

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

CALL TO ORDER

Mayor Neil Henry called the May 18, 2009 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 Witczak
Councilman David Murphy
Councilman Louis Garubo
Councilman Brad Badal

Also present: Fred Semrau, Esq.
Bud Jones, Auditor
Sue Giordano, CFO

Absent: Council President John Andrus
Councilman Stephen Carr
Ellen Sandman, Administrator
Connor Monahan, Student Representative

CONSENT AGENDA:

Appoint Patricia Betz, Regular Member Mendham Fire Department

Mayor Henry asked if any member of the Council or any member of the public wished to have any item removed from the Consent Agenda, there was only one on this evening.

Motion to approve the Consent Agenda was made by Councilman Witczak
Seconded by Councilman Murphy
Discussion: None
Roll Call – the vote was as follows:
In favor: Murphy, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: Andrus, Carr

DISCUSSION ITEMS:

Proclamation: West Morris Region Emergency Services Alliance

Mayor Henry read and presented representatives from Fire, First Aid and the Police Department namely, Chris Nelson (Fire), Barbara Nelson (Capt. First Aid), Officer Joseph Farry, and Father Michael Drury.

ORDINANCE #4-09: Public Hearing: Adoption:

**CALENDAR YEAR 2009
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.
(A copy of Ordinance #4-09 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #4-09

Resident Mary Kay O'Neill, 20 Prospect Street, questioned why the Borough budget was raised by 3 ½ % this year vs. 2 ½% year and in this down economical climate. Mayor Henry responded that the Borough is doing well compared to many other municipalities. The Mayor asked Ms. O'Neill to hold her further questions until the public hearing on the budget which will take place next on the agenda. Ms. O'Neill was asked if she had any comments with regard to Ordinance #4-09 and she did not.

The public hearing was closed.

**BE IT RESOLVED, by the Borough Council of the Borough of Mendham that,
ORDINANCE #4-09
CALENDAR YEAR 2009
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 approve by Councilman Garubo
Second by Councilman Murphy
Roll Call-the vote was as follows:
In favor: Garubo, Badal, Witczak, Murphy
Opposed: None
Abstain: None
Absent: Andrus, Carr

2009 BUDGET: PUBLIC HEARING

Mayor Henry opened the public hearing on the 2009 Municipal Budget.

Mary Kay O'Neill, 20 Prospect Street, questioned the line items in the budget in excess of the increase of 3 ½%, specifically police salaries, DPW salaries and group insurance. Councilman Murphy explained the salaries in the police department are based on the terms of the PBA contract and overtime. He detailed the long process during contract negotiations which included going through arbitration. Over-time hours are carefully monitored but necessary to the operation of the department.

Atty. Semrau commented that the Borough worked hard during the contract negotiations continually doing cost and benefit analysis.

Councilman Murphy further noted that concessions that are made are not always seen such as the additional step process negotiated in the last contract which will financially benefit the Borough going forward.

Mayor Henry responded to further questioning regarding the employees contributing to the cost of their health benefits. It was noted that Mendham Borough is the only municipality in the County that does not provide this benefit to its employees. This is a cost savings to the Borough. The Borough does provide health benefits and the employees make a minimal contribution.

Keith Usiskin, 3 Ogden Road, asked if the Borough will be considering shared services in the future. Mayor Henry reported that he attended the Mayor's Conference in Atlantic City and discussed with other mayors shared services in the areas of courts, police dispatching, construction and zoning code officials. The Mayor noted that the Borough presently shares a court system with the Township and is looking into shared services for animal control. Due to yearly increases in dispatching services there have been discussions among Council to address this issue.

Mayor Henry closed the public hearing on the 2009 Municipal Budget.

Mayor Henry explained that the State is behind in reviewing the budgets submitted and until they approve the Borough's it cannot be adopted. A motion will be required to table the adoption of the 2009 Municipal Budget, until the next regular meeting to be held on June 1, 2009, or pending State review.

Motion: Budget Adoption:

Motion to approve by Councilman Murphy
Second by Councilman Garubo
Roll Call-the vote was as follows:
In favor: Badal, Witczak, Murphy, Garubo
Opposed: None
Abstain: None
Absent: Andrus, Carr

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #5- 09

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY
OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND
SUPPLEMENT CHAPTER 140, PARKING LOTS, PUBLIC, OF
THE CODE OF THE BOROUGH OF MENDHAM**

Was published in full in the Observer Tribune.
(A copy of Ordinance #5-09 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #5-09
The public hearing was closed.

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

ORDINANCE #5- 09

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY
OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND
SUPPLEMENT CHAPTER 140, PARKING LOTS, PUBLIC, OF
THE CODE OF THE BOROUGH OF MENDHAM**

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 approve by Councilman Badal
Second by Councilman Garubo
Roll Call-the vote was as follows:
In favor: Garubo, Badal, Witczak, Murphy
Opposed: None
Abstain: None
Absent: Andrus, Carr

ACTIONS TO BE TAKEN:

**Res. #88-09 Contract Aqua Pro-Tech Laboratories, Inc.-
Sampling/Testing Monitoring Wells-Water Rec. Fac.**

(A copy of Resolution #88-09 is attached to these minutes)
Motion to approve was made by Councilman Badal
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was as follows:
In favor: Witczak, Murphy, Garubo, Badal
Opposed: None
Abstain: None
Absent: Andrus, Carr

Res. #89-09 Hire P/T Summer/Seasonal Laborers-DPW

(A copy of Resolution #89-09 is attached to these minutes)
Motion to approve was made by Councilman Witczak
Second by Councilman Murphy
Discussion: None
Roll Call - the vote was as follows:
In favor: Murphy, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: Andrus, Carr

Res. #90-09 Release Performance Bond –Daytop Village

(A copy of Resolution #90-09 is attached to these minutes)

Motion to approve was made by Councilman Witczak

Second by Councilman Garubo

Discussion: It was noted that this release has been requested by the Borough Engineer and the work has been completed satisfactorily. There is no expense to the Borough. This is a return of monies held until the work was completed to our Borough Engineer's satisfaction.

Roll Call - the vote was as follows:

In favor: Murphy, Garubo, Badal, Witczak

Opposed: None

Abstain: None

Absent: Andrus, Carr

Res. #91-09 Amend Temporary Current Operating Budget

(A copy of Resolution #91-09 is attached to these minutes)

Motion to approve was made by Councilman Witczak

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

In favor: Garubo, Badal, Witczak, Murphy

Opposed: None

Abstain: None

Absent: Andrus, Carr

Res. #92-09 Amend Temporary Sewer Budget

(A copy of Resolution #92-09 is attached to these minutes)

Motion to approve was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

In favor: Garubo, Badal, Witczak, Murphy

Opposed: None

Abstain: None

Absent: Andrus, Carr

ADMINISTRATOR REPORT:

Administrator Sandman reported was circulated to the Mayor and Council prior to this meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak and the Personnel Committee will interview the last candidate for a Labor Counsel on Friday, May 29th.

Mayor Henry extended best wishes to Councilman Andrus who is presently hospitalized.

Mayor Henry reported for Councilman Carr that it has been recommended to the Land Use Committee that the Borough's Affordable Housing Plan be submitted to COAH. It is anticipated that this will help in making the Borough's Highland's decision. A resolution will be prepared for the next meeting.

Councilman Garubo reported that the day camp preparations are going well. He did not make the 4-Towns meeting but Recreation Director Bruce DiBisceglie was in the audience and reported that the final Recreation Report has been released for its 30 day review. This is non-binding and the Borough is in good shape.

Councilman Murphy wanted to add to his response with regard to the Police Department increase in the budget, that the Borough has 4 police officers who also are EMT's which is a positive when they respond to any medical calls.

Councilman Badal commented that DPW is working on the Phoenix House Garden; the fields look good and are presently being cut twice a week.

Mayor Henry noted that the 'Shredder Day' information will be placed on the website.

ATTORNEY ITEMS:

Atty. Semrau will discuss issues at the Kings Shopping Center and Vee-Fee's site plan application in executive session. Atty. Semrau will address a prior question from a resident regarding a donation received from Provident Bank at the next meeting when Administrator Sandman is present to answer any questions from the Council.

MAYOR'S ITEMS:

Mayor Henry commented that he has taken some new pictures which will be part of the new website.

PUBLIC COMMENT: No further comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated May 18, 2009

Motion to approve by Councilman Murphy

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Garubo, Badal, Witczak, Murphy

Opposed: None

Abstain: None

Absent: Andrus, Carr

EXECUTIVE SESSION:

Res. #93-09 Executive Session: Potential Litigation

(A copy of Resolution #93-09 is attached to these minutes)

Motion to approve was made by Councilman Murphy

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

In favor: Badal, Witczak, Murphy, Garubo

Opposed: None

Abstain: None

Absent: Andrus

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

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, the meeting was adjourned at approximately 9:30PM next to convene at the Regular Meeting to be held on June 1, 2009 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk