

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

CALL TO ORDER

Mayor Henry called the July 21, 2014 meeting of the Mayor and Council to order at 8:04p.m.in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry offered 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 Lou Garubo
Councilman Brad Badal
Councilman Stanley Witczak
Councilman John Andrus
Council President David Sharkey
Councilwoman Veronica Daly

Also present: Atty. Tracy Wang
Interim Administrator Bob Casey

Absent: Borough Clerk Maureen Massey

CONSENT AGENDA:

Approval of the minutes of the regular meeting of 6.16.14
Proclamation 'Drive Sober' Request of Sgt. McNichol-for Grant
Social Affairs Permit (#1-14)-Mendham Borough PBS Local #384
Raffle License-Pastime Club-Carnival Wheels/Games-Labor Day Event
Permission for Ribbons-'Turn The Towns Teal'- September 1-30th-No Signs
Blue Light Permit-Wm. Engleking-Mendham Fire Department

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

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION:

Parking-Tranquility Garden

Council Andrus reported on concerns expressed by some senior citizens over the lack of parking due to the new restrictions on Orchard Street. Possible options were addresses such as a field across the street or a cooperative agreement with the Audi dealership for spaces in the TD Bank. The Mayor advised this may be short term issue given the pending application by the Audi Dealership for a site plan approval. There is 2-hour parking on Hillcrest which was within walking distance of the Garden.

Police Cars-Fleet Management Program

The Mayor gave a brief history of the inability of the Council to reach agreement during the budget process on the car replacement program for the Police Department. He requested the Interim Administrator to give a recommendation. Councilman Andrus recused himself from the discussion since his wife is employed in the Police Department, and left his seat. Mr. Casey presented a proposed vehicle replacement program wherein one vehicle would be replaced annually with one older vehicle being retired. He tracked

Police Cars-Fleet Management Program: (Cont'd.)

this cost replacement over the next five years. The cars assigned to the Police Chief and Detective would be replaced every couple of years by reassignment of good conditioned older cars from the patrol fleet. The advantages of this type of replacement schedule were stability in the lease payments (once in operation there would be 4 cars under lease every year on a revolving basis), better trade in value to the cars, and potential lower maintenance costs given the predictability of replacements.

The Police Chief took exception to the recommendation by providing data that showed that, although the odometer readings were reasonable, the hourly meters showed significant wear on the power train. He favored replacing all 4 patrol cars every four years in a master lease contract. He also expressed concern over the safety of officers driving in vehicles which did not have the exact same interior configuration. Councilman Badal questioned the wisdom of keeping older high hour usage vehicles in the fleet and / or assigning these vehicles to administrative functions. He felt that the conversion costs and potential future maintenance costs would be excessive. He also recommended purchasing a new warranty program through Ford at \$3225 per vehicle that would guarantee against major repair costs. The Borough Attorney suggested an alternate replacement program of two cars every other year. The Council agreed that the new vehicles should be the smaller version SUV's.

The Mayor noted that there were several members of the public who wished to speak so he opened the meeting to the Public.

Attendees in the audience spoke on various aspect of this issue.

Paul Werther, 15 Talmage Road did not understand how the town will save money on vehicles and maintenance based on the discussion this evening.

David Murphy expressed his option on the successful leasing program used by the Borough for last 10 years. He questioned why it cannot continue. He further stated that the Borough cannot wait 3 more years to replace the cars due to safety issues and based on the weather conditions last year alone. It cost money to breakdown and paint a car as an unmarked car and risk losing it in a year.

Fred Semrau lease payments is the same as a purchase, just paying over time to make the purchase of a car.

Councilman Andrus stressed the need to stabilize the municipal budget. He urged the public to look at the budget and tax rate. He stated that the Borough does not capitalize these cars. He continued to explain that there the Borough is held to the 2% CAP and if the Borough buys 3-4 cars, money will be taken from the other municipal departments. It was noted that the largest amount budgeted is for the police department, and is at least three times that of any other department budget. Stabilization of the operating budget and the amounts paid for car repairs quoted at \$19,000 was addressed.

Mr. Andrus concluded that the Council work with what we know and be conservative in our spending.

Barbara Nelson, Horseshoe Bend Road, stated that the program in place dealt with the replacement of 4 cars at a time. The preparation of a 10 year plan was for departments to be prepared to meet their department's demands by putting money aside for these issues that come down the line. She stressed that hours on cars includes the idling which causes real wear and tear on a vehicle. The important from an emergency standpoint was addressed. Saving money on maintenance for cars with 120,000+ miles vs. replacement of all 4 leases all in the year was addressed.

Atty. Semrau tried to summarize to move the process along for the committee level discussions. Mr. Semrau asked for whether or not a decision was made for the model of choice -SUV vs. Sedan and if there was a decision on the number of cars to purchase and a car for Chief Libertino. After discussion, Chief Libertino declared that SUVs were his choice. He continued that vehicles for patrol were more important than a Chief car, of which he could go with the governing body's decision.

A committee was formed of the Mayor, Councilman Badal, the Police Chief and the Interim Administrator to prepare a series of budget scenarios for different replacement programs.

Draft Property Maintenance Ordinance

The Mayor indicated that the Council and Attorney had been discussing revisions to the existing Borough Property Maintenance Code for some time and the Interim Administrator had prepared a draft for the Council's consideration. Mr. Casey advised that he initially tried to integrate several suggested changes prepared by the Borough Attorney's office into the existing ordinance and then came to the conclusion that the existing ordinance needed to be restructured to be more inclusive and he followed a different structure. He prepared an entirely new ordinance incorporating the existing ordinance provisions, the Attorney's recommendations and more detail on the standards that property owners in the Borough were to comply with. He further put in the draft ordinance an appeal process, as well as, a detailed enforcement process.

Several councilmembers indicated there was a need to incorporate provisions governing private snow plowing operations.

The Land Use Committee was assigned the responsibility to review the draft ordinance and to report back to the Mayor and Council.

Ordinance Introduction: None
Ordinance Public Hearing/Adoption: None

ACTIONS TO BE TAKEN: (A copy of the resolution is attached to the minutes)

Res. #94-14 Tax Appeal Settlement-B1501/L11

Motion to adopt Resolution #94-14 was made by Councilman Badal
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Daly, Badal, Garubo
Opposed: None
Abstain: None
Absent: None

Res. #95-14 Pastime Fireworks-Labor Day Event

Motion to adopt Resolution #95-14 was made by Councilman Andrus
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Daly, Badal, Garubo, Witczak
Opposed: None
Abstain: Councilman Witczak recused himself since he was a member of the organization
Absent: None

Res. #96-14 Interest/Penalties 3rd Qtr. Tax Bills Late Mailing

Motion to adopt Resolution #96-14 was made by Councilman Andrus
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Daly, Badal, Garubo, Witczak, Andrus
Opposed: None
Abstain: None
Absent: None

Res. #97-14 Appoint Eric Arena-Alternate I - Open Space Committee

Motion to adopt Resolution #97-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Daly, Badal, Garubo, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: None

ACTIONS TO BE TAKEN: (A copy of the resolution is attached to the minutes) (Cont'd.)

Res. #98-14 Sanitary Sewer App-59 West Main Street, Block 302, Lot 4

Motion to adopt Resolution #98-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #99-14 Change in 2014 Budget Appropriation Amount

Motion to adopt Resolution #99-14 was made by Councilman Andrus

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT: None

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilwoman Daly reported that interviews for candidates for the Administrator position were being held.

Councilman Garubo updated the Council on the day camp program.

Councilman Sharkey shared the activity of the Land Use Committee

Councilman Andrus gave his report on the Open Space Committee.

Councilman Witczak outlined DPW activities for the prior month.

ATTORNEY ITEMS:

Atty. Semrau items would be addressed during the executive session.

MAYOR'S ITEMS:

Mayor Henry asked if the Borough should endorse or sponsor the upcoming 'Taste of Mendham' activity and requested Attorney Semrau and Interim Administrator Bob Casey to look into the Borough's options. The Mayor requested that Mr. Casey also met with the Pastime Carnival Chairman to insure that everything is in order for this event.

PUBLIC COMMENT: There were no comments from the public at this time.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated July 21, 2014

Motion to approve the July 21, 2014 bill list was made by Councilman Andrus

Second by Councilman Badal

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Councilwoman Daly was not present at this time to vote.

**Res. #100-14 Executive Session: Land Acquisition/Contract Negotiations/
Atty. Client Privilege**

Motion to adopt Resolution #100-14 was made by Councilman Badal

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

The Mayor and Council entered into Executive Session at 10:15 PM. The Mayor announced that upon conclusion of the Executive Session action may be taken on several items.

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

The Council returned to the Public portion of the meeting at 11:00.

(The recorder was not turned back on for this portion of the meeting)

Councilwoman Daly offered the following Resolution: A Resolution to approve the Professional Services Agreement with Ross Harber Associates for a feasibility study for the restructuring of the West Morris Regional High School District, in cooperation with Mendham Township, Chester Borough and Chester Township in an amount not to exceed \$13,250 for Mendham Borough

**Res. 101-14 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH
OF MENDHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES
CONTRACT WITH ROSS HABER AND ASSOCIATES TO CONDUCT
THE WEST MORRIS REGIONAL HIGH SCHOOL DISTRICT
RESTRUCTURING FEASIBILITY STUDY**

Motion to adopt Resolution #101-14 was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. 102-14 Refund Camp Fee-David and Gina Flores-12 Florie Farm Road

Councilman Garubo offered the following Resolution: A Resolution authorizing the Administration to refund the Day Camp user fee paid by David and Gina Flores for their son Jonathan due to his inability to attend the day camp as a result of an injury sustained at the Camp.

Motion to adopt Resolution #102-14 was made by Councilman Garubo

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Res. 102-14 Refund Camp Fee-David and Gina Flores-12 Florie Farm Road; (Cont'd.)

Opposed: None

Abstain: None

Absent: None

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 11:10P.M. next to convene at the Regular Meeting on August 18, 2014 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,
Notes Taken by Interim Administrator Bob Casey

Maureen Massey, RMC, CMC
Borough Clerk