

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

CALL TO ORDER

Mayor Henry called the November 18, 2013 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 Stanley Witczak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Louis Garubo

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

Absent: Councilman Brad Badal

CONSENT AGENDA:

- Approval of the minutes of the regular meeting of 10.21.13
- Approval of the executive session minutes of 10.21.13
- Approval of the minutes of the regular meeting of 11.4.13
- Approval of a raffle application for the Minutemen Sports Club-2.6.13
- Approval of the appointment of G. Ryan Lilieholm-Regular Member-Mendham Borough Fire Department

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

Discussion: Councilman Garubo was not present at the 10.21.13 Borough Council meeting. He did not vote to approve the minutes.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

DISCUSSION:

Banner Request: Mendham Business Association

-Holly Trail - November 30th-December 9th, 2013

Motion: (Include waiver of insurance)

The Clerk noted that the Mendham Business Association did not submit a certificate of insurance. The Borough's potential liability was discussed when banners are hung across Main Street on poles owned by the Borough by non-profit organizations who do not have insurance for this activity. It was decided that the Morris County Joint Insurance Fund would be contacted to discuss whether the JIF would provide the Borough with any type of endorsement for this activity.

After further discussion it was determined that since this is a Borough endorsed event through our Recreation Department, proof of insurance would be waived.

Motion to approve the banner request for the "Holly Trail" was made by Councilman Witczak
Seconded by Councilman Andrus

Discussion: There was no further discussion

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE INTRODUCTION:

ORDINANCE #12-13

(A copy of Ordinance #12-13 is attached to these minutes)

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 4, "ADMINISTRATIVE ORGANIZATION," ARTICLE VII, "PURCHASING," OF THE CODE OF THE BOROUGH OF MENDHAM, NEW JERSEY, IN ORDER TO ESTABLISH A BOROUGH POLICY FOR THE AWARDING OF PUBLIC PROFESSIONAL SERVICE AND VENDOR CONTRACTS

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

ORDINANCE #12-13

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 4, "ADMINISTRATIVE ORGANIZATION," ARTICLE VII, "PURCHASING," OF THE CODE OF THE BOROUGH OF MENDHAM, NEW JERSEY, IN ORDER TO ESTABLISH A BOROUGH POLICY FOR THE AWARDING OF PUBLIC PROFESSIONAL SERVICE AND VENDOR CONTRACTS

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 **December 2, 2013** 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 introduce Ordinance #12-13 was made by Councilwoman Daly

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE ADOPTION:

ORDINANCE #11-13

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 215 ENTITLED "ZONING" TO ESTABLISH SMALL WIND ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE WITHIN THE 5-ACRE RESIDENCE ZONE OF THE BOROUGH AND TO PERMIT SOLAR PANELS AS A PERMITTED ACCESSORY USE IN ALL ZONE DISTRICTS

(A copy of Ordinance #11-13 is attached to these minutes)

Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.

No one wished to be heard, the public hearing was closed.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #11-13

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CERTAIN PORTIONS OF CHAPTER 215 ENTITLED "ZONING" TO ESTABLISH SMALL WIND ENERGY SYSTEMS AS A PERMITTED ACCESSORY USE WITHIN THE 5-ACRE RESIDENCE ZONE OF THE BOROUGH AND TO PERMIT SOLAR PANELS AS A PERMITTED ACCESSORY USE IN ALL ZONE DISTRICTS

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 adopt Ordinance #11-13 was made by Councilwoman Daly
Second by Councilman Andrus

Discussion: Councilman Andrus asked for confirmation that the acreage is a minimum of 5 acres and wind systems not permitted in the front of the property and solar systems not on the ground. Councilman Sharkey responded affirmatively and further commented that solar systems cannot be visible from the street in the Historic District but allowed in all other zones. Councilman Andrus responded that he does not favor the solar panels being seen but understands that this is the new technology.

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ACTIONS TO BE TAKEN:

Res. #127-13 Return of Planning Board/TRC Application Fees B1501/L41, 6 Hilltop Rd.

Motion to adopt Resolution #127-13 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #128-13 Return BOA Escrow Fees- New Cingular Wireless PCS

Motion to adopt Resolution #128-13 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #129-13 Appoint Patricia Fischer-Construction Code/Zoning Officer- Full Time Employee

This resolution was withdrawn. Topic to be discussed in closed session.

Res. #130-13 Transfer of Funds

Motion to adopt Resolution #130-13 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #131-13 Contract TeleSearch Staffing Solutions-Police Secretary P/T Position

This resolution was withdrawn. Topic to be discussed in closed session.

Res. #132-13 Award Bid-WRF Miscellaneous Facility Coatings Project

Motion to adopt Resolution #132-13 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #133-13 Approve SS App B1501/L12-(27 East Main Street)

Motion to adopt Resolution #133-13 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Badal

Res. #134-13 Approve SS App B801/L12, 12.01, 13-(106 East Main Street)

Motion to adopt Resolution #134-13 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: Badal

ADMINISTRATOR REPORT: There was a written report circulated to the Mayor and Council before this meeting. There were no questions or comments.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus mentioned a tentative date for the first 2014 budget meeting for Departmental presentations on December 14th. Mr. Andrus noted that the Environmental Commission is scheduled to discuss the Cosma property and he recommended someone remind them that the Borough does not own this property.

Councilman Sharkey commented that the last Land Use Committee meeting was cancelled and that things have slowed down at this time.

Councilman Garubo reported that a citizen and Mendham Township resident has contacted the Recreation Department requesting their consideration to installing exercise stations in the Borough park. The Mayor suggested a meeting with the Recreation Director Bruce DiBisceglie, Administrator Sandman, himself and the citizen making the request.

Councilwoman Daly reported that interviews have been conducted for the Land Use Coordinator position and that one of the candidates will meet with Diana Callaghan to discuss the job functions for this position.

Mayor Henry noted that Councilman Badal was not present due to a death in the family. Mr. Henry did report that the delivery of the fire truck to Ben Avon.

ATTORNEY ITEMS:

Atty. Semrau commented that he is giving a seminar at the League this week that will give a premium benefit to the municipalities. He offered to do a class here at Mendham for the governing body.

MAYOR'S ITEMS:

Mayor Henry asked the governing body what day they would consider to reorganize. It was the consensus to hold the Reorganization Meeting on Tuesday, January 7th at 7PM at the Mendham Borough Fire House.

PUBLIC COMMENT: There were no comments from the public.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated November 18, 2013
Motion to approve the November 18, 2013 bill list was made by Councilman Andrus
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was unanimous as follows:

APPROVAL OF VOUCHERS: (Cont'd.)

In favor: - Garubo, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Badal

EXECUTIVE SESSION:

Res. #135-13 Approve SS App B801/L12, 12.01, 13-(106 East Main Street)

Motion to adopt Resolution #135-13 was made by Councilman Garubo

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

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

No further action was taken.

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 9:40P.M. next to convene at the Regular Meeting on December 2, 2013 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk