

**MINUTES OF A SPECIAL MEETING
OF THE
MAYOR AND COUNCIL** (Rescheduled 3.17.14 Mtg.)

CALL TO ORDER

Mayor Henry called the March 24, 2014 special 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

Councilman Louis Garubo
Councilman John Andrus
Council President David Sharkey

Also present: Atty. Jeffrey Pasek, Atty.
Administrator Ellen Sandman
Borough Clerk Maureen Massey

Absent: Atty. Fred Semrau, Councilman Brad Badal,
Councilman Stanley Witczak, Councilwoman Veronica Daly

CONSENT AGENDA: (Minutes)

Approval of the minutes of the regular meeting of 3.3.14

Approval of the minutes of the executive session meeting of 3.3.14

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Badal, Witczak, Daly

Mayor Henry noted that there was a large group of residents who were here to discuss the MASH busing for seniors. He opened the public portion of the meeting at this time so that these residents could be heard.

Gerald Frino, resident of the Mendham Area Senior Housing, spoke for the group. He reported that transportation to activities such as shopping, meetings etc. has been cut or reduced by the management of the MASH. Mr. Frino referenced the fact that the Garabrant Center is the location for the bimonthly Mendham Senior Club meetings. The bus will now only transport residents to the Garabrant Center for one meeting a month.

Both the Mayor and Borough Administrator both assured Mr. Frino that the Borough has not reduced their funding portion of MASH. The funding for 2013 is the same as it has been and the budget for 2014, has not been adopted, but funding has not been reduced.

The Borough Administrator confirmed with Mendham Township and assured those present that they also have not reduced funding to MASH. In conclusion, Mayor Henry and Administrator Sandman will speak with MASH Director Melanie Miller either via a conference call or a meeting. A representative of the Board of MASH will also be contacted.

Peter Mondiello, 6 Maple Avenue, commented that when he goes to Walmart on the bus it is not full to capacity.

Emily Uptegrove, 13 Gunther Street, commented that the use of the bus is quality of life issue. She uses the bus for doctor appointments and cuts will impact her personally.

DISCUSSION:

Banner Request-Tricky Tray- Mendham High School: (2014 Senior Class)

MaryAnn Presutti submitted the request to hang a banner across Route #24 from April 18th to May 2nd. The banner was available for viewing at the meeting and it was determined that the banner was too long to hang at the Borough location. A new banner would need to be made based on the measurements outlined in the banner application. A certificate of insurance is still outstanding and was not applied for waiting to get approval to hang the banner. The Borough Clerk did confirm a verbal approval by the BOCF via Susan Allard for the hanging of this banner for the dates indicated.

Ms. Presutti asked about lawn signs and was responded to by the Council that it would have to be the banner or signs, not both. The intent of hanging a banner is to limit the signs in the Borough.

Motion to approve the banner request for the T/T-Mendham High School is conditional on the submission of an insurance certificate and correct banner size, both are requirements outlined on the banner application, was made by Councilman Sharkey

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Badal, Witczak, Daly

Facility Use Agreement-Garabrant Center-Mountain View School:

Mayor Henry noted that information regarding this request was in the agenda packet given to the Council. Craig Bellamy, Fire Official has reviewed the information and feels comfortable with the number of occupants. General consensus of those members present was to approve this request.

ORDINANCE INTRODUCTION: None

ORDINANCE ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #56-14 Refund Property Tax Overpayments-1st Qtr. 2014

Motion to adopt Resolution #56-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Badal, Witczak, Daly

Res. #57-14 Fireworks-Roxiticus Golf Course-5/31/14/RD 6/1/14

It was noted that the insurance certificate that was outstanding has been received and a copy was in to the agenda packet distributed to the governing body.

Motion to adopt Resolution #57-14 was made by Councilman Garubo

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Badal, Witczak, Daly

ACTIONS TO BE TAKEN: (Cont'd.)

Res. #58-14 Refunds-Tax Appeals (20011/2012/2013)

Motion to adopt Resolution #58-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Badal, Witczak, Daly

Res. #59-14 Refund Duplicate Tax Payment- B2301/L3

Motion to adopt Resolution #59-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Badal, Witczak, Daly

Res. #63-14 Morris County Historic Preservation Grant-Certify Matching Funds

Motion to adopt Resolution #63-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Garubo, Andrus
Opposed: None
Abstain: None
Absent: Badal, Witczak, Daly

The following resolutions require a 2/3 vote of the governing body. Councilman Badal was reached via phone from California and voted with the Council so that these transfer resolutions could be considered this evening. The last day to transfer funds would be before the next scheduled meeting.

Res. #60-14 Transfer Appropriation Reserves

Motion to adopt Resolution #60-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Badal, Witczak, Daly

Res. #61-14 Emergency Temporary Appropriation-2014 Budget

Motion to adopt Resolution #61-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Garubo, Andrus
Opposed: None
Abstain: Badal, Witczak, Daly

Res. #62-14 Emergency Temporary Appropriation-2014 Sewer Utility Budget

Motion to adopt Resolution #62-14 was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Andrus, Sharkey
Opposed: None
Abstain: Badal, Witczak, Daly

ADMINISTRATOR REPORT:

Mayor Henry asked the governing body for comments on the Administrator's Report. The Mayor questioned the progress on the parking issue and the Audi Dealership. Administrator Sandman did not know if the Ward Sands Parking Lot was looked at by a representative of the dealership but did report that they are preparing to purchase property across the street which they could use for parking vehicles. Councilman Garubo commented that they are in violation and have been and requested the Borough Attorney review the Borough's options. It was further noted that the residents have been more than patient on this matter.

Councilman Sharkey requested that the new spreadsheet prepared by the Administrator also show who is responsible for each item, either a committee/board or an individual.

The Administrator commented that the Garden Club will be selling flowers again at the Kings Supermarket location on May 17th. She further noted that the recycling bids are ready for advertising and Phoenix House repairs through the historic preservation grant have been planned.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Mayor Henry read aloud an update from the Department of Public Works which reported on coordination with Little League and the playing fields, a broken wire which is impacting the traffic light in the center of town, Circus is coming sponsored by the Pastime Club, bids for recycling and bulk pick-up, new employee started this week at the DPW, repairs are being made to the trucks, and the ice damage to the Phoenix House. The work on the roof of the Phoenix House was due to the pressure of the ice and the majority of the cost will be for time and materials. There is no structural damage. Councilman Andrus asked if the damage is covered by insurance. The Administrator responded that this is being pursued.

Councilman Garubo reported that Recreation is getting ready for day camp and planning the events in the park. The baseball field assignments have been made. Recreation Director Bruce DiBisceglie explained the increase in fees this year to the governing body. This increase will cover training for the counselors. The new fees will be a tiered approach.

Mayor Henry asked if the Racquetball Club would be utilized this year again for swimming for the registrants, with an affirmative response received from Bruce.

ATTORNEY ITEMS:

There was no report this meeting.

MAYOR'S ITEMS:

Mayor Henry reported that the Mayors' would be holding another meeting to discuss the proposals received for the high school funding formula study. After the meeting the Mayor will report back to the governing body.

PUBLIC COMMENT:

Vincent Celli of the Sturbridge Group is completing renovation work at 8 Forest Drive. He added that his client is a former resident of Mendham who has decided to move back. JCP&L would not honor the easement and a neighbor will not allow an easement on his property. In conclusion an easement will be across a municipal right-of-way. Atty. Semrau and Borough Engineer Paul Ferriero are working on the agreement. This evening a request is being made that once the agreement is completed and reviewed by Atty. Semrau, permission be given for the Administrator to sign this agreement without it coming back to the Council for review. This will speed up the process for the owner of the property who is presently living in a hotel with his family. It was agreed to have the Administrator sign once the agreement is released for approval by our Borough Attorney.

Charles Topping, 13 Aberdeen Drive, introduced Elizabeth Drake of the Historic Society. Mr. Topping reminded the governing body that in 2016 the Phoenix House will be 210 years old and the Borough will be 110 years old.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated March 17, 2014 (Mtg. of 3.17.14 rescheduled)
Motion to approve the March 17, 2014 bill list was made by Councilman Sharkey
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: - Garubo, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Badal, Witczak, 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 9:25P.M. next to convene at the Regular Meeting on April 7, 2014 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk