

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

CALL TO ORDER

Mayor Neil Henry called the June 1, 2009 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 Murphy
Councilman Stephen Carr
Councilman Louis Garubo

Also present: Fred Semrau, Esq.

Absent: Councilman Brad Badal
Ellen Sandman, Administrator
Connor Monahan, Student Representative

CONSENT AGENDA:

Approval of minutes of the Executive Session meeting of May 4, 2009
Approval of Raffle App-Mendham Boro Home School Assoc-10/3/09-
50/50 Off-Premise Cash Raffle
Approval Patricia M.K. Betz-NJ State Firemen's Assoc Membership App

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, there was only one on this evening.

Motion to approve the Consent Agenda was made by Councilman Witczak
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Murphy, Carr, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Badal

DISCUSSION ITEMS:

Budget Adoption: Resolution (Tabled from 5/18/09 Meeting):

Mayor Henry explained that the State has not reviewed the Borough's budget as of today; therefore the resolution to adopt will be tabled until the June 15, 2009 meeting.

A motion to table the adoption of the 2009 budget to the June 15, 2009 meeting was made by Councilman Garubo
Second by Councilman Andrus
Roll Call-the vote was as follows:
In favor: Murphy, Carr, Garubo, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

ORDINANCE INTRODUCTION:

ORDINANCE #8-09

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$80,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$76,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #8-09

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$80,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$76,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

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 **June 15, 2009** 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 by Councilman Murphy

Second by Councilman Carr

Discussion: Administrator Sandman explained the ordinance appropriates \$80,000 excluding \$20,000 appropriated from prior ordinances.

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE #9-09

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE COLLECTION SYSTEM IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #9-09

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE SANITARY SEWERAGE COLLECTION SYSTEM IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$1,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

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 **June 15, 2009** 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

Ord. #9-09: (Cont'd.)

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 by Councilman Andrus

Second by Councilman Garubo

Discussion: None

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #6-09

ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT FOR USE BY THE POLICE AND FIRE DEPARTMENTS OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$55,500 THEREFOR, CONSTITUTING PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED

Was published in full in the Observer Tribune.

(A copy of Ordinance #6-09 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #6-09

The public hearing was closed.

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that,

ORDINANCE #6-09

ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT FOR USE BY THE POLICE AND FIRE DEPARTMENTS OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$55,500 THEREFOR, CONSTITUTING PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED

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 approve by Councilman Murphy

Second by Councilman Garubo

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ORDINANCE #7- 09

ORDINANCE AMENDING TWO APPROPRIATION ORDINANCES OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, HERETOFORE ADOPTED ON JUNE 18, 2007 (#14-07) AND JUNE 2, 2008 (#09-08, AS HERETOFORE AMENDED ON SEPTEMBER 15, 2008 BY ORDINANCE #14-08)

Was published in full in the Observer Tribune.

(A copy of Ordinance #7-09 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #7-09

The public hearing was closed.

Ord. #7-09: (Cont'd.)

**BE IT RESOLVED, by the Borough Council of the Borough of Mendham that,
ORDINANCE #7- 09
ORDINANCE AMENDING TWO APPROPRIATION
ORDINANCES OF THE BOROUGH OF MENDHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY,
HERETOFORE ADOPTED ON JUNE 18, 2007 (#14-07)
AND JUNE 2, 2008 (#09-08, AS HERETOFORE
AMENDED ON SEPTEMBER 15, 2008 BY ORDINANCE
#14-08)**

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 approve by Councilman Witczak
Second by Councilman Carr
Roll Call-the vote was as follows:
In favor: Garubo, Andrus, Witczak, Murphy, Carr
Opposed: None
Abstain: None
Absent: Badal

ACTIONS TO BE TAKEN:

**Res. #94-09 Substantive Certification-Housing Element & Fair
Share Plan to COAH-Review & Certification**

(A copy of Resolution #94-09 is attached to these minutes)
Motion to approve was made by Councilman Carr
Second by Councilman Andrus
Discussion: Atty. Semrau reminded the Council that the Borough had until 12/9/09 to apply for substantive certification but is prepared and ready to go at this time.
Roll Call - the vote was as follows:
In favor: Witczak, Andrus, Murphy, Carr, Garubo
Opposed: None
Abstain: None
Absent: Badal

Res. #95-09 Sanitary Sewer App- B301, L1- Arthur Verge

(A copy of Resolution #95-09 is attached to these minutes)
Motion to approve was made by Councilman Murphy
Second by Councilman Carr
Discussion: None
Roll Call - the vote was as follows:
In favor: Andrus, Murphy, Carr, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Badal

Res. #96-09 Renewal of 2009 Liquor Licenses – Club/Retail Distribution

(A copy of Resolution #96-09 is attached to these minutes)
(Two Liquor Licenses remain to be renewed)
Motion to approve was made by Councilman Murphy
Second by Councilman Carr
Discussion: It was noted that Councilman Witczak and Councilman Carr are both members of the Pastime Club. Atty. Semrau noted that since neither council member hold a position authority, they can vote on this resolution.
Roll Call - the vote was as follows:
In favor: Murphy, Carr, Garubo, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Badal

ADMINISTRATOR REPORT:

Administrator Sandman reported was circulated to the Mayor and Council prior to this meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus noted that at the next finance meeting he would like to discuss the sewer rate for seniors; process for salary increases and the new DAS proposal.

Councilman Carr referenced the COAH resolution adopted this evening and was pleased that the Borough is moving forward.

Councilman Garubo noted that letters were sent out for the hiring of day camp personnel. He further noted that the Pastime Field needs work and the kiddie park will need immediate repairs.

Councilman Murphy reported that he attended a meeting regarding Emergency Management and confirmed that the Borough reports directly to the County OEM officials. He will be preparing a resolution for an upcoming meeting listing the participants and titles. There was a brief discussion with regard to parking at West Field and questions answered by the Administrator assuring that this has not become a reoccurring problem.

ATTORNEY ITEMS:

Atty. Semrau was pleased to report that the closing on the 34B property should take place by the end of the month. He further reviewed the Combe Landfill litigation and reported that he has filed the necessary paperwork to aid in recovering from one insurance carrier that may have presented a problem in paying on this claim. This was made possible by a Federal Judge who made this ruling to assist in the resolution of claims. He concluded that there has been compliance and progress in the Vee Fee Realty matter and the Kings Supermarket parking lot location. The necessary performance/maintenance bonds have been posted.

MAYOR'S ITEMS:

Administrator Sandman noted that the Mendham Business Association would like to donate four (4) holiday wreaths for the four (4) corners in the middle of town.

Mayor Henry noted that Ms. Malone has submitted a proposal for additional consultation on the DAS system. After a brief discussion which included making provider contact for opinions and feasibility; coordination with the land use committee for planning perspectives and use of the remaining money already allocated to fill in the gaps on what the Borough would need to do to use the DAS system.

PUBLIC COMMENT:

Frank Lupo, 17 Dean Road, questioned a borough ordinance and the use of the words, "utility poles" but intending to mean, "power transmitting towers".

Atty. Semrau commented that the ordinance would need to be reviewed.

Mary Kay O'Neill, 20 Prospect Street, questioned the necessity and the expense for the two bond ordinances introduced this evening. Administrator Sandman explained and noted that the Sanitary Sewer Collection Bond Ordinance would be paid by user fees collected. The other bond ordinance is needed to do paving of streets, upgrade to the mandatory county radio system for Borough emergency services, and replace cameras in the police vehicles.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated June 1, 2009

Motion to approve by Councilman Witczak

Second by Councilman Murphy

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Badal

EXECUTIVE SESSION: None

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, the meeting was adjourned at approximately 8:55PM next to convene at the Regular Meeting to be held on June 15, 2009 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk