

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

CALL TO ORDER

Mayor Henry called the March 21, 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 Witzcak
Councilman John Andrus
Councilman David Sharkey

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

Absent: Councilwoman Veronica Daly

CONSENT AGENDA:

Approval of minutes of the Regular Session Meeting of March 7, 2011
Approval of minutes of the Ex. Session Meeting of March 7, 2011
Approve Raffle License-7/2/11-Off Premise 50/50Cash-St. Joseph Church
Approval of Plant Sale-Mendham Garden Club-May 14, 2011
Res. #46-11 Transfer of Funds
Res. #47-11 Emergency Temporary Appropriations-Current Budget
Res. #48-11 Emergency Temporary Appropriations-Sewer Budget

Motion to approve the consent agenda was made by Councilman Andrus
Seconded by Councilman Witzcak

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzcak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: Councilman Badal recused himself from the approval of the regular and executive session minutes since he was not in attendance at the March 7, 2011 meeting.

Absent: Daly

DISCUSSION:

2nd Annual Tourette Syndrome Walk-Martha Butterfield:

Mrs. Butterfield was present to answer any questions regarding this event. In response to a query she noted that her organization is a 501C non-profit organization. She briefly reviewed the paperwork the organization submitted for approval following the same procedure as last year. The Mayor confirmed with Police Chief John Taylor and DPW Superintendent Ken O'Brien that there would be no cost to the Borough for this event.

Motion to approve the 2nd Annual Tourette Syndrome Walk, Outdoor Facility Request and the Request for Road Closure was made by Councilman Andrus

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

Fishing Derby-Borough Park:

There was a brief discussion with regard to Patrolmen Kennedy's request for not more than \$2,000 from the Borough to stock the pond. It was noted that this event is supported by money received from Mendham Township, PBA's and miscellaneous donations. Councilman Andrus commented that he had spoken to PO Kennedy regarding his request and further commented that this is a great event and supported approval of the requested donation.

Motion to approve not to exceed \$2,000 for stocking the pond for the annual fishing derby at the park was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

High School Speed Limit- "School Zone":

This item was tabled, no future date noted for discussion. This will be discussed at the committee level and returned to Council at a later date.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

Ordinance #1 -11

**AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO
AMEND CHAPTER 206, VEHICLES AND TRAFFIC,
ARTICLE XIV, SCHEDULES, SECTION 206-46,
SCHEDULE IV, TIME LIMIT PARKING, OF THE CODE OF
THE BOROUGH OF MENDHAM**

(A copy of Ordinance #1-11 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 #1 -11

**AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO
AMEND CHAPTER 206, VEHICLES AND TRAFFIC,
ARTICLE XIV, SCHEDULES, SECTION 206-46,
SCHEDULE IV, TIME LIMIT PARKING, OF THE CODE OF
THE BOROUGH OF MENDHAM**

Motion to adopt Ordinance #1-11 was made by Councilman Witczak
Second by Councilman Badal
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Andrus, Witczak, Sharkey
Opposed: None
Abstain: None
Absent: Daly

ACTIONS TO BE TAKEN:

**Res. #49-11 Sanitary Sewer App-B2701, L 5 C003A- Maffei Realty, LLC
& Massiello Realty, LLC**

Motion to adopt Resolution #49-11 was made by Councilman Andrus
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. #50-11 Sanitary Sewer App-B1501, L11-Zenjon Enterprises, LLC

Motion to adopt Resolution #50-11 was made by Councilman Badal
Seconded by Councilman Garubo
Atty. Semrau revised the resolution to include, **“that the prior allocation shall no longer be utilized by the property owner once they have obtained approvals for the new use.”**
Motion to adopt Resolution #50-11 as revised was made by Councilman Badal
Seconded by Councilman Garubo
Discussion: There was no further discussion.
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Garubo, Badal
Opposed: None
Abstain: None
Absent: Daly

ADMINISTRATOR REPORT:

Administrator Sandman thanked Ken O'Brien, Lisa Smith and Councilman Sharkey for their work on the Community Forestry Management Plan which was accepted by the State. This will allow the Borough to apply for future grants.

Administrator Sandman is working on setting up a meeting with the local Library in early April.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that there is a need for volunteers for the Fire Department and the First Aid Squad. There was a driver training class held in which approximately 30 citizens attended, 12 of which reside in the Borough.

Councilman Garubo reported that work on the day camp is starting up. Bruce DiBisceglie was in the audience and reported working with the municipal alliance for reimbursement of approximately 50% of the cost of concerts representing a public service message.

Councilman Sharkey reported that work on the sign ordinance is continuing and waiting for outcome of conversation with the owner of the Kings Plaza.

Mayor Henry commented that work on the final phase II of the historic district expansion is underway.

There was discussion regarding sign permits being issued for a one year period. Suggestions such as a notation on the permit application with a limitation of 30 days or the right of the Borough to suspend the term of the permit.

Councilman Andrus commented on the continuing budget process and the introduction at the next meeting.

Councilman Witczak reported on the work taking place on the Gazebo in the Park. He further reported that Ken O'Brien will be submitting the State recycling report and if there are any sidewalks that are in need of repair the DPW should be contacted.

ATTORNEY ITEMS:

Atty. Semrau reported the Borough should be receiving the notice of appeal against the Division of Taxation. The Borough will be included in this case with no fees or additional cost.

The attorney has two items for executive session. Item one will be an update on the cell tower litigation and item two will be discussion on the sanitary sewer allocation-wastewater management.

MAYOR'S ITEMS:

Mayor Henry noted that the local and high school budgets will be under discussion at the next meeting. The Mayor noted that the cable TV questionnaire and loop train news are on the Borough website.

Councilman Garubo suggested that a letter be sent to the Governor regarding the high school funding formula.

It was noted that there is a meeting to be held at Mendham Central High School on the budget and the funding formula referendum on Tuesday evening.

PUBLIC COMMENT: None

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated March 21, 2011
Motion to approve the March 21, 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, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

Res. #51-11 Executive Session-*Atty.-Client Privilege, **Litigation

Motion to adopt Resolution #51-11 was made by Councilman Garubo
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Daly

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

Res. #52-11 Sanitary Sewer App-B801, L20-MacKenzie's LLC

Motion to adopt Resolution #52-11 was made by Councilman Garubo

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #53-11 Sanitary Sewer App-B1902 L21-5 Hilltop Holdings, LLC

Motion to adopt Resolution #53-11 was made by Councilman Garubo

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

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 9:40 P.M. next to convene at the Regular Meeting on April 4, 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