

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

CALL TO ORDER

Mayor Henry called the June 6, 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

Councilman Brad Badal
Councilman Stanley Witzak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly

Also present: Fred Semrau, Esq. (Arrived at approximately 8:45PM)
Dominic DiYanni, Esq.
Ellen Sandman, Administrator
Maureen Massey, Borough Clerk

Absent: Council President Louis Garubo

CONSENT AGENDA:

Approval of the minutes of the Regular Session Meeting of 5/2/11
Approval of the minutes of the Regular Session Meeting of 5/16/11
Approval of the minutes of the Executive Session Meeting of 5/16/11
Appointment of G. Ryan Lilieholm-Jr. Member- Mendham Fire Dept.
Res. #72-11 Special Item of Revenue-Clean Communities
Res. #78-11 Refund Overpayments-2nd Quarter 2011 Taxes

Motion to approve the consent agenda was made by Councilman Witzak
Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzak, Andrus, Sharkey, Daly

Opposed: None

Abstain: Councilman Witzak abstained from approval of the regular session minutes of May 2, 2011 and Councilman Andrus abstained from approval of the regular and executive session minutes of May 16, 2011.

Absent:Garubo

DISCUSSION:

AED Program-Ordinance-Training Requirements:

Councilman Badal led the discussion and reported that he has obtained a copy of an ordinance from another municipality that requires their coaches to take the AED course. Councilwoman Daly commented that she felt that this was an unnecessary layer of requirements for volunteer coaches. She recommended encouraging training but not in an ordinance forum.

In conclusion, it was decided to ask Bruce DiBisceglie, Recreation Director, to work with our First Aid Squad and Atlantic Health on scheduling training but not as a mandatory requirement. It was also suggested that Bruce contact Rutgers University as inquiry if this training could become part of their sessions.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #3-11

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 \$277,325 THEREFOR FROM PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED AND FROM VARIOUS FUNDS OF THE BOROUGH

(A copy of Ordinance #3-11 is attached to these minutes)

Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.
No one wished to be heard, the public hearing was closed.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #3-11

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 \$277,325 THEREFOR FROM PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED AND FROM VARIOUS FUNDS OF THE BOROUGH

Motion to adopt Ordinance #3-11 was made by Councilwoman Daly
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was as follows:
In favor: Badal, Andrus, Witczak, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #4-11

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 38, POLICE DEPARTMENT, OF THE CODE OF THE BOROUGH OF MENDHAM WITH THE ADDITION OF SECTION 38-20 ENTITLED, "PROMOTIONS"

(A copy of Ordinance #4-11 is attached to these minutes)

Was published in full in the Observer Tribune

Mayor Henry opened the public hearing.
No one wished to be heard, the public hearing was closed.

Be it resolved, by the Borough Council of the Borough of Mendham that:

ORDINANCE #4-11

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 38, POLICE DEPARTMENT, OF THE CODE OF THE BOROUGH OF MENDHAM WITH THE ADDITION OF SECTION 38-20 ENTITLED, "PROMOTIONS"

Motion to adopt Ordinance #4-11 was made by Councilman Badal
Second by Councilwoman Daly
Discussion: Councilwoman asked for clarification on #7 & #8 in Ordinance #4-11, which she received to her satisfaction from Councilman Badal.
Roll Call - the vote was as follows:
In favor: Badal, Witczak, Sharkey, Daly
Opposed: None
Abstain: Andrus
Absent: Garubo

ACTIONS TO BE TAKEN:

Res. #73-11 Unexpended Balances-Current Fund Cancelled

Motion to adopt Resolution #73-11 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

Res. #74-11 Liquor License Renewals – 2011/2012.

Motion to adopt Resolution #74-11 was made by Councilman Witczak
Seconded by Councilman Andrus
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

Res. #75-11 Professional Svc. Agree./P. Ferriero/Mtn. Valley Pk. Dam

Motion to adopt Resolution #75-11 was made by Councilwoman Daly
Seconded by Councilman Badal
Discussion: Councilman Andrus expressed his opposition to the use of Open Space funds to repair a dam and feels this is misuse of the public trust. He reported that he has spoken with members of the Open Space Committee who, no all, overwhelmingly opposed, use of open space funds for this purpose. Administrator Sandman responded that Atty. Semrau reviewed our open space ordinance and the use of funds for this purpose was permitted and disagreed that this was a misuse of funds. She stressed, for the record, that she would not be in support of an action that would entail the misuse of funds. Mayor Henry commented that West Milford resisted the DEP in repairs to their dam and the DEP came in and did the work and billed the municipality. Councilman Sharkey received clarification that the \$28,000 would be for a study to be done by Borough Engineer Paul Ferriero. He further commented that the wording "maintain open space" in the ordinance is 'broad'. Councilman Badal commented that this was action requested by the DEP and felt that the Borough has no choice but to comply.
Roll Call – the vote was as follows:
In favor: Witczak, Sharkey, Daly, Badal
Opposed: Andrus
Abstain: None
Absent: Garubo

Res. #76-11 Contract Telecommunications Consulting/Billing Audit

Motion to adopt Resolution #76-11 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: Administrator Sandman responded that this contract states costs will not exceed \$17,500 to remain under the bidding threshold.
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Daly, Badal, Witczak
Opposed: None
Abstain: None
Absent: Garubo

Res. #77-11 Accept 2 Yr. Performance Bond-Resurfacing Ironia Road

Motion to adopt Resolution #77-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

Res. #79-11 Gov Deals-Selling Donated Bus

Motion to adopt Resolution #79-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

ADMINISTRATOR REPORT:

Administrator Sandman reported continued work on LOSAP and the purchase of a new vehicle purchased by the Fire Department with funds. Councilman Badal asked for the response from Comcast regarding the removal of the black boxes on the utility poles in Mendham that was asked by resident Frank Lupo at the last meeting. The Administrator responded that she did not make contact yet with Comcast but will do so by the next meeting. Councilman Badal, with agreement from the Mayor, requested that the bill list be circulated no later than the Wednesday before the meeting as previously requested by the Council.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilwoman Daly reported that she just attended interviews with 3 very qualified for position of Borough Planner. She concluded that the employee evaluation form is being reviewed by the Administrator.

Councilman Sharkey reported that the sign ordinance is in the final stages and will be sent to the Planning Board for review. He further reported that 14 trees have been planted throughout the Borough.

Councilman Andrus received a recommendation to increase the cat/dog license fees. It was noted that construction code fees and use of police vehicles for special duty should also be considered when amending the fee ordinance.

ATTORNEY ITEMS:

Atty. Semrau recommended a review of the Borough's email policy next meeting.

MAYOR'S ITEMS:

Motion for advice and consent on Mayor Henry's appointment of Anthony Germinario to the position of Alternate Member II on the Mendham Borough Board of Adjustment.

Motion was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Garubo

PUBLIC COMMENT:

Mike Kear, 2 Franklin Road, reported on the extremely 'hard water' and asked if American NJ Water is doing anything differently in the last few years. Administrator Sandman responded that she has received no information or any complaints from residents. She will make an inquiry and report back.

Mr. Kear further commented on the gate at the high school remaining open after the beginning and ending of the school day. Police Chief John Taylor responded that it should be closed and he would handle this complaint.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated June 6, 2011
Motion to approve the June 6, 2011 bill list was made by Councilman Badal
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

**Res. #80-11-Atty.-Potential Litigation(Litigation)/Contract Negotiation
(Read aloud by the Clerk)**

Motion to adopt Resolution #80-11 was made by Councilman Andrus
Seconded by Councilwoman Daly
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Garubo

On a motion duly made, seconded and unanimously carried, the Council returned to open session.

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 June 20, 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