

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

CALL TO ORDER

Mayor Henry called the March 15, 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 Stephen Carr
Councilman Louis Garubo
Councilman Brad Badal
Councilman Stanley Witzczak
Councilman John Andrus

Also present: Fred Semrau, Esq.

Absent: Ellen Sandman, Administrator

CONSENT AGENDA:

Approval of minutes of the Executive Session of March 1, 2010
Approval of minutes of the Regular Meeting of March 1, 2010
Raffle License App-Somerset Hills YMCA-5/24/2010-@Roxiticus
Raffle License App-St. Joseph's Catholic Church-7/10/10
Res. #47-10 Return of Engineering Inspection Escrow Fees
Res. #48-10 Cancel Sewer Capital Ordinance Balances
Res. #49-10 Emergency Temporary Appropriations Current Budget
Res. #50-10 Emergency Temporary Appropriations Sewer Budget
Res. #54-10 Transfer Of Appropriation Reserves

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.

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

Discussion: Councilman Witzczak mentioned that he is a member of St. Joseph's parish.

Roll Call – the vote was as follows:

In favor: Carr, Garubo, Badal, Witzczak, Andrus, Murphy

Opposed: None

Abstain: None

Absent: None

DISCUSSION ITEMS:

Police Chief John Taylor – Fishing Derby

Police Chief Taylor explained that this event has not received the cash donations as it has in the past. He reported that the Borough and Township PBA's would be donating approximately \$1,000 each and are requesting approximately \$1,100 from the Borough to stock the pond with fish. Private donations are also being accepted.

Adam Slutsky, Chairman-Environmental Commission

Mr. Slutsky explained that Resolution #52-10 on the agenda would support the filing of an application to apply for a grant through ANJAC to complete a loop trail starting and ending on Patriots Path. This project has been discussed for many years and this grant would bring it to the preliminary design phase and of the conceptual phase. During the discussion regarding the award of this grant and the Borough's obligation to match the funds, it was noted that the Open Space Trust Fund money could be used. Chairman Slutsky also remarked that there would be money available in the Environmental

Adam Slutsky, Chairman-Environmental Commission: (Cont'd.)

Commission budget. Adam Slutsky is waiting for a response from the Borough Engineer on his request for information and Councilman Andrus remarked that this is no easy job but worthwhile as passive recreation for public enjoyment.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #51-10 General Assistance Program-Transfer to County of Morris

(A copy of Resolution #51-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Badal

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #52-10 2010 Smart Growth Assistance Grant Program App-(Loop Trail)

(A copy of Resolution #52-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Andrus

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #53-10 Sanitary Sewer App-B1902/L21-Five Hilltop Holdings LLC

(A copy of Resolution #53-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Administrator Sandman was not present at this meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus reported that the budget process is on going and that he will have a more detailed report for the next meeting. Mayor Henry responded that he heard that the Governor maybe reducing the CAP to 2 ½%. The Mayor further commented that the long term bonds have been working in conjunction with the Borough 10 year plan and to digress from that result in the loss of positive momentum. Councilman Andrus referenced requests received for major paving project and capital projects.

Councilman Carr reported on the momentum to abolish COAH and a major decision scheduled for March 22nd.

Councilman Murphy reported that there is a FEMA Federal Fire Grant upcoming meeting which should have Borough representation. He further reported that the deer program is running successfully and a possible resolution to the Student Resource Officer to be voted on by the high school within the month.

COUNCIL REPORTS, OLD & NEW BUSINESS: (Cont'd.)

Councilman Badal requested the Council to consider an ordinance which would require a permit for rallies and possible financial reimbursement police and Borough personnel.

ATTORNEY ITEMS:

Atty. Semrau reported that is working on the occupancy ordinance and will reconcile with the Planning Board Atty. Peter Henry so that everyone is on the same page. He further reported that he would like to recommend considering alternative consultants on the DAS system since there has been no further progress with Ms. Malone. The funds for this project have not been exhausted and another opinion on the DAS system could open new avenues to explore.

MAYOR'S ITEMS:

Mayor Henry commented that he was frustrated with the progress under the direction of Ms. Malone and supported Atty. Semrau's suggestion. The Mayor noted that funding was secured for the paving Mountain Avenue and Cold Hill Road with these projects moving along.

PUBLIC COMMENT: No comments were made from the public.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated March 15, 2010
Motion to approve was made by Councilman Andrus
Second by Councilman Badal

Discussion: After discussion on a \$750 check for fire inspections, the Council agreed to get a detailed explanation but not put a hold on the check since the work has been completed.

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: None

EXECUTIVE SESSION:

Res. #55-10-Executive Session-Atty. Client Privilege -Withdrawn

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 8:45 P.M. next to convene at the Regular Meeting on April 5, 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