

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

**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 change 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. Semrau 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 1<sup>st</sup> 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 1<sup>st</sup> quarter sewer payments to April 5<sup>th</sup>, 2011. Any payments received on April 6<sup>th</sup> 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