CALL TO ORDER
Mayor Henry called the February 22, 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 Brad Badal
- Councilman Stanley Witczak
- Councilman John Andrus
- Councilman David Sharkey
- Councilwoman Veronica Daly

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

Absent: Councilwoman Veronica Daly (Arrived for Executive Session)

CONSENT AGENDA:
- Res. #36-11 Return Engineering Inspection Escrow Fee Accounts
- Res. #37-11 Return Overpayment of Taxes-B1401/L54
- Appointment of Jonathan Vitale-Member Mendham Fire Department

Motion to table the approval of the consent agenda was made by Councilman Andrus
Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Daly

DISCUSSION:
Amending Ordinance #17-07-Chapter 206 No Parking/Time Ltd. Parking

Councilman Badal commented that the amendment under consideration would be to restrict parking on Saturday to 1 hour. The positive aspect would be to give everyone a chance to park with no negative impact to the business owners. Chief Taylor approached the owner of the nail salon in the Borough since this was the one business that might be negatively impacted by the 1 hour parking restriction. The owner had no negative feedback to this suggested revision. There was a brief discussion on changes made approximately 4 years ago after the traffic study done during the master plan process.

Atty. Semrau was instructed to prepare an ordinance for consideration at the next meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None
ACTIONS TO BE TAKEN:

Res. #38-11 Join Morris County Adaptive Recreation Program (McARP)
Motion to adopt Resolution #38-11 was made by Councilman Garubo
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

Res. #39-11 PBA Contract
Motion to adopt Resolution #39-11 was made by Councilman Badal
Seconded by Councilman Garubo
Discussion: Administrator Sandman noted that there was a minor change to the vacation schedule which was circulated to all members of the governing body earlier today. This was noted and accepted as a minor change. It was further noted that the contract was ratified unanimously by the PBA members.
Councilman Sharkey commented that going forward consideration needs to be given to the fact that the Borough needs to maintain fiscal responsibility. He explained that he still was not sold on the vacation benefits given based on the 8hr. vs 12hr. days even after a lengthy discussion held by the Council. He commented that health care offered to employees is a benefit and not a right and he disagreed with reimbursement of half the cost to the Borough to employees who opted no to take advantage of the health care coverage.

It was noted by Atty. Semrau that Councilman Witczak recused himself during all the negotiation discussions and will further be recused from voting on the adoption of this resolution.

Roll Call – the vote was as follows:
In favor: Badal, Andrus, Sharkey, Garubo
Opposed: None
Abstain: Witczak
Absent: Daly

Res. #40-11 Community Forestry Plan –Revision Prior Resolution
Motion to adopt Resolution #40-11 was made by Councilman Sharkey
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Garubo, Badal
Opposed: None
Abstain: None
Absent: Daly

ADMINISTRATOR REPORT:
Administrator Sandman pointed out the art work which was displayed around the meeting room courtesy of Bridget Poole. Ms. Sandman noted the confusion with regard to the grant for the Direct Install Program and the following through on the process.
Councilman Witczak noted the restriction of pick up of electronics by haulers by the State of New Jersey. There will be an electronic day in the Borough this year. Ms. Sandman informed the governing body that the bid package for the bulk pick up contract is presently available for pick up by the public.
There was a brief discussion regarding a meeting held by Mr. Tim Smith proposing the regionalization of the police departments. Numerous concerns and questions still remain unknown and it was commented that this might be an option for the western part of the state but for the eastern section it doesn’t work. There was a further comment that the savings per year per household was approximately $22.00 based on information currently known.

The Mayor concluded that educating the public is the priority.
COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus commented that the Borough Auditor stated that the borough is in the best shape of any town. He noted that there is approximately $300,000 of uncontrollable expenses such as pension, insurance and debt service. He continued that not all the capital projects will be addressed this year but approximately 10 will be given consideration. There was a brief comment regarding stopping of the collection of open space tax but this would need further discussion before a decision is made.

Councilman Sharkey reported on the work under review by the Land Use Committee such as revisions to the sign ordinance and the historic district expansion.

Councilman Garubo commented that day camp preparations are starting and on the recommendation of Mayor Henry, Helen should be contacted regarding past Grand Marshalls for the parade. There has been a recommendation and they do not want to make a request if this person has already served in this position.

Councilman Badal reported on the work in progress on a promotional ordinance.

Mr. Badal provided figures on the deer management program with 64 vs. 62 deer culled and 10 vs. 12 car accidents for 2010 vs. 2009.

Mayor Henry commented that he would like to resurrect the Deer Management Ad Hoc Committee and meet with Patrolman Chris Hoff for review of the Borough’s program.

ATTORNEY ITEMS:

Atty. Semrau requested an executive session to discuss snow removal under the Reimbursement Services Act. He reported that reimbursement consideration for Mr. Grohn’s expenses is close to agreement and he reviewed the status of the ratio-assessed value-fair market value argument with the Divisions of Taxation is under appeal and an argument will be placed before the County Tax Board tomorrow. Atty. Semaru was asked to be lead Counsel but due to the cooperative relationship he has with the tax board and his feeling that this belongs with the Appellate Division he will attend to observe but will not take the lead.

There was a brief discussion with regard to the costs incurred and it was agreed that the two payments of $2,500 will be paid to Assessor Shawn Hopkins for preparation and trial fees.

Atty. Semrau will attend the Historic District meeting tomorrow. He also addressed the sewer utility clerk issue on the grace period for 1st quarter payments. After a brief explanation Atty. Semrau requested a motion to approve this procedure.

A motion was made to extend the grace period for payment of the 1st quarter sewer payments to April 5th, 2011. Any payments received on April 6th and thereafter will be assessed late fees back to the original due date. This motion was made by Councilman Garubo Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

Atty. Semrau briefly explained the 45 day public hearing requirement required by the Board of Public Utilities and the upcoming Cable Franchise Renewal Application received from Comcast. Atty. Semrau recommended the reconvening of the borough’s Cable Sub-Committee. Mayor Henry recommended the Public Works and Utility committee serve on this committee including Chairman/Councilman Witczak, Garubo and Sharkey. A recommendation of a survey on the webpage as the fastest way to reach the Borough residents for their input.

Atty. Semrau recommended a meeting with the new Board of Adjustment Attorney to update him on the status or the cell tower applications.

Atty. Semrau further noted that a maintenance bond was submitted and denied by him for work completed on Ironia Road last September. He requested the Engineer make contact and request a bond that would cover an entire 2 year period.
MAYOR’S ITEMS:
Mayor Henry will review the status of the Loop Trail with Environmental Chairman Adam Slutsky and Atty. Fred Semrau.

The Mayor referenced a letter he received from The Land Conservancy of New Jersey to update the Borough’s Open Space and Recreation Plan. The Borough’s plan needs to be updated for compliance with Green Acre Funding. It was suggested that the new Planner could be utilized for this task and at a fair price.

Mayor Henry noted that Diana Callahan has prepared a job description and she will be asked to place an ad with the NJ League of Municipalities.

The Mayor further commented that employee reviews are to be completed, and a meeting with our web provider to discuss surveys, alerts, notices and email addresses for the Council members has been made.

PUBLIC COMMENT: None

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated February 22, 2011
Motion to approve the February 22, 2011 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

Res. #41-11 Executive Session-Atty. Client Privilege
*Horseshoe Bend Road and Lane-Snow Removal Reimbursement
Motion to adopt Resolution #41-11 was made by Councilman Garubo
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: Daly

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 9:50 P.M. next to convene at the Regular Meeting on March 7, 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