

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

CALL TO ORDER

Mayor Neil Henry called the June 4, 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 Witzczak
Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Louis Garubo
Councilman Brad Badal

Also present: Fred Semaru, Esq.
Administrator Ellen Sandman

Absent: Maureen Massey, Borough Clerk

Mayor Henry noted that the Clerk has been excused from this meeting. Att. Semrau and Administrator Sandman will assist with the meeting process.

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 5/21/12
- Amend Somerset Hills YMCA-6/25/12-Off- Premise 50/50 Cash Raffle

Mayor Henry noted that the Clerk requested the removal of the Approval of Raffle License-HSA-Off-Premise 50/50 Cash-9/29/12 due to an incomplete application.

Mayor Henry asked if the Council or any member of the public would prefer an item be removed from the Consent Agenda for discussion. Hearing no requests, the Mayor called for a motion for approval.

Motion to approve the consent agenda was made by Councilman Andrus
Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzczak, Andrus, Sharkey, Daly, Garubo

Opposed: None

Abstain: Councilwoman Daly abstained from voting on the approval of the minutes of the 5/21/12 meeting.

Absent: None

DISCUSSION:

Mayors/BOE Meeting-Discuss Options/Feasibility Study WMRHS:

The Mayor noted that the minutes, from the last meeting of the WMRHS Mayors and Representatives of the Board of Education, were circulated by the Clerk to the members of the governing body, prior to this meeting, for their review.

Mayor Henry noted that this feasibility study differs from any completed in the past. This process will allow each municipality a 'place at the table' allowing representatives to provide information to taxpayers and residents, furnish facts and figures and answer questions on the funding formula. Mayor Henry has volunteered to be on the sub-committee for this process.

The Council has been given the opportunity to review the 6 Options outlined in the material that was circulated to each member. The Mayor asked each governing body member to state what options they would prefer. After this was completed, the following choices were selected in order of importance to the Council:

Choice #1: (Tied)

- Creation of 2 K-12 Districts-one for Washington Township and one for the Mendhams and Chesters.
- Status Quo: K-8 schools stay in place, WMMHS and WMCHS would continue as one district.

Choice #2:

Hybrid Model: One Superintendent over all five towns, local school boards would remain in place and have local control over areas including quality of staff, curriculum and where their children attend school (needs further definition). The focus of this model is shared services and optimization of resources while maintaining local schools.

Choice #3:

Creation of 1 K-12 District for Washington Township and a Limited Use 9-12 District for the Mendhams and the Chesters. The K-8 schools in those towns would not change.

The discussion continued on the Hybrid Model with Councilman Andrus and Garubo who focused on the primary issue of the funding formula and cautioned to take small steps and to try and avoid local control issues.

Mayor Henry will share these options at the ad-hoc committee meeting on Thursday in Chester Borough.

Mayor Henry opened the meeting to public comments on this item, and only this item.

Bob Marino, 27 Florie Farm Road, thanked the governing body on their thoughtfulness and for the flow of information for the public. He reflected on Council comments on the impact on cost efficiency in limiting the number of Superintendents and the merging of K-12 within the Mendham's and the Chester's. Commenting further with examples that the cost saving in purchasing, eliminating of superintendent staff and the benefit to a single curriculum. He expressed his opinions on the Hybrid Model and how he felt it was unknown territory and could not be achieved and suggested focus on what is achievable. He discussed the merging of K-12 and the savings involved and noted that this has been discussed in the past and would like to see it achieved. He further continued with his comments on the status quo, funding formula needing to get a community to raise their taxes, and the pursuit of what can be achieved. He continued the State looks favorably on consolidation.

Councilman Garubo noted that there was a funding formula in the past and the State came in and changed it and he wanted to know why it could not be done again to make it fair. Atty. Semrau responded that there was legislation but it has not moved forward.

Bob Marino reported on the Abbott Decision and how it was believed that the Supreme Court would go forward on a decision and the State moved forward and put in an evaluation funding formula. The original funding formula was per student based. The State after realizing that they were premature, would allow the formula to go back to where it was, provided all municipalities agreed. Washington Township, being on the winning side, would not agree.

Rewarding Employees-Discovering Efficiencies:

Mayor Henry led the discussion referring to an article he read in the League of Municipalities magazine written by former Mayor Mark Caliguire of Montgomery Township and Kristina P. Hadinger, Montgomery Township Attorney, NJLM Assistant Counsel. Mayor Henry commented that a 'bonus' to employees was discussed in the past and it was determined that this cannot be done. He continued commenting on the 'win-win' of this concept resulting in a saving for the municipality and one-time percentage to the employee. The Mayor suggested an ad-hoc committee consisting of himself, Administrator Sandman, Councilman Andrus (finance) and Councilwoman Daly. He further noted that this would benefit employees who have reached the 'cap' in the salary ordinance. He suggested reviewing the process applicable to Mendham Borough and for consideration of a January 1, 2013 implementation.

Councilman Andrus suggested a thorough review mindful of the 'details'. He offered an example, such as the definition of "new idea" and the need to make it very clear.

Councilman Badal commented that he uses this practice in his business.

Councilman Witczak referenced times when suggestions were made by department heads that were compensated through conventional salaries. He commented that it will stimulate thoughts

The Mayor summarized that the ad-hoc committee tentatively meet in early July and requested Atty. Semrau contact Montgomery Township to get a copy of their ordinance and their Attorney for input and feedback for the sub-committee.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #76-12 Liquor License Applications 2012/2013

(Copy of Res. #76-12 attached to these minutes)

Motion to adopt Resolution #76-12 was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #77-12 Refund Overpayment 2011 Taxes-B2201/L10.06

(Copy of Res. #77-12 attached to these minutes)

Motion to adopt Resolution #77-12 was made by Councilwoman Daly

Seconded by Councilman Badal

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Councilman Andrus asked for the status on a response from Mr. Anderson, JCP&L, which the Administrator responded that she has made contact but there is nothing further to report. Ms. Sandman reported that she is continuing to follow up with the Sisters of Christian Charity on the use of their facilities during a crisis. There is nothing further to report at this time.

Administrator Sandman reported that there will be a conference call to finalize the Comcast financial offer and she has contacted the Boy Scout who will be working at Tranquility for his "Eagle Scout" badge.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak complimented Superintendent Doug Wright and his team on receiving a compliance letter from the State Department of Environmental Protection. He also reported receiving an article from Mr. Wright on the use of the fish at the plant which was discussed at a prior meeting. Councilman Sharkey commented complimentary to the dedication of Superintendent Wright.

Mr. Witczak commented on the May 22nd positive meeting with Brookside Fire Department and Mendham Borough Fire Department for shared services. The focus was on saving taxpayer money, cross training and efficiency.

Mayor Henry commented that after each shared services meeting there is always a date scheduled for the next.

Councilman Andrus will discuss the Municipal Court figures and changes in the finance area the next meeting.

Councilman Sharkey reported attending a sign meeting and reported progress.

Administrator Sandman noted that she passed on some information she had with regard to a legal sign issue.

Councilman Garubo reported that Borough resident at 26 Hilltop Road has complained about the overgrown bushes that interfere when she jogs down the road. The complaint has been forward to the Administrator who will discuss with Superintendent Ken O'Brien.

ATTORNEY ITEMS:

Atty. Semrau commented on two items for executive session, Atty. Client Privilege Personnel (Zoning Officer).

MAYOR'S ITEMS:

Mr. Henry commented that the trailer has been removed from the Post Office property. The shed will be painted and moved to the rear of the property.

The Mayor reported on the next step on the sewer amendment and he referenced a letter of explanation received from Borough Engineer Paul Ferriero.

PUBLIC COMMENT:

Robert Diffin, Mendham Jewelers, commented on the placement of the poles for the hanging of banners. He noted the names of organizations that want to have the poles back and suggested working together to get this accomplished. He repeatedly noted that this is not for soliciting business but rather to inform the residents and citizens of organizational events. Mayor Henry responded that this policy on the banner is to be incorporated into the sign ordinance amendments. He responded that there have been comments regarding the look of the banners in a historic district and the management of the process. Mayor Henry asked why the poles in the Township cannot be used for the 12 times a year that is needed by the organizations.

During this active discussion, it was suggested that a banner location at the other end of town, near the Chester border could be a consideration.

Councilman Sharkey commented that the hanging of the banner across Main Street was discussed during the Historic District meetings and it received a negative response.

During this active discussion, it was suggested that a banner location at the other end of town, near the Chester border could be a consideration.

Mayor Henry, Councilman Andrus and Councilman Sharkey stressed the amount of work and consideration that has and will continue to go into the amendments of the sign ordinance.

PUBLIC COMMENT: (Cont'd.)

Mayor Henry suggested a meeting with the Business Association when the draft ordinance is ready for introduction.

Mr. Diffin concluded that he doesn't agree with the restriction on hanging of banners but felt it did not mean he was right or that the Council is wrong.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated June 4, 2012

Motion to approve the June 4, 2012 bill list was made by Councilman Andrus

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION:

**Res. #78-12-Contract Negotiations/Atty.-Client Privilege
(Zoning Officer) (Police Matters)**

Motion to adopt Resolution #78-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

On a motion duly made, seconded and unanimously carried, the Council returned to open session.

Mayor Henry announced that there will be a Special Meeting held on July 2, 2012 at the Garabrant Center to appoint a new Chief of Police for the Borough of Mendham.

Atty. Semrau requested a voice confirmation from the governing body on the Special Meeting of July 2, 2012. The Council was voice vote was unanimous.

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 10:00P.M. next to convene at the Regular Meeting on June 18, 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