

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

CALL TO ORDER

Mayor Henry called the October 4, 2010 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 David Murphy
Councilman Louis Garubo
Councilman Brad Badal
Councilman Stanley Witzak
Councilman John Andrus
Councilman David Sharkey

Also present: Fred Semrau, Esq.
Ellen Sandman, Administrator

Absent: None

CONSENT AGENDA:

Approval of minutes of the Regular Session Meeting of September 20, 2010
Approval of minutes of the Executive Session Meeting of September 20, 2010

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. No requests were made.

Councilman Badal asked the Clerk to correct the regular session minutes of September 20, 2010, page 2, regarding the vote for the road closure permit for the Harvest Hustle. Councilman Badal noted that he abstained from voting and was not opposed as the minutes indicated. The Clerk will make the correction.

Motion to approve the Consent Agenda was made by Councilman Murphy
Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Andrus, Witzak, Murphy, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: None

DISCUSSION:

There was a general discussion held with regard to the placement of signs in the Borough. Atty. Semrau reported that he has reviewed and discussed the present ordinance with Geoff Price the Borough Zoning Officer. It was determined that the enforcement of the sign ordinance needs to be broadened and a suggestion to include the Police Department, Construction Code office with the Administrator's office as the central location and authority. There were concerns expressed with restricting the posting of signs on private property. It was agreed that this topic needs be further discussed at the Land Use Committee level with a return to the Council with suggestions for consideration.

ORDINANCE INTRODUCTION:

ORDINANCE #14-10

**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 202 ARTICLE
II ENTITLED "TREE CARE"**

(A copy of Ordinance #14-10 is attached to these minutes)

Motion to table Ordinance #14-10 to the November 1, 2010 regular scheduled meeting was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: No further discussion

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

This ordinance was tabled to the November 1, 2010 regular scheduled meeting.

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #130-10 English Paving Co., Inc.-Ironia Rd. Resurfacing-Chg. Order #1(-)

(A copy of Resolution #130-10 is attached to these minutes)

Motion to approve Resolution #130-10 was made by Councilman Murphy

Seconded by Councilman Garubo

Discussion: No further discussion

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Administrator Sandman reported that she attended a seminar on applying for grants. She gave the Mayor and Council copies of handouts distributed at this seminar. She briefly mentioned the completion and submission of the "Best Practices" document resulting in 98% compliance on behalf of the Borough.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that he is working on the employee evaluation process and will implement the comments and suggestions received from the last year's process.

Councilman Murphy commented on a good response received from the Borough's Labor Attorney and the final document is expected by the end of the week. It will be reviewed and then sent to the PBA.

Councilman Sharkey commented that Ordinance #14-10 (tabled this evening) is still in the process of review and after adoption will make the Borough eligible to complete a 'Tree City USA' application and comply with the State Shade Tree Forestry Act .

Councilman Andrus expressed concerns over the debt service repayment and the 2011 budget CAP. He asked the Administrator to complete a hypothetical exercise and cut approximately \$200,000 from 2011 operating budget with \$50,000 from administration; \$50,000 from DPW and \$100,000 from public safety.

Councilman Witczak reported that the DPW received 50 calls for brush pick up from due to the storms. He further reported that work on the First Aid Squad renovation is 50% complete. The public works and utility committee met with Superintendent O'Brien to discuss shared services with Mendham Township, capital project for 2011 and the West Field grub infestation.

Superintendent O'Brien reported that he has professional arriving tomorrow to spray West Field. He noted that the field has been closed due to the rain but will reopen tonight.

ATTORNEY ITEMS:

Atty. Semrau reported that Councilman Badal requested ordinances to review from other towns with regard to 'public gatherings' and these have been forwarded to him. He acknowledged litigation filed against the Mendham Borough Police Department and has discussed this with Police Chief John Taylor. Atty. Brian Mason has been assigned to represent the Borough by the Morris County Joint Insurance Fund. Atty. Semrau referenced a letter given to the Council this evening by the Administrator and commented that it explains that the EPL coverage will be handled by a private carrier. Atty. Semrau feels this will benefit Mendham Borough.

Atty. Semrau concluded that the paving of Bridge Street matter is closed until such time as a majority of the residents on this street are in favor of the work. After numerous conversations with one of the residents on this street, they still remain dissatisfied.

MAYOR'S ITEMS:

Mayor Henry reported that after the public discussions were held on the expansion of the historic district there remained two residents who objected. These two residents were met with further to address their concerns.

Mayor Henry mentioned that Mr. Andrew Baker of Horseshoe Bend Road requested the Borough consider snow plowing his road. Atty. Semrau did reach out to Mr. Baker and requested additional information that would be needed before this request could be considered.

Councilman Murphy thanked emergency services, DPW and the Police Department for their services on Saturday for the Harvest Hustle event.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated October 4, 2010
Motion to approve the October 4, 2010 bill list was made by Councilman Andrus
Second by Councilman Murphy
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Murphy, Sharkey, Garubo, Badal, Andrus, Witczak
Opposed: None
Abstain: None
Absent: None

EXECUTIVE SESSION: Res. #131-10-Atty. Client Privilege

(A copy of Resolution #131-10 is attached to these minutes)
Motion to approve Resolution #131-10 was made by Councilman Andrus
Second by Councilman Garubo
Discussion: None
Roll Call-the vote was as follows:
In favor: Sharkey, Garubo, Badal, Andrus, Witczak, Murphy
Opposed: None
Abstain: None
Absent: None

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 by a voice vote, the meeting was adjourned at approximately 9:20 P.M. next to convene at the Regular Meeting on October 18, 2010 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk