69-13 was made by Councilman Witczak
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Daly, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

Res. #70-13 Special Item of Revenue-Clean Communities Funding

Motion to adopt Resolution #70-13 was made by Councilman Witczak
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Daly, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

Res. #71-13 Interlocal Agreement with Morris County/Emergency Dispatching Svcs.

Motion to adopt Resolution #71-13 was made by Councilman Witczak
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Daly, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

Res. #72-13 Shared Service Agreement-Randolph/Mendham Twp.-Inspection Svcs.

Motion to adopt Resolution #72-13 was made by Councilman Witczak
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Witczak, Daly
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

Res. #73-13 Authorizing Sale-Borough property-GovDeals, Inc. On-Line Auction

Motion to adopt Resolution #73-13 was made by Councilwoman Daly
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Daly, Garubo
Opposed: None
Abstain: None
Absent: Andrus, Sharkey, Badal

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

Administrator Sandman reported that Tranquility Garden work is progressing. The DPW Open House/Electronics/Shred Day went wonderfully well and thanks to Lorie and Chris Beck for an excellent job. The generator for the Garabrant Center is on hold waiting for grant money to be received. The bid for the generator at DPW is still waiting the correction of a minor deficiency. It was agreed to give the bidder another week to resolve.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak commented the amount of shredding and electronics collected was over the top. The basketball court 'prep' work is done and black top will be laid on Thursday. Maintenance on the windows at the Phoenix House and a new vehicle for DPW are the next projects.

Councilman Garubo commented that Recreation is doing well and that the fields look great.

Councilman Daly is reviewing and working on the dental plan to be offered to employees.

ATTORNEY ITEMS:

Atty. Semrau noted some changes to the Ladder Truck after the bid has been awarded. He noted no additional expenditures and will evaluate the changes being requested and determined that they are in conformance and can be moved forward. Atty. Semrau requested a motion give authorization to Administrator Sandman to accept the changes and move forward. There will be a conference call among the parties involved to discuss and review the requested changes.

Motion to give Administrator Sandman authorization to accept the changes to the Ladder Truck bid after legal review and evaluation of changes for conformance, adding no additional expense, and discussion by the parties involved was made by Councilman Witczak

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Daly, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Andrus, Sharkey, Badal

MAYOR'S ITEMS:

Mayor Henry's items which include the sign ordinance and the Regional Funding Formula will be discussed at the next meeting.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated May 20, 2013

Motion to approve the May 20, 2013 bill list was made by Councilman Garubo

Second by Councilwoman Daly

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Garubo, Witczak, Daly

Opposed: None

Abstain: None

Absent: Andrus, Sharkey, Badal

EXECUTIVE SESSION:

Res. #74-13 Executive Session- Atty. Client Privilege

This resolution was withdrawn

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 9:25P.M. next to convene At the Regular Meeting on June 3, 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