

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

CALL TO ORDER

Mayor Neil Henry called the October 3, 2011 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 Louis Garubo
Councilman Stanley Witzak (Arrived at approx. 8:03pm)
Councilman John Andrus
Councilman David Sharkey

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

Absent: Councilman Brad Badal, Councilwoman Veronica Daly

CONSENT AGENDA:

- Approval of the minutes of the Regular Session Meeting of 9/19/11
- Appt. Jake Skuraton-Jr. Member-Mendham Borough Fire Department
- Approval of NJ Firemen's Assoc. Membership Application
-Patricia M.K. Betz and Sarah Betz
- Request for Road Closure-E. Kraft-Florie Farm Road-10/15/11-3pm-10pm

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Witzak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Badal, Daly

DISCUSSION:

Borough Fees-Ordinance Revision:

Administrator Sandman previously circulated a list of suggested fee increases for the Council to review. The Council has questions regarding the establishing of various new inspection fees including fees for solar power which is new technology. Backup information was request to justify instituting these new charges. Special duty and the use of police vehicle fees were cited, discussed and some changes requested. Councilman Witzak supported the increase in animal licensing fees citing the costs involved in animal control and apprehension. Mr. Witzak also requested the Council consider increasing the fines next year for unlicensed animals and passing on the cost for apprehension and court fees.

Dennis Bertland Associates-Historic Preservation Consultants: (Add'l. Svcs. Proposal)

Mayor Henry reported that additional requests have been made of Mr. Bertland in addition to his original professional service agreement entitling him to additional monetary compensation. Atty. Semrau was request to have a resolution prepared for the next meeting.

ORDINANCE INTRODUCTION:

ORDINANCE #7-11

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 215, ZONING, ARTICLE XV, HISTORIC DISTRICT OVERLAY ZONE, SECTION 215-48, ESTABLISHMENT OVERLAY ZONE OF THE CODE OF THE BOROUGH OF MENDHAM AND TO INCLUDE PHASE 2 OF THE MODIFICATION OF THE BOROUGH'S HISTORIC DISTRICT

(A copy of Ordinance #7-11 is attached to these minutes)

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 **November 7, 2011** 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 approve the introduction of Ordinance #7-11 was made by Councilman Andrus
Second by Councilman Sharkey

Discussion: There was discussion held with regard to the cost and the number of certified letters that according to law that are required to be mailed. Atty. Semrau proceeded to comment that before these letters were mailed he wanted to consult with Planning Board Atty. Peter Henry to discuss the Borough's Re-Examination document of the Master Plan. If this report references the Historic District expansion it would then allow the Borough only to notice the property owners listed in our ordinance via certified mail. The Borough ordinances are published in full and posted for public view. Atty. Semrau will consult and respond to the Clerk. The Clerk asked what the pleasure of the governing body would be with regard to past policy of additionally sending the same notice to all involved via regular mail. Mayor Henry responded that the Clerk should send the notice regular mail only to the property owners listed in the ordinance.

Roll Call - the vote was as follows:

In favor: Garubo, Andrus, Witczak, Sharkey

Opposed: None

Abstain: None

Absent: Badal, Daly

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #109-11 Tax Appeal Judgment Refunds-Overpayments

(Copy of Res. #109-11 attached to these minutes)

Motion to adopt Resolution #109-11 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Badal, Daly

Res. #110-11 Reject Bids/Basketball Court Resurfacing Project

(Copy of Res. #110-11 attached to these minutes)

Motion to adopt Resolution #110-11 was made by Councilman Garubo

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Badal, Daly

ADMINISTRATOR REPORT:

Mayor Henry asked Council members if they had any questions regarding Ellen Sandman's Administrator's report. There being no questions the Mayor moved the meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Sharkey reported that the sign ordinance was still a work in progress and he still anticipates adoption by year end.

Councilman Andrus asked Administrator Sandman about the bid process. She responded that the bids are advertised and bid packages are prepared and distributed as requested. Mr. Andrus asked and received an affirmative response to his question with respect to contacting companies directly. He asked the Administrator to contact Millburn to get the name of the company that did the work on their basketball courts.

Councilman Witczak notified the Council that Superintendent O'Brien had a storm damage book of photos (Hurricane Irene) for viewing. While viewing the damage Mr. O'Brien reported on the more severe locations of interest and gave an update of the projects DPW has undertaken recently. Mr. O'Brien noted that with his present staff of employees, DPW can complete projects that prior could not be done in-house. He associates this with the diversity of skills that his employees possess.

There was discussion held with regard to Ironia Road/Mountainside history of 10-12 years prior. It was concluded that the County would not be contributing to any projects at this location based on the history discussed. Administrator Sandman mentioned a request for a project for a boy scout in the area and the possible potential of him helping in the repair of the bridge.

ATTORNEY ITEMS:

Atty. Semrau will lead the discussion on the Comcast Franchise Agreement in closed session.

MAYOR'S ITEMS:

Mayor Henry reported on another meeting held with 4 out of the 5 Mayors involved in the high school funding formula issue. It is hopeful that a meeting with the County Superintendent will reconvene from the prior incident. He reported that the Board of Education has determined that due to the enormous amount of time and effort involved in providing the financial data requested by Mendham Township it will be supplied upon requested of all the towns involved. The Mayor responded that everyone else involved in discussions did not feel it was necessary information that needed to be provided at this time.

The Mayor asked Atty. Semrau to investigate a resident complaint that they were charged by the Borough because JCP&L had to return power to their home due to the storm.

PUBLIC COMMENT: No public comments were made.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated October 3, 2011

Motion to approve the October 3, 2011 bill list was made by Councilman Garubo

Second by Councilman Sharkey

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Badal, Daly

EXECUTIVE SESSION:

Res. #111-11 Contract Negotiations/Atty. Client Privilege (Read aloud by the Clerk)
(Comcast Franchise Agreement) (Mendham Commons Townhouse
Association)(Shared Services Agreement)

Motion to adopt Resolution #111-11 was made by Councilman Garubo

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Badal, Daly

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

Administrator Sandman discussed JIF (Joint Insurance Fund) policy on reporting of losses by the municipalities and institution of corrective actions when necessary.

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 9:50P.M. next to convene at the Regular Meeting on October 17, 2011 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk