

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

CALL TO ORDER

Mayor Henry called the April 19, 2010 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 Stephen Carr
Councilman Louis Garubo
Councilman Brad Badal
Councilman Stanley Witzczak
Councilman John Andrus

Also present: Fred Semrau, Esq.
Ellen Sandman, Administrator

Absent: Council President David Murphy

CONSENT AGENDA:

Res. #66-10 Release Cash Bond Road Opening Permit-B101/L3
Raffle Application-Pastime Club-50/50 Cash (Off-Premise)-9/6/10
Res. #67-10 Appt. Recreation Commission- Kevin Lanahan-Alt. I
Approval NJ State Firemens' Assoc. Membership App-G. Wiatroski

Mayor Henry asked if any member of the Council or any member of the public wished to have any item removed from the Consent Agenda. No requests were made.

Motion to approve the Consent Agenda was made by Councilman Garubo
Seconded by Councilman Witzczak

Discussion: Councilman Witzczak and Councilman Carr stated that they are both members of the Pastime Club but are not officers or hold any position of authority. Councilman Witzczak commented that Res. #67-10 appointment should be corrected to state 'recreation committee'.

Roll Call – the vote was as follows:

In favor: Carr, Garubo, Badal, Witzczak, Andrus

Opposed: None

Abstain: None

Absent: Murphy

Mayor Henry noted that since Council members have raised minor questions. It is in the best interest of the Borough that these questions are discussed and the introduction of the budget and associated ordinances and resolutions be tabled to the May 3, 2010 meeting.

2010 Budget Introduction: Tabled

**ORDINANCE #3-10
CALENDAR YEAR 2010
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

RESOLUTION #68-10 **2010 Budget Introduction**
Public Hearing May 17, 2010
RESOLUTION #73-10 **Self- Examination**

6. Ordinance Introduction:

ORDINANCE #4-10 - Tabled

ORDINANCE PROVIDING FOR VARIOUS SANITARY SEWERAGE IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$171,000 THEREFOR FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE BOROUGH

ORDINANCE #5-10 - Tabled

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$527,500 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH

Motion to was made by Councilman Andrus to table Ordinance #3-10, #4-10 and #5-10 and Resolutions #68-10 and #73-10 to the May 3, 2010 meeting.

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

DISCUSSION ITEMS:

Barbara Nelson explained the Memo of Understanding presented to the Council for approval. She commented that it was received late and needed to be signed and back to the County by Friday. The signing of this MOU will permit the First Aid Squad and the Fire Department to purchase pagers at a 90% reduction and for \$50.00 each vs. \$500.00. These pagers are needed to communicate with the County dispatch. She further remarked that the Borough of Mountain Lakes is the municipality who applied for the grant and the Borough was one of the first to be considered. Capt. Nelson responded that the Borough would receive approximately 40 pagers in response to questions regarding how many pagers the First Aid would receive.

Motion was made by Councilman Carr to authorize the execution of a Memo of Understanding, subject to affirmative legal review, between Morris County/Borough of Mountain Lakes/Mendham Borough for participation in a grant from FEMA to purchase radio paging equipment for the purpose of emergency services alert during emergency and/or urgent situations.

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

Geri Baines, Chairperson–Mendham TV, discussed a personnel change with the hiring of a Station Manager. She noted that there has been an increase in community interest and this new position would not impact the Borough budget. The salary will be paid from the Mendham TV budget. Atty. Semrau asked if this action was presented to the Cable Committee. Ms. Baines answered affirmatively and further commented that the committee did pass it by a motion. Ms. Baines also reported that Chester Borough and Township may be joining Mendham TV since they are part of the sending high school district and would benefit from their participation. Ms. Baines noted that a 501C will be set up for Mendham TV.

It was requested that some action be taken on behalf of the Borough to show their consent to the hiring for the position of Station Manager. Mayor Henry asked the Council for a motion to formalize this request.

Motion was made by Councilman Andrus to acknowledge the Borough's consent to the hiring of a Station Manager for Mendham TV subject to affirmation by the Township of Mendham.

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

ORDINANCE INTRODUCTION:

ORDINANCE # 6-10

**AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY
TO AMEND AND SUPPLEMENT CHAPTER 102, FEES,
OF THE CODE OF THE BOROUGH OF MENDHAM
WITH REGARD TO FEES FOR CERTIFIED COPIES**

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 **May 3, 2010** 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 #6-10 was made by Councilman Andrus

Second by Councilman Carr

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #69-10 Sanitary Sewer App-B1501/L1-Ananda Yoga, LLC

(A copy of Resolution #69-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Carr

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

Res. #70-10 Sanitary Sewer App -B1501/L1-Grant Homes, LLC

(A copy of Resolution #70-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Witczak

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

Res. #71-10 Shared Svcs/Interlocal Agree-West Morris High-School Resource Officer

(A copy of Resolution #71-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Garubo

Second by Councilman Badal

Discussion: Councilman Witczak commented that the Borough will pay pension and benefits for this officer. Mayor Henry commented that was correct and WMHS will pay one-half of the officer's salary.

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Murphy

ADMINISTRATOR REPORT:

Administrator Sandman in addition to her written report commented on how well the process of firming up an interlocal agreement with the high school resource officer concluded and the finalizing the obtaining of the additional information for the sanitary sewer application approval monitoring. She further reporting she will be obtaining ideas and costs from landscape architects with regard to Tranquility Garden.

Mayor Henry asked the Administrator if there was anything further to report on the lighting at Budd Street. Administrator Sandman reported that Doug Pechanec pursued the Borough's request. He was able to locate an unused light stanchion which will be installed by the school's maintenance staff with no cost to the Borough. Chief Taylor present at the meeting confirmed that this area will continue to be monitored by law enforcement.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that evaluation documents have been given to the Department Heads for completion. The Personnel Committee will review at their first meeting in May.

Councilman Garubo reported that the Recreation Committee is discussing who will be the next Grand Marshall at the Labor Day Parade.

Councilman Andrus commented that the finance committee will review the slight changes to be made to the 2010 budget. It will be ready for introduction at the May 3, 2010 meeting.

Councilman Witczak commented on pending sanitary sewer applications and site plan for the paving at the MASH (Mendham Area Senior Housing).

Councilman Badal reported that there was a preliminary meeting this evening with regard to the sign ordinance.

ATTORNEY ITEMS:

Atty. Semrau reported on the final dollar settlement of the Combe Fill North litigation. Insurance coverage closed the gap between the Borough's payment and the amount due. There was a slight overpayment of approximately \$6,000. Since a release was signed, Atty. Semrau will confirm with the insurance carriers as to whether or not the overpayment is the property of the Borough.

He further reported that the sanitary sewer application process and methods are reviewed and are in order and tentatively action will be taken at the next meeting. For example, Tiger Realty is requesting a waiver with justifiable basis and Atty. Semrau suggested that escrow be posted before an application is filed.

Atty. Semrau noted that the occupancy ordinance has been reviewed and comments made by the Planning Board Atty. Peter Henry. This ordinance was forward with revisions to the land use committee for discussion.

Research has continued for proposals on the DAS system. Information received will be put together into one proposal for action by the Council in the future.

Atty. Semrau requested an executive session to discuss Windymere Road and Homeowner's Association.

Councilman Badal asked Atty. Semrau about the right to assemble question he posed at the last meeting. Atty. Semrau commented that he has done research and will forward a draft ordinance for careful consideration.

MAYOR'S ITEMS:

Mayor Henry reminded everyone about the dedication ceremony at Police Headquarters on Saturday, May 1st 9:30 a.m. for Sgt. Morales.

PUBLIC COMMENT:

Deborah Smith, 8 Lake Drive, asked for a solution for her daughter to the dangerous crossing to West Field to participate in LaCross games. It was decided that police enforcement would be necessary and a removable sign ordered and installed.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated April 19, 2010
Motion to approve 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, Carr
Opposed: None
Abstain: None
Absent: Murphy

EXECUTIVE SESSION:

Res. #72-10 (Rev.) Atty-Client Privilege

(A copy of Resolution #72-10 is attached to these minutes)
Motion to approve this resolution was made by Councilman Garubo
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was as follows:
In favor: Badal, Witczak, Andrus, Carr, Garubo
Opposed: None
Abstain: None
Absent: Murphy

Motion to return to open session was made by Councilman Carr
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Andrus, Carr, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: Murphy

This executive session ended at approximately 9:05PM.

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 9:10 P.M. next to convene at the Regular Meeting on May 3, 2010 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk