

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

CALL TO ORDER

Mayor Neil Henry called the April 16, 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 Witzcak
Council President John Andrus
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: Councilwoman Veronica Daly, Councilman David Sharkey

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 4/2/12
- Approval of the minutes of the Executive Session Meeting 4/2/12
- Off-Premise 50/50 Cash Raffle-Somerset Hills YMCA-5/21/12-7PM

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

Discussion: Councilman Andrus corrected pg. 2 to his budget summary to read: "salt spray-down" system.... The Clerk will correct the minutes as requested.

Roll Call – the vote was as follows:

In favor: Badal, Witzcak, Andrus, Garubo

Opposed: None

Abstain: None

Absent: Daly, Sharkey

DISCUSSION: No specific items listed for discussion.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

**ORDINANCE #2-12
CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

Was published in full in the Observer Tribune

(A copy of Ordinance #2-12 is attached to these minutes)

ORDINANCE #2-12: (Cont'd.)

Mayor Henry opened the public hearing.

David Sprandel, 18 North Linden Lane expressed concern over the misleading language used in this ordinance. Councilman Andrus responded that the 2012 budget is flat. Mr. Andrus was very understanding and highlighted the sentence, stating that it is necessary to increase the budget by up to 3.5% to promote general welfare for citizens, noting it is language provided by the State of New Jersey

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #2-12
CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Be passed and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Motion to adopt Ordinance #2-12 was made by Councilman Andrus
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was as follows:
In favor: Andrus, Witczak, Garubo, Badal
Opposed: None
Abstain: None
Absent: Daly, Sharkey

ACTIONS TO BE TAKEN:

Res. #57-12 Fireworks Roxiticus Golf Club- 6/2/12-Rain Date 6/3/12

(Copy of Res. #57-12 attached to these minutes)

Motion to adopt Resolution #57-12 was made by Councilman Badal
Seconded by Councilman Andrus

Discussion: The Labor Day incident regarding who has the authority to halt a fireworks display was reviewed and after some discussion it was determined that since there has been no issues at Roxiticus it would be acceptable to have the Borough Administrator verbally discuss with their representative prior to the event.

Roll Call – the vote was as follows:

In favor: Garubo, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Daly, Sharkey

Res. #58-12 Sanitary Sewer Application-B2701/LC010C

(Copy of Res. #58-12 attached to these minutes)

Motion to adopt Resolution #58-12 was made by Councilman Badal
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Garubo
Opposed: None
Abstain: None
Absent: Daly, Sharkey

ADMINISTRATOR REPORT:

Administrator Sandman had prepared and circulated a hard copy of her administrator's report prior to this meeting.

Ms. Sandman reported on a joint effort of the Borough and Township in applying for a Municipal Alliance grant. This grant will require matching municipal funds. The Administrator continued her verbal report by adding that John Anderson of JCP&L has responded back with preliminary recommendations for the area around the pump station on Cold Hill Road. Councilman Andrus recommended getting back to Mr. Anderson and starting the process in motion. He requested time to return to the site to determine a final confirmation on the height of the fence.

Administrator Sandman reported that she and Mayor Henry will be meeting with Mr. Charles Smith of Comcast to further discuss the one time stipend that will be offered to the Borough.

Ms. Sandman has received documents from the 'Direct Install' Program and will discuss with Superintendent O'Brien, and Councilman Witczak and Andrus regarding work at the Public Works, Water Reclamation Facilities and the Bowers Building covered under this program and the match of funds required by the Borough.

Ms. Sandman concluded by reporting that she will be meeting with Engineers, Twp. Administrator Mountain on the Pleasant Valley Road project and additional funding; work status performed by the DPW under the supervision of Superintendent Ken O'Brien at Tranquility Garden and completion of the new personnel evaluation form.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that the Police Chief examination will be held this Saturday and the scoring will be completed by the end of the week, complimented the Mendham Borough Police on the handling of the labor action held at Balbrook Drive, as well as the Fire Department/First Aid Squad on their containment of a fire and quick response on Deerfield Road; and concluded that the review of the specs for the fire truck, by our consultant Sean Duffy, is expected by Friday of this week.

In response to Councilman Andrus' question to seek payment for the labor action from Verizon, Chief Taylor noted that neither Verizon nor the Union can be charged for police security.

Mayor Henry noted that Councilwoman Daly asked him to report that there will be a meeting held to talk about employee salaries; interviews for a Borough Engineer are completed and both the Borough and Land Use representatives recommended Paul Ferriero noting that the interviews for Zoning Officer will be held in a couple of weeks.

Councilman Garubo reported that this year the summer camp will accept registrations for grades K-6th.

Councilman Andrus commented on a well done Tax Collector's report distributed to the Council and on the progress of the sign ordinance noting some small changes and outstanding questions on banners and neon signs.

Councilman Witczak commented on the progress at Tranquility Garden and noted that the Borough was presently using some equipment from Harding Township utilizing the 'shared services' concept.

Mayor Henry asked Councilman Witczak to continue work on the sewer ordinance.

ATTORNEY ITEMS:

Atty. Semrau will have a resolution for the next meeting authorizing the changes to the Employee Handbook.

Attorney Semrau suggested the Council consider a motion to excuse Councilwoman Daly from this meeting. Mr. Semrau noted that this would document her absence formally for the record.

Motion to excuse Councilwoman Daly from attendance at this meeting, 4/16/12, was made by Councilman Garubo.

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Garubo, Badal, Witczak

Opposed: None

Abstain: None

Absent: Daly, Sharkey

It was noted that Councilman Sharkey's dad has died which is the reason for his absence.

MAYOR'S ITEMS:

Mayor Henry notified Charles Topping that the Borough would like him to be the Grand Marshall at the Labor Day parade. The Mayor commented that Mr. Topping was very pleased to be asked.

The Mayor reported on an upcoming meeting of the Mayors and the representatives of the high school boards to discuss the status of funding formula meetings and to exchange ideas and concerns.

PUBLIC COMMENT:

John Morell, 7 East Main Street, questioned the funding formula change (feasibility study) and the fact that the school board elected not to put a referendum on the ballot as suggested by the municipalities.

Mayor Henry responded that 'all options are on the table.' He noted the Borough has budgeted \$10,000 for a study. Mr. Morell shared information from a press website, such as the names and number of school board representatives. Mayor Henry responded by confirming or denying Mr. Morell's website facts based on his knowledge on this topic. Mr. Morell commented on the reality of getting all 5 towns to agree.

Mayor Henry shared that the upcoming meeting with school board representatives is to open discussion and narrow down the available options. This meeting will be closed to the public but future meetings will be held in public.

Frank Lupo, 17 Dean Road, questioned why the Borough does not review and do their due diligence for an RF Engineer. Councilman Andrus responded that this is the Board of Adjustment's professional appointment and that there are limited candidates in this field. Mr. Andrus recommended that Mr. Lupo share his recommendations with the Board of Adjustment. Mr. Lupo was thanked for his comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated April 16, 2012

Motion to approve the April 16, 2012 bill list was made by Councilman Andrus

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Badal

EXECUTIVE SESSION: There was no executive session 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 May 7, 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