

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

CALL TO ORDER

Mayor Henry called the September 20, 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.

ATTENDANCE:

Mayor Neil Henry

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

Also present: Fred Semrau, Esq.

Absent: Ellen Sandman, Administrator

CONSENT AGENDA:

Approval of minutes of the Regular Session Meeting of August 16, 2010
Approval of minutes of the Regular Session Meeting of September 7, 2010
Approval of minutes of the Executive Session Meeting of September 7, 2010
Res. #128-10 Tax Court Appeal Judgment-Block1903/Lot9
Social Affairs Permit-St. Marks Church-10/16/10-4PM/10PM
Addition: Road Closure Permit-Harvest Hustle

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. Councilman Badal requested that the Road Closure Permit-Harvest Hustle submitted this evening, be considered separately.

Motion to approve the Consent Agenda was made by Councilman Garubo
Seconded by Councilman Murphy

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: Councilman Witczak abstained from approval of the minutes of August 16, 2010 and September 7, 2010 due to his absence at these meetings.

Absent: None

Mayor Henry opened the discussion regarding a road closure permit for the Harvest Hustle scheduled for October 2nd.

Ms. Amy Johanson reported that she discussed these road closures with Superintendent Ken O'Brien, Police Chief Taylor, Detective Gobbi and notified residents on the roads that will be closed. She noted that this is the same route that was approved and used last year.

There was discussion held with regard to changing the route for next year to keep from closing Mountain Avenue. It was noted that the route was changed once to keep the runners off of Dean Road. The placement of barricades and the compensation for police officers by the organization were also addressed. Councilman Andrus commented that the extended closure and nature of a road, such as the difference between a thru or local road, will be discussed for next year.

Motion to approve the **Road Closure Permit-Harvest Hustle** was made by Councilman Andrus
Seconded by Councilman Sharkey
Discussion: No further discussion
Roll Call – the vote was as follows:
In favor: Murphy, Sharkey, Garubo, Witczak, Andrus, Murphy
Opposed: None
Abstain: Badal
Absent: None

DISCUSSION:

Mayor Henry noted that Public Works Superintendent Ken O'Brien had concerns about Ordinance #14-10 which is on this agenda for introduction. It was suggested that due to these concerns, the ordinance be tabled pending Councilman Sharkey and Superintendent O'Brien's discussion on any necessary changes and/or additions.

ORDINANCE INTRODUCTION:

ORDINANCE #14-10
**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 202 ARTICLE
II ENTITLED "TREE CARE"**

(A copy of Ordinance #14-10 is attached to these minutes)

This ordinance was tabled pending review.

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #14-10
**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 202 ARTICLE
II ENTITLED "TREE CARE"**

Was published in summary 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 #14-10
**AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED
GENERAL ORDINANCES WITH THE ADDITION OF CHAPTER 202 ARTICLE
II ENTITLED "TREE CARE"**

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 #14-10 was made by Councilman Andrus
Second by Councilman Badal
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Andrus, Witczak, Murphy, Sharkey
Opposed: None
Abstain: None
Absent: None

ACTIONS TO BE TAKEN: No further action items.

ADMINISTRATOR REPORT:

Administrator Sandman was not in attendance at this meeting. Ms. Sandman's administrator's report was circulated to the Mayor and Council prior to this meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal, Murphy, and Garubo had no reports.

Councilman Sharkey reported that he will meet on Wednesday with Superintendent O'Brien to discuss the tree ordinance.

Councilman Andrus noted that after review of the sewer collection report, the collection rate is down.

Council members questioned why the bills are mailed the day before their due date with a 30 day grace period. The Clerk was asked to contact the sewer collection clerk with this question. It was noted that this has been the procedure for years.

ATTORNEY ITEMS:

Atty. Semrau reported that updated the Council on paving and improvements to Bridge Street. It was noted by the Borough attorney that discussions were held with the Administrator and the residents regarding an assessment program with engineering guidance provided by the Borough. The residents were surveyed and only 2 out of the 4 were interested. It is customary to have at least $\frac{3}{4}$ of those involved before continuing with an assessment program. It was advised that no further action be taken until such time that a majority of the residents of Bridge Street show an interest in improvements to their street.

Atty. Semrau further reported that he has assigned Atty. DiYanni to contact PEOSHA to determine whether or not a location designated as an official shelter needs to have shower facilities. He will report back to the Council when a response is received.

Councilman Murphy commented that construction is on hold on the First Aid Squad portion of the Fire House. He further reported that the modifications being made are at no cost to the Borough and are necessary for installation of computer equipment and additional recent required record keeping by the First Aid Squad.

Councilman Badal asked Atty. Semrau for any draft ordinances he could review with regard to organized congregations in the Borough. Atty. Semrau cautioned that there are legal hurdles and first amendment rights that will be considered with an ordinance proposed for consideration. Atty. Semrau will review and send Councilman Badal ordinances adopted by other municipalities.

Councilman Badal questioned the Borough's requirements with regard to posting of signs. He questioned if the present code for posting of signs only regulates signs for the business district and not residential; if the hours are during the day and removed at night and how many signs does a permit cover?

Mayor Henry commented that he has asked Councilman Sharkey to review the sign ordinance with consideration to amendments addressing how many temporary signs for each permit approval and dual enforcement for removal of posted signs not in compliance.

It was noted that political campaign signs cannot be regulated due to constitutional issues.

It was further noted that the police department needs to know when a permit is issued if they are to be part of the enforcement. The Clerk was asked to contact the Zoning Officer to request that the Mayor and Council as well as the Police Department receive copies of all sign permits.

MAYOR'S ITEMS:

The Mayor commented that he received correspondence from the Morris County Agriculture Development Board listing specific farms targeted for preservation in the Borough. Administrator Sandman will review report any comments to the Morris CADB.

Mayor Henry reported that solar panels were being installed at West Morris High School compliments of the Morris County Improvement Authority which will save money on electricity. Residents may experience some noise during this installation.

The Mayor commented on his attendance at the TV25 meeting and noted that there has been an increase in community interest on behalf of the Borough from last year and the present. Mayor Henry also attended the Mendham Business Association meeting and reported that he recommended the use of TV25 for advertising purposes.

The Mayor was contacted by Superintendent of Schools Anthony diBattista with regard to traffic issues due to the elimination of courtesy busing. The Mayor responded that he has not received any complaints.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 20, 2010
Motion to approve the September 20, 2010 bill list was made by Councilman Murphy
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Murphy, Sharkey
Opposed: None
Abstain: None
Absent: None

EXECUTIVE SESSION: Res. #129-10-Contract Negotiations/Potential Litigation/
Atty. Client Privilege

Res. #129-10-Contract Negotiations/Potential Litigation/
Atty. Client Privilege

(A copy of Resolution #129-10 is attached to these minutes)
Motion to approve Resolution #129-10 was made by Councilman Murphy
Second by Councilman Garubo
Discussion: None
Roll Call-the vote was as follows:
In favor: Badal, Witczak, Andrus, Murphy, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: None

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 9:25 P.M. next to convene at the Regular Meeting on October 4, 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