

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

CALL TO ORDER

Mayor Henry called the June 20, 2011 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 Louis Garubo
Councilman Stanley Witczak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly

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

Absent: Councilman Brad Badal

CONSENT AGENDA:

Approval of the minutes of the Regular Session Meeting of 6/6/11
Approval of the minutes of the Executive Session Meeting of 6/6/11
Appointment of Sarah Ann Betz-Regular Member- Mendham Fire Dept.

Motion to approve the consent agenda was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Garubo abstained from approval of the regular session and executive session minutes of June 6, 2011 due to his absence at this meeting.

Absent: Badal

DISCUSSION:

No-Parking Zone-Hilltop Road:

Mayor Henry took this item out of order in the agenda. Mr. Donald Eberhart, Hilltop Presbyterian Church, was present and asked for consideration of his request outlined in correspondence sent to the Mayor and Council. A draft resolution was also sent to the Borough Clerk for the Council's review. The Mayor summarized the request for the establishing of a 'no parking zone' on Hilltop Road between the Hilltop House and Hilltop Elementary School. It was stated that the County Engineer, Steve Hammond was contacted since this is a county road, and he was updated on the unsafe condition. Mr. Hammond advised Mr. Eberhart to contact the governing body in Mendham and request adoption of a resolution requesting the county to consider establishing a 'no parking zone' at this location. Mr. Eberhart consulted with Mendham Borough Police Chief John Taylor after observing the traffic, parking and sight distances at the location.

No-Parking Zone-Hilltop Road: (Cont'd.)

The Council discussed limiting the no-parking to the hours of 8am-9am and 3pm-4pm. The governing body gave further consideration to business owners and the use of this location by customers, as well as making no parking at this location too restrictive.

Clarification that cars moving safely was the concern in the master plan, in response to a prior meeting concern over any restriction by the master plan at this location.

After Council discussion it was decided that the Borough Attorney will review the draft resolution submitted and present a similar version to the governing body for consideration at the next council meeting in July.

(Draft) Sign Ordinance:

There was a lengthy discussion, headed by Councilman Sharkey, of the sign ordinance draft distributed by the governing body.

The ad-hoc committee gave special consideration to LED signs, political/contractor temporary signs and created a matrix attached to the draft ordinance. There was agreement that the matrix created by the Borough Zoning Officer, Geoff Price made for ease of understanding this complex ordinance.

Enforcement of any neon tubing and LED signs that are presently in place before this ordinance is considered for introduction was discussed. A letter of compliance was suggested stressing that these signs have not received approval. As a follow up for non-compliance fines would be imposed.

A specific location of a farm market in the Borough and how to remediate the traffic issue was briefly discussed and concluded with referral for consideration by the Planning Board/Board of Adjustment.

A town sign board and a merchant's sign at the Kings Supermarket location were discussed.

The number of signs permitted in a residential zone and the length of time a sign could be posted was discussed. It was discussed that 30 days from the issuance of a construction permit was a reasonable time frame. It was further suggested that this language be added to the construction permit form.

Atty. Semrau added that he has spoken with Charles McGroarty of Banisch and Associates on some of the changes to the sign ordinance. He feels that Mr. McGroarty should be given the opportunity to thoroughly review the ordinance and give his input. Mr. Semrau commented for the record that the Borough will have an excellent Planner with the appointment of Mr. McGroarty. Given time for review by the new Planner and the Planning Board this ordinance should be ready for introduction in the month of August.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #81-11 Issuance of Bond Anticipation Notes-Not Exceeding \$2,442,978

Motion to adopt Resolution #81-11 was made by Councilman Andrus

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Res.#81-11: (Cont'd.)

Opposed: None

Abstain: None

Absent: Badal

Res. #82-11 Appoint Scott Holzhauer, Borough Assessor

Motion to adopt Resolution #82-11 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: Mayor Henry noted that this is a tenured appointment. He further commented that the Borough has been pleased with Mr. Holzhauer's work record.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

Res. #83-11 Appoint Borough Planner-Charles McGroarty, Banisch & Assoc.

Motion to adopt Resolution #83-11 was made by Councilwoman Daly

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Badal

ADMINISTRATOR REPORT:

Administrator Sandman reported improvements being made to the Petsch House (Mendham Co-Op). Superintendent Ken O'Brien commented that he has reviewed our contract and will complete necessary improvements from the submitted list per this contract.

Administrator Sandman further reported the completion of an employee evaluation form and distribution to department heads; bidding on the bus listed on 'Gov-Deals'; grooming of the garden by the Garden Club and the DPW and the start of a joint project between the Township and Borough on Pleasant Valley Road.

There was confirmation from Superintendent O'Brien that 3 of the AED's have been installed and Atty. Semrau will follow-up with Comcast regarding the boxes left on the poles throughout Mendham.

Ms. Sandman further reported having property maintenance issues on foreclosed properties, animal control calls and the opening of a farmers market in the Township this Saturday at the elementary school from 10am-3pm.

Councilman Sharkey asked for the status on Tranquility Garden. The Administrator responded fencing will be installed and some tree removal will be completed.

Administrator Sandman and Township Administrator Mountain will be meeting with TR Business Solutions in relation to the sharing of DPW equipment and personnel. When their analysis is completed, the information will be shared and a joint meeting of the Borough and Township will be scheduled.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilwoman Daly reported attending the interviews for the new Planner and expressed her satisfaction with the choice made. Ms. Daly further reported the start of the employee evaluations and noted that upon completion they will be forwarded to the Personnel Committee for review.

Councilman Garubo discussed the AED's and recommended the groups send a letter to the Borough stating what their coaches have been trained. He agreed with the

COUNCIL REPORTS, OLD & NEW BUSINESS: (Cont'd.)

governing body recommendation not to introduce and ordinance regarding the AED training but to make it a recommendation only. The Jr. Women's Club is fund raising to purchase additional units to be placed in additional locations.

Councilman Witczak reported that the DPW has completed work on the Gazebo and Fire House; spread tons of black top throughout the Borough; and will be starting work on the Bowers Building including replacing the roof.

The DPW will be demolishing the steps and completing some maintenance for the Library. Administrator Sandman reported that there will be a meeting with Library personnel to discuss a cost saving measure offer to join the Morris County Joint Insurance Fund through the Borough.

ATTORNEY ITEMS:

Attorney Semrau reported that Comcast has taken the first step in the negotiation process. There will be a proposal available for the next meeting which will be discussed during executive session. Mr. Semrau will be in contact with Comcast for a response regarding the black boxes that remain on the utility poles in the Borough. The governing body will have till the end of the year to make any decision.

MAYOR'S ITEMS:

Mayor Henry reported that the all the roads in Mendham Commons need work. All agreements and files have been given for review by Attorney Semrau.

Mayor Henry reported on the 5-hour Education forum and meeting held at Mendham High School which he attended with Councilwoman Daly. It concluded with agreement that the all Mayors' of the 5 towns would get together to discuss the per pupil ration vs. assessed property values. All the school Superintendents agreed to meet and discuss shared services. There were some constructive suggestions offered and discussed. Councilman Garubo commented that he will continue to suggest pressuring the Governor to revisit the school funding formula.

PUBLIC COMMENT:

John Morel, 70 East Main Street, gave all the Mayors credit for making the education meeting public so that he could attend. He was disappointed that no time frames were set for recommendations to continue discussion. Mayor Henry tried to reassure him by responding that he has heard from other Mayors about setting up a meeting. The Mayor also received an email from Mr. DiBattista listing the following up points, showing intent to keep things moving. Mr. Morel further commented that he will keep active and will be back to comment.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated June 20, 2011

Mayor Henry questioned two checks on the bill list.

The Borough had decided not to join the Whippany Watershed, so he asked that the check for 2011 registration be removed. A check in the name of Brian Townsend was also removed before approval.

Motion to approve the June 6, 2011 bill list was made by Councilwoman Daly

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Badal

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 10:00 P.M. next to convene at the Regular Meeting on July 18, 2011 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk