

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

CALL TO ORDER

Mayor Henry called the February 7, 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 Witzak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly

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

Absent: None

CONSENT AGENDA:

Approval of minutes of the Regular Session Meeting of January 17, 2011
Approval of minutes of the Executive Session of January 17, 2010
Permission For Use of Borough Park-Circus-Pastime Club
Res. #29-11 Return Engineering Inspection Escrow Fee Accounts
Res. #30-11 Transfer of Funds

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

Discussion: Councilman Witzak noted that he is a member of the Pastime Club but does not hold a position of authority.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Witzak abstained from approval of the executive session minutes of January 17, 2011 since he had a prior engagement and had to leave before the executive session.

Absent: None

DISCUSSION:

Presentation of Proclamation: "Mendham Magic"

Mayor Henry read aloud and presented a proclamation to Steve Ehamnn who accepted it on behalf of "Mendham Magic".

Facility Use Agreement-Carriage House-Concession Station:

President of the Little League Jeff Zenna was present.

There was discussion with regard to this request and it was decided that there could be no cooking in the Carriage House without the installation of fire suppression equipment.

It was noted that there would be the selling of light refreshments and possibility of cooking food on an outside bar-b-cue grill. The approval was contingent on the application being completed in the name of Mendham Little League and the obtaining of a food license. The Clerk asked and received confirmation from the Borough Attorney that a peddling and solicitation license was not necessary.

Motion to approve the facility use agreement for use of the carriage house with no inside cooking of any kind by the Mendham Little League was made by Councilman Garubo
Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Daytop-Community Development Block Grant-(Windows)

This item is open for discussion as a requirement for Daytop to apply for a Community Block Grant to purchase new windows at their facility. Administrator Sandman reported that there are no matching funds on behalf of the Borough. This is a procedural requirement and serves only as notification to the Borough that this grant is being pursued on behalf of Daytop and for their comments. No comments or objections were made.

Mayor Henry acknowledged Girl Scout Troop 671 and Leader Janis Slutsky who were present in the audience.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #31-11 Award Contract/Acute &Chronic Bioassay Testing-QC Labs

Motion to adopt Resolution #31-11 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #32-11 Community Forestry 5 Year Plan

Motion to adopt Resolution #32-11 was made by Councilman Sharkey

Seconded by Councilman Garubo

Discussion: Councilman Sharkey noted that this resolution was connected with “Tree City US”. He and the DPW have been working to plant trees in the spring and completing maintenance in the fall all in coordination with the State of NJ and other municipalities.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #33-11 OEM Coordinators-Jt. Emergency Management Council

Motion to adopt Resolution #33-11 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #34-11 Oppose Legislation- Cable Companies Remove PEG Access

Motion to table (to no specific date) Resolution #34-11 was made by Councilman Witczak

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ADMINISTRATOR REPORT:

Administrator Sandman updated the Council on the application for Energy Efficiency and Conservation Program Grant and noted that the Borough will be receiving the new electric rates presently and then will be eligible for the gas program in June 2011.

The Administrator commented that the Jt. Insurance Fund was offering incentive programs to Department of Public Works, Police and Emergency personnel.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak thanked DPW for their snow removal efforts in the Borough and at Hilltop School making it safe for the opening bell. He noted an upcoming county meeting to be attended by our Borough Engineer, Water Reclamation Facility Superintendent Douglas Wright and Jim Wancho. The Borough has limited capacity and flows out to a trout bearing stream monitored closely by the Department of Environmental Protection.

Councilman Andrus reported that the Finance Committee is continuing the 2011 budget process. He thanked the Council for submitting their capital expenditure input.

Councilman Sharkey reported on the continuing work by his committee on the sign ordinance. Atty. DiYanni is reviewing and organizing the revisions to complete an ordinance that can be easily understood. Neon and illuminated signs are under discussion both grandfather and new.

Councilman Garubo reported that the Mendham Township Administrator will have additional photo copies available of the recreation (summer) brochure for their residents and will assist anyone through the website to view on line.

Councilman Badal reported that the PBA contract needs to be polished and hopefully their will be action taken at the next Borough Council meeting.

ATTORNEY ITEMS:

Atty. Semrau updated the Council on the challenge with the Division of Taxation with regard to the ratio-assessed value-fair market value. He reported that there will be an appeal of the Court's denial and the Borough will join in this action. Atty. Semrau will keep the Mayor and Council apprised of the outcome.

MAYOR'S ITEMS:

Mayor Henry reported that he will attend a meeting on regionalization of police forces at the Parsippany Hilton on Wednesday evening.

The Mayor announced that the Borough Planner Adrian Humbert will be retiring in June. He suggested advertising with the League of Municipalities and networking to find a replacement. He further announced an ad hoc committee meeting regarding the expansion of the historic district phase II with Borough residents on the 23rd; a loop trail meeting at 7am tomorrow to discuss follow-up items and at the Business Association Meeting there was discussion with regard to JCP&L and poles in Borough. There will be further discussions with regard to the Mendham Messenger and its circulation throughout the Borough in the future due to a significant increase requested by Roseco Press.

PUBLIC COMMENT:

John Morel, 70 East Main Street supplied per pupil figures to the Council and expressed his feeling on the inequities to the residents of Mendham Borough. He encouraged the Council to consider the same resolution Mendham Township is considering to request the school board to place a referendum on the ballot at the next school election. The referendum will ask the public to support a change in the funding formula for fairness and equity based a per pupil formula.

Bob Marino, 27 Florie Farm Road, supports the proposed resolution and expressed his feelings on the unfairness and unsustainable of the present funding formula.

Carol Brady, 8 Loryn Lane, explained that there are 9 members on the school board and they attend meetings working together as a team.

PUBLIC COMMENT: (Cont'd.)

Sam Fairchild, 7 Cherry Lane (Mendham Township), has a business in the Borough, and stressed that the proper information be given to residents. He gave the history of how the basis for determining the funding formula has changed over the years. He noted that in order for any action to move forward it will take the all the 5 municipalities to agree. He cautioned not to make enemies between the municipalities since this would doom any change to fail. Mr. Fairchild did mention that Trenton would be the place from which change would have to originate. He recommended that this be a cooperative effort on the part of all the municipalities involved.

Atty. Semrau under the direction of the Mayor and Council can draft a resolution of support of a change in the funding formula which would be sent to Trenton.

The Mayor asked Mr. Morel if the requested referendum would be a binding or non-binding referendum. Mr. Morel responded that is the 5 municipalities agree then it would be and Trenton would be the next step.

Adam Fitting, 15 Parkview Road, Long Valley, asked that consideration be given to the future and core values and to beware of oppressing minorities. He further commented on the repeal of the federal income tax as unconstitutional.

Mayor Henry noted the number of Borough residents who have come to this meeting compared to any other regular meeting. He felt this is why the residents came out tonight and he supported this resolution request.

Mayor Henry read Resolution #35-11 aloud for Council consideration.

A draft version of this brief resolution was circulated to the Council by the Mayor prior to the meeting.

Res. #35-11 Referendum-High School Funding Formula

Motion to adopt Resolution #35-11 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Councilman Andrus felt it was important to mention that this resolution to change the funding formula is not a criticism or reflection on the high school or school board and how it functions. It is strictly a financial matter.

Mayor Henry agreed and noted that the Council has an ideal working relationship with the high school board and administration.

Dave Chakrin, 8 Emery Road, commented that the First Aid Squad is off to a great start for 2011.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated February 7, 2011

Motion to approve the February 7, 2011 bill list was made by Councilman Andrus

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

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 9:30 P.M. next to convene at the Regular Meeting on February 22, 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