

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

CALL TO ORDER

Mayor Neil Henry called the June 18, 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 Witzzak
Council President John Andrus
Councilman David Sharkey
Councilman Louis Garubo
Councilman Brad Badal

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

Absent: Councilwoman Veronica Daly

CONSENT AGENDA:

- Approval of 'Request for Road Closure'-Prospect/New St.-9/8/12 RD 9/9/12

Motion to approve the consent agenda was made by Councilman Witzzak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzzak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Daly

DISCUSSION:

Tourette Syndrome 5K Walk-Martha Butterfield, Program Coordinator:

Ms. Butterfield noted that the date of the event will be November 3rd, which is earlier than last year. She reported that she has an approved road closing permit, approval from the Recreation Director for use of the park, and has furnished copies of the letter that will be circulated to the neighbors. She anticipated approximately 300 participants and will need the service of one police officer.

Mayor Henry turned the discussion over to Sgt. Libertino for input. Sgt. Libertino noted that he has determined that the organization will need to furnish a certificate of insurance. He commented that police officers are not covered by the Borough if they are hurt while volunteering. He suggested that two officers cover this event, one for Park Avenue where it begins and ends and one to accompany the walkers. Use of residential streets and the added congestion would make it feasible to have two officers present. Mayor Henry requested that this conversation continue outside of this meeting between Sgt. Libertino and Ms. Butterfield to resolve these issues and finalize the plans for this event.

Educational Committee Meeting-Updates:

Mayor Henry led the discussion on this topic and referred to the draft minutes that were distributed to the governing body prior to this meeting. The Mayor reported that the options suggested by the Council were all accepted and voted on by the group, along with one additional option which was "explore a Super District K-12". The Mayor reported that it was a popular option with no down side, and if included would supply additional information for our study. The Mayor felt it would be a valid option to consider and to determine from the study if it is worth pursuing.

The Mayor posed this to the council members for any input. There was no feedback and no objections.

Mendham Township suggested that the meetings be video taped for Mendham TV. The Mayor, after confirming with Atty. Semrau, noted that anyone can tape a public meeting. What is being suggested that at a cost of \$70/\$80 a meeting, per municipality the meeting would be tape for viewing by the public via Mendham TV. The Mayor asked for a consensus of the Council on this suggestion. After a brief discussion, the Council noted that the minutes are available and posted on the web page. It was the decision of the governing body not to fund this suggestion.

Recommendations of Ad Hoc Committee-Amendments to "Sign" Ordinance:

-Borough Planner--Chuck McGroarty

Mr. McGroarty highlighted and drew attention to areas of discussion related to amending the present sign ordinance. It was noted that the draft ordinance reflects revisions and added definitions, provides clarity, reduces ambiguity and modifies numbers, size and combination of sign display. He noted that civic and political signs continue to be a work in progress and need procedures formalized. Non-profit, school and worship sign locations and appropriate locations in a business zone have been addressed. When permits and fees are required, illumination have modified language; signs not lit internally unless approved by the Board of Adjustment/Planning Board; updates on prohibited neon signs (LED-LCD); clarification of the Main Street Corridor and the Historic District Overlay zones.

Planner McGroarty circulated a photo of alternate signs for the Kings Shopping Center. It was noted that the Borough has not been contacted by store owners or the owner of the center regarding additional signage.

Mayor Henry commented that the Commission does not support billboards, neon, electric, LED/LCD or banners.

During the discussion, clarification of civic signs allowed as in the 10 residential district and 4 in the business district as an example of too many wire signs on the streets of the Borough at one time. It was suggested that hanging of banners would help alleviate this.

Councilman Andrus commented that the banners would be hung in a historic zone but suggested limiting the number to major town events and/or working in conjunction with Mendham Township to hang them in their municipality on Main Street.

Mayor Henry read aloud the 'Master Plan' Vision Statement and focused on the intent of maintaining the character of the Borough.

The Mayor opened the meeting to public comments on this topic (Amendments to the Sign Ordinance) only.

Public Comments:

Joe Robbins, Aberdeen Drive, FTR is speaking as an individual and not as President of the Townhouse Association. He suggested considering the signage at the Commons that is within their area but not seen from adjacent properties. He further suggested the use of the Mendham Messenger, email, the internet instead of signage. The Mayor added that the Borough is also in the process of instituting 'social media'.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #79-12 Issuance of Bond Anticipation Notes

(Copy of Res. #79-12 attached to these minutes)

Motion to adopt Resolution #79-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: Councilman Andrus commented that there is a note maturing on July 13th. Part will be used to pay down the note and the remaining amount will be rolled over into a new note for another year.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #80-12 Sanitary Sewer App B1501/L1-Donna Hastings-1 East Main Street

(Copy of Res. #80-12 attached to these minutes)

Motion to adopt Resolution #80-12 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #81-12 Sanitary Sewer App B1902/L21-5 Hilltop Holdings, LLC-5 Hilltop Road

(Copy of Res. #81-12 attached to these minutes)

Motion to adopt Resolution #81-12 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #82-12 Sanitary Sewer App B2701/L5 CO11C-Lackland Energy, LLC/FWDSL &

Associates-5 Cold Hill Road

(Copy of Res. #82-12 attached to these minutes)

Motion to adopt Resolution #82-12 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #83-12 Refund Overpayment Taxes 2010/2011-B2401/L29-50Spring Hill Rd.

(Copy of Res. #83-12 attached to these minutes)

Motion to adopt Resolution #83-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

ADMINISTRATOR REPORT:

Administrator Sandman reported that there will be monies coming to the Borough shortly from hurricane Irene and the Halloween storms and noted the high caliber of work that went into the completion of the paperwork. Ms. Sandman noted that the school will reimburse the Borough for the calendar year 2010-2011 for gasoline for their cars.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witzzak commented on the fact that the Department of Public Works is down two employees and notified the governing body that more summer help would need to be hired. He further commented positively on the office personnel coordination and record keeping.

Mayor Henry reported that solar panels and wind mills would be addressed at the next council meeting.

Councilman Garubo reported that the first week of day camp is filled and that staff training at Rutgers will be soon. It was further noted that grant money has been allocated to the Borough in the amount of \$950 for movies and concerts.

Mayor Henry noted that Councilwoman Daly was excused from this meeting. She had requested information from the Administrator on how much the Borough pays per employee for health care and pension. Administrator Sandman supplied this information to the Council.

Councilman Badal has received, and gave a copy to the Council, a resolution being requested for adoption by Richard DeNicola, Fire Chief. He briefly outlined the content of the resolution which will grant permission for first responders to participate in a program which will provide members with a 'Morris County First Responder Identification Card' paid with federal funding.

Councilman Badal requested this resolution be considerate for adoption at the next meeting. In addition, he asked the Borough Administrator to inquire as to how added members will be handled as far as payment and if the County will continue to fund this program with no cost to the Borough.

ATTORNEY ITEMS:

Atty. Semrau will have two items for executive session which will be for Police Personnel, and Comcast negotiations.

Mr. Semrau reported that he discussed the 'Rewarding Employee' program and ordinance with the Montgomery Township Administrator. He presented the positive side that money was saved with employee compensation. He continued that the rules must be made clear in the beginning and attention paid that the cost savings does not lower the quality of service.

Atty. Semrau announced that he will have an update on the cell tower for the next meeting.

MAYOR'S ITEMS:

Mayor Henry announced that the next Educational Committee Meeting will be held in the Borough on July 19th at the Garabrant Center, 4 Wilson Street, at 7:00PM.

PUBLIC COMMENT:

Laurie Felber, Environmental Commission Chairperson, provided a hand-out on the ANJEC for planning and design of bicycle and pedestrian friendly communities. She gave a brief synopsis and expressed the need for the streets in Mendham to be bicycle friendly. Laurie noted that there is grant money available suggested partnering with the Chesters.

The Mayor announced that he and Administrator Sandman will be attending the next Sustainable Energy meeting. He also informed the public and reminded Council that there will be a special meeting held on July 2, 2012 at 7:00 PM for the appointment of a new Chief of Police for Mendham.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated June 18, 2012
There was a late request for payment made for heating and air conditioning work in the amount of \$2,200 submitted by Superintendent Ken O'Brien. Administrator Sandman added that this does happen at times and asked for the governing body to consider payment. It was agreed to add this item to the bill list.
Motion to approve the June 18, 2012 bill list with the additional item submitted this evening was made by Councilman Garubo
Second by Councilman Badal
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

EXECUTIVE SESSION: Res. #84-12 Contract Negotiations (Rev.) Atty. Client Privilege
(Comcast Franchise Agreement) (Police Matters)

Motion to adopt Resolution #84-12 was made by Councilman Garubo
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Daly

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 10:15P.M. next to convene at the Regular Meeting on July 16, 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