

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

CALL TO ORDER

Mayor Henry called the September 7, 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 John Andrus
Councilman David Sharkey

Also present: Dominic DiYanni, Esq.
Ellen Sandman, Administrator

Absent: Councilman Stanley Witczak

CONSENT AGENDA:

Approval of minutes of the Executive Session Meeting of August 16, 2010
Approval for the Susan G. Komen For the Cure-No. Jersey Tie A Ribbon Campaign
Request For Road Closure-M. McCarthy-Phoenix Drive-10/2/10-3pm-11pm

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 Andrus
Seconded by Councilman Badal

Discussion: Councilman Badal commented that he would like further discussion on the road closure times as he feels that the roads are being closed too long.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

DISCUSSION:

Walk For Tourettes Event-Emily Carrara

Emily Carrara and Nicole Greco, Communications Director, NJ Center for Tourette Syndrome & Associated Disorders, Inc. briefly reviewed their plans for the event. Complete information was given to the Council members prior to this discussion.

Motion to approve the "Walk For Tourettes Event", road closure request and use of the borough park facilities was made by Councilman Garubo. The Council requested that the route be reviewed with Chief Taylor to utilize the sidewalks rather than the streets since it is a walking event.

Second by Councilman Andrus

Discussion: Ms. Carrara was also asked to complete a facilities request for use of the Carriage House for this event. It was confirmed that the Borough will be reimbursed for the hours for police and dpw employee coverage will

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Field Usage Application-Kiddie Soccer

The Council discussed concerns over use of the field by “for profit” organizations. Recreation Director Bruce DiBisceglie commented that this was a great group and has not caused any problems.

Motion to deny this application was made by Councilman Murphy.
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

Field Usage Application-Cheshire Soccer

Motion to deny this application was made by Councilman Badal.
Second by Councilman Andrus
Discussion: No further discussion.
Roll Call - the vote was as follows:
In favor: Andrus, Murphy, Sharkey, Garubo, Badal
Opposed: None
Abstain: None
Absent: Witczak

Mendham Park–Mud Hole-Life In Motion Photography

The Council and Ms. Regina Farlekas discussed her plans for October 17th (raindate 24th).
It was confirmed that this was for one day only, appointment only and the location has not been advertised. After a brief discussion it was decided that this should be handled differently as it does not involve the fields. Ms. Farlekas was asked to visit the Borough offices to complete the necessary paperwork.

Motion to approve Ms. Farlekas’ request for photos at the Borough Park Mud Hole and contingent on the completion of the necessary paperwork was made by Councilman Badal.
Second by Councilman Murphy
Discussion: No further discussion.
Roll Call - the vote was as follows:
In favor: Andrus, Murphy, Sharkey, Garubo, Badal
Opposed: None
Abstain: None
Absent: Witczak

ORDINANCE INTRODUCTION:

ORDINANCE #13-10
ORDINANCE AMENDING AN APPROPRIATION ORDINANCE
OF THE BOROUGH OF MENDHAM, IN THE COUNTY OF
MORRIS, NEW JERSEY, HERETOFORE ADOPTED ON
MAY 17, 2010 (#4-10)

(A copy of Ordinance #13-10 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 20, 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 INTRODUCTION: (Ord. #13-10):

Motion to approve the introduction of Ordinance #13-10 was made by Councilman Murphy
Second by Councilman Garubo
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 #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**

Was published in summary in the Observer Tribune

Mayor Henry opened the public hearing.
Ordinance #11-10: (Cont'd.)

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 #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**

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 #11-10 was made by Councilman Murphy
Second by Councilman Andrus
Discussion: None
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 #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**

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 #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**

ORDINANCE PUBLIC HEARING/ADOPTION: Ordinance #12-10: (Cont'd.)

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 #12-10 was made by Councilman Murphy
Second by Councilman Garubo
Discussion: None
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. #126-10 Tax Court Appeal Judgment-Resident Goryeb
(A copy of Resolution #126-10 is attached to these minutes)
Motion to approve Resolution #126-10 was made by Councilman Badal
Second by Councilman Andrus
Discussion: None
Roll Call-the vote was as follows:
In favor: Murphy, Sharkey, Garubo, Badal, Andrus
Opposed: None
Abstain: None
Absent: Witczak

ADMINISTRATOR REPORT:

Administrator Sandman referenced the "best practices" document to be completed by the Borough to receive our State aid. She and Sue Giordano, CFO will be completing and sending to the Mayor and Council for review.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Andrus reported that there will be a walk with the Open Space committee of the proposed Loop Trail and work will begin soon on the 2011 budget.

Councilman Sharkey reported that he spoke with Borough resident Mr. Frank Lupo regarding our cell tower ordinance and will bring to the land use committee for discussion. He will review the shade tree ordinance with DPW Superintendent Ken O'Brien.

Student Representative, Michael asked if the Council had any information regarding the legislation passed regarding the rehiring of teachers. Atty. Giacobbe was in the audience and responded that it is an application process due October 1st retro to September 1st. It is not an automatic process.

Councilman Garubo thanked Recreation Director Bruce DiBisceglie and the Knights of Columbus for all their work for the Labor Day festivities.

Councilman Murphy concurred with Councilman Garubo and further thanked the emergency services, Borough Department of Public Works and the Mendham Borough Police Department

ATTORNEY ITEMS: Atty. Semrau not present.

MAYOR'S ITEMS: None

PUBLIC COMMENT: There were no public comments.

Councilman Garubo commented that there are criminal background checks done for all the Borough workers during the summer recreation program. He asked if the same requirement for workers of the Carnival. Chief Taylor answered affirmatively from the audience.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 7, 2010
Councilman Murphy wanted the voucher for Atlantic held for clarification before processing.

Motion to approve as amended 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. #127-10-Contract Negotiations/Potential Litigation

Res. #127-10-Contract Negotiations/Potential Litigation

(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 10:17 P.M. next to convene at the Regular Meeting on September 20, 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