

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

CALL TO ORDER

Mayor Henry called the April 5, 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
Council President David Murphy
Councilman Louis Garubo
Councilman Brad Badal
Councilman Stanley Witzczak
Councilman John Andrus

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

Absent: Councilman Stephen Carr

CONSENT AGENDA:

Approval of minutes of the Regular Meeting of March 15, 2010
Res. #56-10 Annual Tonnage Grant Application Resolution
Res. #57-10 2008-2009 Certain Tax Appeal Settlements
Res. #58-10 1st Qtr. Refund Property Tax Overpayments

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 Witzczak
Seconded by Councilman Murphy

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

DISCUSSION ITEMS:

Garden Club Banner Request-Plant Sale

Mayor Henry opened the discussion regarding a request from the Garden Club to hang a banner announcing their annual plant sale. Mayor Henry verbalized his concerns over hanging banners at this location and the impact on the historic charm of Mendham and the beauty of the Phoenix House. He commented that this was his opinion and asked the Council to take this opportunity to voice their comments. The general consensus of the Council was to deny this request. The Mayor requested that the Clerk respond to the Garden Club adding that he was available for any further conversation on this topic.

West Morris Regional HS –Budget- 2010-2011

Business Administrator/Board Secretary L. Douglas Pechanec, and Board of Education Members: Christen Forrester (President), James Johnston (Vice President), David Lobron and Jacqueline (Jacke) Schram (Mendham Borough Representative) were present for this presentation.

Jacke Schram read prepared statement giving all the background information with regard to the preparation of this budget. After this statement she briefly reviewed the public presentation, outlined in a power point format, starting with keeping in mind the

goals of protecting the students, respecting the taxpayers, meeting the challenges and preserving the "District Mission" when preparing the 2010-2011 budget. The improvement in instruction providing each student with the knowledge and skills for success and staff development connected to creating student achievement were highlighted. SAT scores, economic challenges, budget reductions, and staff reductions were presented in charts, rate tables and comparison figures. In conclusion, Ms. Schram asked for the proposed budget to receive the support it deserves and reminded everyone to vote on Tuesday, April 20, 2010.

Mayor Henry asked about union negotiations and a pay freeze. Mr. James Johnston commented that the two parties are far apart at this stage. Presently there is no contract in place.

Councilman Andrus asked for clarification on the Assistant Vice Principal position at West Morris Central. It was confirmed that the search to fill this position has been called off. It will be a shared position and the details are still being worked out.

Mayor Henry opened the discussion to the public on this topic only at this time.

Pat James, 18 Dean Road, asked for the number of student presently enrolled and the student-teacher ratio. In response, it was noted that presently there is approximately 2604 students, hopefully to stay flat for a few years and the ration is 20.2=1 but varies year to year.

Councilman Witczak commented on the transportation cuts and the impact on the Borough. The canceling of courtesy busing will impact commuters, DPW and the Police. Cuts for the 2011-2012 and the unknown of the contract negotiation impact were mentioned.

Mayor Henry noted the cooperative relationship between the High School and the Borough of Mendham during the School Resource Officer talks.

Administrator Sandman commented her discussion with Mr. Anderson of JCP&L on the high cost of the pole and the negative change it would have on the beauty of the location to light the corner of Budd Road. After a visit to the site, Ms. Sandman asked is it would be possible to branch off and run power from the lights at the school in lieu of the Borough expending funds to buy and install a pole with JCP&L. Mr. Pechanec would look into it and contact Administrator Sandman. Police Chief Taylor reported that he will patrol and monitor this location.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #59-10 Appointment to the Environmental Commission

(A copy of Resolution #59-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #60-10 Appointments to the Planning Board

(A copy of Resolution #60-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

**Res. #61-10 Cancel Unexpended/Dedicated Balances-
General Capital Appropriations**

(A copy of Resolution #61-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Andrus

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #62-10 Authorizing Fiber Optic Route-Verizon & Board of Education

(A copy of Resolution #62-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Badal

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #63-10 Authorizing Fiber Optic Route-Verizon & Board of Education

(A copy of Resolution #63-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #64-10 Extend Contract-Sanitary Sewer Rehab-PS&S

(A copy of Resolution #64-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Witczak

Second by Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #65-10 Extend Contract-Sanitary Sewer Rehab-PS&S

(A copy of Resolution #65-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Garubo

Discussion: Administrator Sandman's response from PNC was noted and their taking on the responsibility was complimented. The requested work at the site has begun.

Roll Call - the vote was as follows:

In favor: Murphy, Garubo, Badal, Witczak

Opposed: None

Abstain: Andrus (Recused-Conflict of Interest)

Absent: Carr

ADMINISTRATOR REPORT:

Administrator Sandman reminded everyone of the share services meeting on April 7th at 7PM at the West Morris High School Library; updates on the H1N1 on the website with link to Bernardsville Health Department; Planning Board Achievement Award; and recent parking on Orchard Street complaints.

Councilman Garubo discussed the parking spaces available on the premises for Audi employees. Councilman Witczak suggested that if additional parking spots are needed, PNC be contacted to see if they would lease spaces on their property.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak asked Atty. Semrau to review the Borough Code book with relation to a parking ordinance adopted in 2007 that has not been codified correctly.

Councilman Andrus discussed DPW budget requests for upcoming paving projects and projected the introduction of the budget for the April 19, 2010 borough council meeting.

Mayor Henry reported for Councilman Carr on the planning of a meeting for a review of the sign ordinance.

Councilman Garubo reported the recreation committee considering nominations for Grand Marshall of the Labor Day parade.

Councilman Murphy suggested Borough representation at the FEMA grant classes being held. He questioned private inspections of fire alarms for the Borough. It was noted and the Administrator will report back.

Fire Chief Mike Bruin commented that he cannot attend the next FEMA grant class but will be attending the next upcoming for fire gear. First Aid Captain Barbara Nelson reported on a grant applied for approximately 2 years earlier which will cover 90% of the cost of new pagers for both the Fire and First Aid responders. It will cost approximately \$50.00 each for a pager vs. \$500.00.

Administrator Sandman initiated a discussion with regard to the oxygen system used by the Borough and the construction of an explosion proof room per OSHA standards. First Aid Captain Barbara Nelson addressed the need for OSHA compliance and explained that the Borough has a 'cascade oxygen system' and that shared services with the Township would not be likely since they do not have the same system. Administrator Sandman further responded that she and Mendham Township Administrator Steve Mountain have discussed the difference in the systems.

Councilman Murphy noted that the Borough responds to double the Township calls and that this oxygen system also supplies our Police Department. Certification is needed to fill the oxygen bottles and feels this not an area for shared services.

Fire Chief Bruin asked if the timing for payment to Comcast could be reviewed since they have shut down internet service at least once a month for non-payment. Administrator Sandman will look into this and report back to Chief Bruin.

Councilman Badal reported that performance appraisals will be evaluated by the Personnel Committee tentatively the first week in May.

ATTORNEY ITEMS:

Atty. Semrau reported on a letter received from Verizon self-assessing their personal property as opposed to the Borough Tax Assessor. The figure is down from last year. Atty. Semrau disagrees with the figures supplied by Verizon and has filed a complaint to seek an increase in the values submitted. Atty. Semrau tentatively will have additional information regarding alternative individuals for submission of proposals regarding the DAS system for the Borough. He requested an executive session for the next meeting to discuss Windymere Road (Windymere Homeowners Association).

MAYOR'S ITEMS:

Mayor Henry reported on his attendance at a meeting held in Randolph Township regarding the financial problems in the State. There was discuss with regard to police department mergers. Mendham Township was in attendance and agreed to fund a study with Randolph Township. The Mayor asked the Council if they would consider a resolution adoption this evening to participate in this study. The verbal consensus of the majority of the Council was against adoption of a resolution.

Councilman Witczak commented that saving money and increased efficiency would be the key for consideration of a merger.

Administrator Sandman added that the State involvement would also influence the outcome of whether or not it could move forward.

PUBLIC COMMENT:

Recreation Director Bruce DiBisceglie asked about the appointment to the Recreation Committee discussed. Mayor Henry noted that it will be on the next agenda.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated April 5, 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, Witzzak, Andrus, Murphy
Opposed: None
Abstain: None
Absent: Carr

EXECUTIVE SESSION: There was not 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 9:45 P.M. next to convene at the Regular Meeting on April 19, 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