

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

CALL TO ORDER

Mayor Henry called the August 16, 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.

Oath of Office: David Sharkey-Oath of office was administered by the Clerk.
Councilman Sharkey will serve the unexpired term of Councilman Carr expiring 12/31/10.

ATTENDANCE:

Mayor Neil Henry

Council President David Murphy
Councilman Louis Garubo
Councilman Brad Badal
Councilman John Andrus
Councilman David Sharkey

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

Absent: Councilman Stanley Witczak

CONSENT AGENDA:

Approval of minutes of the Regular Session Meeting of July 19, 2010
Approval of minutes of the Executive Session Meeting of July 19, 2010
Res. #117-10 Special Item of Revenue- State of New Jersey-
Division of Motor Vehicles Drunk Driving Enforcement Fund
Approval Blue Light Permit Renewals-FA Squad-J. Hendren, P. Marold, J. Cillo
Approval of Request for Road Closure-9/11/10-Rain Dtd. 9/12/10-Garabrant St.
Approval of Request for Road Closure-9/11/10-Forest Drive
Res. #118-10 MOU-Pagers FA/Fire (Prior Approval by Motion)
Res. #119-10 Release of Cash Bond/DeNeufville

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 Garubo
Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

DISCUSSION:

Defibrillators @ Borough Park:

Ms. Dawn Nutt/Mr. B. Tulman-Morristown Memorial Hospital:

Mr. Tulman gave a brief description of the model under consideration and the optimum locations for these devices. He answered questions regarding the costs for replacement of the pads and batteries; weekly checks and maintenance and vandalism.

Motion to support the Jr. Women's Club project to place Defibrillators at the Borough Park was made by Councilman Andrus

Second by Councilman Garubo

Discussion: No further discussion

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Shade Tree Ordinance- Arbor Day Proclamation:

Councilman Sharkey commented that there is funding available from the State of New Jersey once the Borough receives 'approved status'. The draft ordinance submitted for review is consistent with that suggested for the Borough to attain a "Tree City USA" designation. Councilman Andrus suggested that when reviewing this ordinance attention be made to the section with regard to restrictive planting on property which could be a potential problem for homeowners. The draft ordinance will be reviewed and commented on by the Land Use Committee.

Facility Use Request-(Garabrant Center) West Morris Soccer Club-Safety Course:

After a brief discussion and review this application was approved.

Motion to approve Facility Use Request-(Garabrant Center) West Morris Soccer Club-Safety Course was made by Councilman Garubo

Second by Councilman Badal

Discussion: No further discussion

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE INTRODUCTION:

ORDINANCE #11-10

**AN ORDINANCE AMENDING ARTICLE III GARBAGE REGULATION;
REFUSE CONTAINERS/DUMPSTERS, OF CHAPTER 183, SOLID
WASTE, OF THE REVISED ORDINANCES OF THE BOROUGH OF
MENDHAM, MORRIS COUNTY, NEW JERSEY**

(A copy of Ordinance #11-10 is attached to these minutes)

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 **September 7, 2010** 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 the introduction of Ordinance #11-10 was made by Councilman Andrus

Second by Councilman Murphy

Discussion: No further discussion

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE INTRODUCTION:

ORDINANCE #12-10

AN ORDINANCE AMENDING SECTION 155-3D RESURFACING OF EXISTING PARKING AREAS AND DRIVEWAYS, OF CHAPTER 155 PROPERTY MAINTENANCE, OF THE REVISED ORDINANCES OF THE BOROUGH OF MENDHAM, MORRIS COUNTY, NEW JERSEY

(A copy of Ordinance #12-10 is attached to these minutes)

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 **September 7, 2010** 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.

Ordinance #12-10: (Cont'd.)

Motion to approve the introduction of Ordinance #12-10 was made by Councilman Murphy
Second by Councilman Andrus
Discussion: No further discussion
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Andrus, Murphy, Sharkey
Opposed: None
Abstain: None
Absent: Witczak

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #9-10 (Amended)

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 102, FEES, SECTION 102-4, FEES FOR COPIES OF PUBLIC DOCUMENTS, OF THE CODE OF THE BOROUGH OF MENDHAM

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 #9-10 (Amended)

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 102, FEES, SECTION 102-4, FEES FOR COPIES OF PUBLIC DOCUMENTS, OF THE CODE OF THE BOROUGH OF MENDHAM

Motion to adopt Ordinance #9-10 as amended was made by Councilman Andrus
Second by Councilman Murphy
Discussion: Atty. Semrau made another minor amendment which he felt would prevent future amendments to Chapter 102.
Motion to adopt Ordinance #9-10 as further amended was made by Councilman Andrus
Second by Councilman Murphy
Roll Call - the vote was as follows:
In favor: Murphy, Sharkey, Garubo, Badal, Andrus
Opposed: None
Abstain: None
Absent: Witczak

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #10-10
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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 #10-10
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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 adopt Ordinance #10-10 as amended was made by Councilman Badal
Second by Councilman Garubo

Discussion: None

Motion to adopt Ordinance #10-10 was made by Councilman Badal

Second by Councilman Garubo

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ACTIONS TO BE TAKEN:

Res. #120-10 2010 Tax Appeal Judgments

(A copy of Resolution #120-10 is attached to these minutes)

Motion to approve Resolution #120-10 was made by Councilman Badal

Second by Councilman Garubo

Discussion: Atty. Semrau noted that this will bring the Borough up-to-date.

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #121-10 Sanitary Sewer App-B1501-L5/M. Navarro & J. Griffault

(A copy of Resolution #121-10 is attached to these minutes)

Motion to approve Resolution #121-10 was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #122-10 Acceptance of Audit-2009

(A copy of Resolution #122-10 is attached to these minutes)

Motion to approve Resolution #122-10 was made by Councilman Andrus

Second by Councilman Badal

Discussion: None

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #123-10 Salary Resolution-Non-Contractual Employees

(A copy of Resolution #123-10 is attached to these minutes)

Motion to approve Resolution #123-10 was made by Councilman Andrus

Second by Councilman Badal

Discussion: None

Roll Call-the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #124-10 Salary Resolution-Police-Non-Contractual Employees

(A copy of Resolution #124-10 is attached to these minutes)

Motion to approve Resolution #124-10 was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call-the vote was as follows:

In favor: Murphy, Sharkey, Garubo, Badal

Opposed: None

Abstain: None

Absent: Witczak

Recused: Andrus

ADMINISTRATOR REPORT:

Administrator Sandman circulated her written report to the Mayor and Council prior to the meeting. She further reported on the parking lot project at Mendham Area Senior Housing, the forwarding of a draft of the Closure and Post-Closure Care and Financial Plan for the Mendham Landfill to the Department of Environmental Protection, status of the paving and line stripping of Ironia Road and the progress and upcoming press conference on the Loop Trail.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Garubo reported that the concert scheduled at borough part was rained out.

Councilman Murphy thanked the Mendham Borough Police and Department of Public Works on their assistance during the milling and paving of Route #24.

ATTORNEY ITEMS:

Atty. Semrau reported that the Closure and Post-Closure Care and Financial Plan for the Mendham Landfill will be sent to the Department of Environmental Protection for their review and any deficiencies will be addressed.

Atty. Semrau cautioned the members of the Council not to comment on the cell tower application that was denied by the Board of Adjustment.

MAYOR'S ITEMS:

Mayor Henry referenced a letter received by a Borough resident with regard to cell towers which will be reviewed by the Land Use committee. The Mayor reported that the Phase II Historic District information meeting went well with most comments favorable. He further commented that he received questions from residents regarding the increase in their taxes. He reported speaking with the Administrator, Atty. Semrau and Tax Assessor Scott Holzauer. The Mayor noted that the Assessor is available to talk with any resident.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated August 16, 2010
Motion to approve was made by Councilman Garubo
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Andrus, Murphy, Sharkey
Opposed: None
Abstain: None
Absent: Witczak

EXECUTIVE SESSION:

Res. #125-10 Executive Session- Contract Negotiations
(A copy of Resolution #125-10 is attached to these minutes)
Motion to approve Resolution #125-10 was made by Councilman Garubo
Second by Councilman Murphy
Discussion: None
Roll Call-the vote was as follows:
In favor: Badal, Andrus, Murphy, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Witczak

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 10:05 P.M. next to convene at the Regular Meeting on September 7, 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