

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

CALL TO ORDER

Mayor Neil Henry called the March 5, 2012 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 Stanley Witczak
Council President John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly
Councilman Brad Badal

Also present: Fred Semrau, Borough Attorney
Patrick Breen, Attorney (Dorsey & Semrau)
Ellen Sandman, Administrator
Maureen Massey, Borough Clerk

Absent: Councilman Louis Garubo

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 2/21/12
- Raffle App-Minutemen Sports Club Off-Premise Draw Merchandise Raffle- May 23, 2012
- Approval of NJ State Firemen's Assoc. Membership App-G. Wiatroski
- Raffle App-Pastime Club Inc. Off-Premise Draw (50/50 Cash) Raffle- September 3, 2012

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

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Badal abstained from approval of the minutes of the 2/21/12 meeting.

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

Absent: Garubo

DISCUSSION: No discussion items for this meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #42-12 Appoint Brett Raimondo-Recreation Commission-Alt. I-12/31/13

(Copy of Res. #42-12 attached to these minutes)

Motion to adopt Resolution #42-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None
Absent: Garubo

Res. #43-12 Tonnage Grant Application-2011

(Copy of Res. #43-12 attached to these minutes)

Motion to adopt Resolution #43-12 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ADMINISTRATOR REPORT:

Administrator Sandman gave an update to the governing body on the clean-up taking place at the Mendham Borough Post Office. Mayor Henry had written a letter after receiving complaints from residents regarding the condition of the exterior of the post office. The trailer will be relocated and there will be painting and planting of trees.

Mr. Griffin will keep the Borough updated on the progress.

Ms. Sandman thanked Superintendent O'Brien, Police Chief Taylor and Borough Clerk Maureen Massey for their assistance in the aftermath of a truck coming through the intersection of Route #24 and Hilltop Road in front of the Phoenix House taking down the traffic light. The driver was charged and the cost for replacement will be paid through his insurance.

Administrator Sandman discussed the cost savings for the Borough by participating in the energy plan and Donnelly Solutions. For 2012 the Borough can now switch and participate in the plan for our electric service.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that the testing for the position of Chief of Police will begin on April 14, 2012 at the Garabrant Center if this location is available. He requested a special meeting to be held on Monday, April 23rd, 6PM, at the Garabrant Center to act on the results of these tests. This will give the transition time suggested by Police Chief Taylor.

The test for the new position that will open up for Sergeant will be done internally by the Public Safety Committee and Chief Taylor.

Chief Taylor approached the Council with a request for assistance to Morristown for the parade this Saturday. The request would be for assistance during the evening hours. The cost would be absorbed by the Borough. He suggested 1 man for a 6 hour duty. After some discussion the governing body did not support the assistance and noted that they felt it was an improper use of the Morris County Emergency Rapid Response. Further comment was made regarding the expense to the Borough. The governing body suggested that officers volunteer their service.

Councilwoman Daly reported that the employee evaluation will be discussed within the next 2 weeks. She is waiting for information requested on the Public Defender from the Court Administrator upon her return from vacation.

Councilman Sharkey reported receiving a call from a resident with regard to trees that are cut down with no replacement. He suggested that our tree ordinance be amended to take this into consideration. He further reported another citizens concern about deer culling program, after finding an arrow on his lawn. He asked if this program is reviewed routinely by the Borough. He received an affirmative response.

Mr. Sharkey will continue his work on the sign ordinance and noted that there are still areas that he would like a consensus of the Planning Board and the Council. Atty. Semrau cautioned seeking advice from the Planning Board with the current filing of an application with this board regarding signage. Atty. Semrau commented that the Planning Board's function is for technical review and the Council's function is for legislation and enforcement. The Planning Board can

review the sign ordinance for consistency.

Councilman Andrus thanked those who completed the task of cutting the operating budget. He reported that there will be a meeting tomorrow evening with the Borough Auditor Bud Jones to discuss the 'CAP' and the state of the Borough's surplus funds.

There was a brief discussion regarding the revenue side of the budget and consideration of less debt payoff this year. It was noted that the Borough will pay less this year for pension and health benefit contributions. Any savings realized cannot be used since next year according to the figures released from the State, these same items will increase.

Councilman Andrus circulated a list of capital projects and asked the governing body to review and return to him.

Councilman Witczak reported on a successful shared services meeting with Mendham Township and their respective Department of Public Works Superintendents. He stressed that this could not be accomplished without the support of the elected officials.

He cited storm basin maintenance, sharing of baseball fields and combining of purchases of clay were discussed as areas that could benefit with sharing services between the two towns. Mr. Witczak noted that both towns are in the same joint insurance fund which eliminates certain insurance issues.

Councilman Witczak noted that at the last meeting he removed a bill from the First Aid Squad for payment. After receiving the documentation clarifying the purchase he requested it be placed for approval when the voucher list is up for vote.

ATTORNEY ITEMS:

Atty. Semrau reported that the Comcast negotiations are at an impasse. He would like to consult with the Borough Administrator and report to the governing body in executive session at the next meeting. He continued reporting that he did review the Board of Public Utilities report and the JCP&L response. Mr. Semrau outlined some comments that he circulated to the Mayor and Council. He suggested that our JCP&L liaison, Mr. Anderson be contacted in writing requesting the specifics with how JCP&L will improve and enhance communication with citizens during severe storms as encountered in 2011. Mr. Semrau asked and received a consensus of the governing body to compose a letter for mailing.

Mr. Semrau noted that Atty. Breen will complete and circulate a summary of the highlights of the Board of Education public forum held with regard to the high school funding formula. He further reported that the sanitary sewer draft ordinance was circulated.

MAYOR'S ITEMS: No further comments.

PUBLIC COMMENT:

David Sprandel, 18 North Linden Lane, asked if there would be an electronics recycle day this year. Superintendent O'Brien responded that a date was set and all the information is on the web page. Mr. Sprandel asked about the cell tower application at the Kings shopping center. Mr. Semrau briefly responded that the application was denied by our Board of Adjustment. The applicant appealed in Superior Court who upheld the decision, but gave the applicant the right to apply back to the Board of Adjustment with another location. It is anticipated that the applicant will file another application with the Borough.

It was noted that the culling of the deer resulted in 39 for this year which is down from last year. Mr. Sprandel also asked why the defibrillators were not up in West Field. The response was that they are pulled when the temperature drops to freezing and will be placed back up in the Spring.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated March 5, 2012

Motion to approve the March 5, 2012 bill list as well as payment of the voucher for 'Loving Hearts' submitted by the Mendham First Aid Squad at the last Council meeting was made by Councilman Andrus

Second by Councilman Badal

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

EXECUTIVE SESSION: No executive session was held.

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 9:10P.M. next to convene at the Regular Meeting on March 19, 2012 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk