

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

CALL TO ORDER

Mayor Henry called the March 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 Stanley Witzak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly

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

Absent: Councilman Brad Badal, Ellen Sandman, Administrator

CONSENT AGENDA:

Approval of minutes of the Regular Session Meeting of February 7, 2011
Approval of minutes of the Regular Session Meeting of February 22, 2011
Approval of minutes of the Ex. Session Meeting of February 22, 2011
Appoint First Aid Squad (Probationary) Member-Ellen Runyon
Approve Blue Light Permit-Rupert Hauser-Mendham Fire Department
Approve Raffle License-5/5/11-Off Premise 50/50Cash-Minutemen Club
Res. #44-11 Transfer of Funds

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

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

DISCUSSION:

Nursery School-Peggy Burke

-Sign (Permanent) Orchard Street

-Relocation of Sign-By Playground

Ms. Burke discussed the relocation of the present sign and how the request came about. Atty. Semrau noted that the property is owned by the Borough and there is case law supporting the governing body using their discretion with regard to these requests. Atty. Semrau did caution that before the Council discusses and makes their recommendation, he would consult the Borough Engineer, Zoning Officer, and Board of Adjustment Attorney on behalf of the Borough. He stressed the need to be consistent, consideration given to traffic site issues and land use principles before further review at the Council level. It was further suggested that the neighbors near the property be notified of the Nursery School request for relocation of the sign.

DISCUSSION: (Cont'd.)

There was a brief discussion on the request for a permanent sign. Atty. Semrau suggested that Ms. Burke wait until the first sign request is decided. He also mentioned that Ms. Burke might need to seek the approval of the County Planning Board if the sign is to be placed on Main Street.

Sign Ordinance: Councilman Sharkey:

-Illuminated- Councilman Sharkey commented that this was discussed during the sign ordinance meetings. After a brief discussion it was concluded that the Borough Zoning Officer will contact all businesses with these signs that are not grandfathered and have them removed. He will also provide a list of all businesses that are grandfathered, if any. This will be completed before the sign ordinance is introduced.

-Freestanding (Tower) - Council was in agreement that this would be a good alternative for the Kings Supermarket area. The Mayor suggested that Councilman Sharkey contact Mr. Diffen who can discuss this with the owner for his input.

-Retail Farm Stand- There was discussion held with regard a sign and farm stand at the West Field location. Atty. Semrau noted that this property is deed restricted and neither of these requests would be allowed. He has reviewed the deed document in the past but will review again and report back to the Council

ORDINANCE INTRODUCTION:

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)

Be passed on first reading by title; and

BE IT FURTHER RESOLVED, that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on **March 21, 2011** at 8:00 PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to approve the introduction of Ordinance #1-11 was made by Councilman Witczak
Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #42-11 Award Contract to Stormwater Compliance Solutions-Annual Inspection Borough's Stormwater System

Motion to adopt Resolution #42-11 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: There was a brief discussion on whether or not this could be a two year contract for a lower negotiated price without going over the bid threshold.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ACTIONS TO BE TAKEN: (Cont'd.)

Res. #43-11 MASH-Performance Bond/Change Order

Motion to adopt Resolution #43-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: Councilman Andrus questioned the charge for police presence. A response from the audience from Police Chief Taylor was that this charge is always paid by the contractor, who in this instance would be the Borough. It was fee for approximately \$37.00.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ADMINISTRATOR REPORT: Administrator Sandman was not present and Mayor Henry asked the Council to contact her upon her return with any questions regarding her Administrator's Report.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus commented that he is waiting for the final figures from the Borough Auditor and Administrator before making any budget cuts.

Councilman Garubo asked the Council for their recommendations for a Grand Marshall.

Councilwoman Daly reported attending the Public Officials dinner and found the speakers to be very interesting.

Mayor Henry asked Councilwoman Daly to continue to share ideas for changes in the performance appraisal forms for the employee review process.

Mayor Henry noted that Councilman Badal is working on the promotional ordinance for the position of Police Chief.

ATTORNEY ITEMS:

Atty. Semrau reported that Councilman Witczak attended the public safety seminar sponsored by our insurance fund and the Borough received a \$250 credit. He further noted that the cable survey has been circulated and will be posted on the Borough web page, the email policy was sent to the Mayor and Council, and representative of the homeowners of Horseshoe Bend Road was notified regarding reimbursement for snow removal as approved by the Council. Atty. Semrau suggested the police promotional ordinance be reviewed by the Borough Labor Attorney before introduction. He concluded that he did attend but did not participate at the County Tax Board meeting with regard to the ratio-assessed value-fair market value argument. He will report any conclusions from that meeting as soon as they are received by him.

MAYOR'S ITEMS:

Mayor Henry commented on the Cable Survey for public input as a requirement in the renewal process. He reported meeting with Cit-E-Net for discussion on the cable survey, email boxes and an internet 'blast' capability. It was determined that the survey could be posted on the webpage for the resident to copy, complete and mail. Atty. Semrau suggested a 30 day period to complete and respond, for example 3/15-4/15. It was also suggested that the survey be posted Channel 25 and printed in the Mendham Messenger.

The email boxes will be discussed with other vendors and Cit-E-Net can provide a notification page where residents would be automatically notified on subjects that they have an interest in.

Mayor Henry asked and received Council approval for the Board of Chosen Freeholders to hold a public meeting in the Borough on September 26th, at 7:30PM at the Garabrant Center. He further reported that Charlie Nahabedian has retired and a replacement has been selected, another loop trail meeting was held and questions will be posted on the web page and there will be a meeting held at West Morris Central High School to determine if there will be a non-binding referendum regarding the funding formula placed on the ballot for the school board election.

PUBLIC COMMENT:

Dave Chakrin, First Aid Squad President, reported another good month with the Squad responding to 36 calls, 17 daytime and 19 at night.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated February 22, 2011
Motion to approve the February 22, 2011 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Badal

Res. #45-11 Executive Session-*Contract Negotiations (*Shared Services)

Motion to adopt Resolution #45-11 was made by Councilman Garubo
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: Badal

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

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 9:36 P.M. next to convene at the Regular Meeting on March 21, 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