

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

CALL TO ORDER

Mayor Henry called the August 18, 2014 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 silent 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 Lou Garubo
Councilman Brad Badal
Councilman Stanley Witczak
Councilman John Andrus
Council President David Sharkey

Also present: Atty. Fred Semrau
Interim Administrator Bob Casey

Absent: Councilwoman Veronica Daly

CONSENT AGENDA:

Approval of the minutes of the executive session meeting of 7.21.14
Request-Road Closure- A. McManus-4PM-11PM
Garbarant/Mtn. Ave/Gunther 9/6-RD 9/7/2014
Request-Road Closure-J. Reilly- -3PM-10PM
New/Prospects Streets 9/6-RD 9/7/14
Request-Road Closure-A. Parker-4PM-10PM-
Forest Drive (Both Ends) 9/13/14
Request for Red Light and/or Siren Permit-Stanley N. Witczak (OEM)
Banner Request Pastime Club, Inc.–Labor Day Carnival
Banner Request Mendham Borough HSA-Harvest Hustle
Raffle License- Off Premise Draw-12/18/14-PTO Mendham High School
Raffle License- On Premise Draw-9/15/14-PG Chambers School
Raffle License- On Premise Draw-(Cash) - 9/15/14-PG Chambers School
Raffle License- On Premise Draw-(Cash) - 9/13, 10/3, 10/18, 10/24 and 11/8

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: Badal, Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: Cm Witczak abstained from voting on the approval of the Red Light permit and noted that he is a member of the Pastime Club but not an officer.

Absent: Daly

DISCUSSION:

-Boy Scout Patrick James-Eagle Scout Project Presentation

Patrick will be working on his Eagle project by creating a sustainable garden for the Sisters of Christian Charity at the Mallinckrodt Convent. Master James did compliment the Sisters on their operation of a shelter in the aftermath of Hurricane Sandy. There was request made and granted by the governing body for 3 yards of top soil. The Mayor thanked Patrick for his upcoming work at the convent and for his appearance tonight.

Ordinance Introduction: None

Ordinance Public Hearing/Adoption: None

ACTIONS TO BE TAKEN: (A copy of the resolution is attached to the minutes)

Res. #104-14 Refund Escrow Fees-Engineering Inspections

Motion to adopt Resolution #104-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #105-14 Appoint Crossing Guard Rebecca R. Braun

Motion to adopt Resolution #105-14 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #106-14 Tax Appeal Settlements-Tax Court Judgments

Motion to adopt Resolution #106-14 was made by Councilman Sharkey

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #107-14 Planning Bd/BOA Refund of Escrow Fees

Motion to adopt Resolution #107-14 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

**Res. #108-14 Agreement Between Morris County/Municipalities-Conduct Certain
Community Development & Home Grant Activities Programs**

Motion to adopt Resolution #108-14 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: Councilman Andrus had questions regarding the signing of this agreement and if awarded limiting the ability to apply for other grants and if we did this before. Mr. Casey responded with a brief explanation of the agreement and that if the Borough does not sign it would lose the option to apply at all. Signing this agreement leaves the Borough's options open. The funding is release at the county level but the Borough has a Community Development Revenue Sharing Committee appointed each year the Reorganization meeting. It consists of a representative appointed by our Mayor, one by the Council and an Alternate member, all for a one year term

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Daly

Res. #109-14 Cancellation of Outstanding Checks

Motion to adopt Resolution #109-14 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Garubo, Badal
Opposed: None
Abstain: None
Absent: Daly

Res. #110-14 Interlocal Agreement School Resource Officer-Borough/WMRHS

Motion to adopt Resolution #110-14 was made by Councilman Badal
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Andrus, Sharkey, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: Daly

Res. #111-14 Letter of Agreement-Mendham Municipal Alliance for Grant Participation and County Supplemental Funding

Motion to adopt Resolution #111-14 was made by Councilman Andrus
Seconded by Councilman Badal
Discussion: None
Roll Call – the vote was as follows:
In favor: Sharkey, Garubo, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Daly

Res. #112-14 Permission to Bow-Hunt on Schiff Property (Rev.)

Motion to adopt Resolution #111-14 as revised to consistent with the Borough's policies was made by Councilman Garubo

Seconded by Councilman Badal
Discussion: It was noted that Schiff has the lead on this event. The Borough does own a very small portion of the land involved. Mr. Casey reported that all the hunters have to have liability insurance (\$1million). The Borough responsibility and exposure was discussed. The request from Schiff and a copy of the letter that will go to all the hunters was provided with the agenda for this meeting.
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly

ADMINISTRATOR REPORT: (No written report available)

Mr. Casey reported that the Mountain Avenue project was stated and asked that Superintendent O'Brien to provide details.

Ken O'Brien reported that there have been delays due to contractor responsibilities on other bids that he has been awarded which were not anticipated. Concerns have been addressed and promises made that the work will resume and progress as expected. Curbing with handicap ramps have taken longer than expected and due to not being updated in a long time. Maple/Park Avenue milling will be started and supposedly completed by the Labor Day activities. Mr. Casey suggested if it can't be completed by Labor Day, it should then not be started until after Labor Day. There should be no hazards for the event. Fines for delays as outlined in the bidding specs were discussed and Mr. O'Brien felt that this should not be addressed at this time since the contractor is working with him.

Taste of Mendham was brought to the attention of the Council by Mr. Casey. The Mayor had received a request and explained that it was done last year in the Township. Mr. Henry requested that they have a co-sponsor which has now been determined to be the local Rotary Club. The event will be on the Sisters of Christian Charity property. The sponsors have insurance and funds go to local charities to feed the hungry.

The Mayor commented that he wants to get the Borough active in the business community.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal highlighted items addressed at the public safety meeting such as updating of the policies and procedures of the Fire Department; OEM CERT Team progressing; and the OEM designing an operation plan. He continued to report that the manpower on Fire and First Aid are good; two trailers will be borrowed for to indicate 'detour' and signage for Labor Day.

The Mayor noted that Councilwoman Daly's mom passed away, explaining her absence at this meeting.

Councilman Garubo reported that the Labor Day preparations are going well and the 'concerts in the park' have been well attended.

Councilman Sharkey reported work on a draft 'property maintenance ordinance' and the Forestry Management Plan for 2016-2020 in process with the assistance of Ken O'Brien and Lisa Smith.

Councilman Andrus has an Open Space item to discuss in executive session.

Councilman Witczak reported that the Department of Public Works has used 7 tons of black top for pot holes and any separations as the result of the winter weather. A salt order is being placed and purchased from the Somerset Co-Op.

ATTORNEY ITEMS:

Atty. Semrau reported on the High School Feasibility Study professional services agreement between the 4 towns and the sharing of responsibilities between the towns. Mayor Henry noted that the study is anticipated to be completed in February. There will be a meeting on Monday in Chester of all the Mayors; Superintendent Mitzi Morillo and our Construction Code Official Russ Heiney for discussion and prepare a build out analysis.

MAYOR'S ITEMS:

Mayor Henry received a request for the Republican Committee to hold a cocktail gathering (October 5th, 5-7PM) at the Phoenix House as they use to do many years ago. Atty. Semrau will check our Borough Insurance since alcohol will be a part of the event. He will report back to the Council and address at the September 2nd meeting. Mr. Semrau commented that the same courtesy for use of the Phoenix House would have to be extended is the Democratic Committee made a request.

The Mayor has asked Chuck McGroarty to represent the Borough in all COAH matters.

PUBLIC COMMENT:

Sharon Root, 26 Hilltop Road, asked the Council to enforce the ordinances she cited (in Chapter 202; 155) dealing with sidewalk hazards, over grown vegetation and general hazards to runners and walkers in the town. She also shared that there is a huge hornet's nest that needs to be removed. Mayor Henry responded that a draft property maintenance ordinance has been sent to the land use committee for review, the work of our attorney Tracy Wand and Bob Casey.

Superintendent O'Brien commented that the sidewalks are the homeowners' responsibility. If the Borough breaks up a sidewalk then we repair it. Main Street is a county road and are responsible for the inside curb of the sidewalks only.

The Mayor asked Ms. Root to prepare a list for the Bob Casey of potential hazards identifying the locations.

There was a brief discussion with information from Bob Casey and his experience with a town giving notice and the town establishing a 'voluntary assessment program'. The town would do the work and charge the homeowner. This would require an 'assessment bond' process. Mr. Casey believes it is a lengthy but successful process.

Councilman Witczak asked Ms. Root to contact the Borough with the address of the hornets nest.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated August 18, 2014
Motion to approve the August 18, 2014 bill list was made by Councilman Andrus
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

**Res. #114-14 Executive Session: Open Space Land Acquisition/Personnel/Contract
Negotiations (Tax Collector, Administrator positions)**

Motion to adopt Resolution #114-14 was made by Councilman Badal
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Daly
The Mayor and Council entered into Executive Session. The Mayor announced that upon conclusion of the Executive Session action may be taken on several items.

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

Res. #113-14 Confirm Mayor's Appointment Mendham Borough Tax Collector

Motion to adopt Resolution #113-14 as revised was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: 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 9:40P.M. next to convene at the Regular Meeting on September 2, 2014 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk