

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

CALL TO ORDER

Mayor Neil Henry called the September 21, 2009 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* (Arrived at approximately 8:15PM)

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

Also present: Fred Semrau, Esq.

Absent: Ellen Sandman, Administrator

CONSENT AGENDA:

Approval of minutes of the Regular Session meeting of September 8, 2009
Approval of minutes of the Executive Session meeting of September 8, 2009
Social Affairs Permit- SA#1-09-St. Marks-10/03/09-(4PM-10PM)
Approve Request For Road Closure-Mendham HSA-Harvest Hustle 5K

Council President Andrus 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 Witczak

Discussion: Cm Garubo asked for clarification on 'social affairs permit'. Cm Andrus responded that this is a one-day permit for non-profit organizations, allowing the sale/serving of alcoholic beverages at an event.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION ITEMS:

Historic District Expansion Phase I-Planning Bd. Amendment Adoption:

Atty. Semrau reported that on September 14, 2009 the Planning Board adopted an amendment to the Historic Preservation Element. This amendment was on the agenda and discussed at the September 8, 2009 meeting. Atty. Semrau will prepare an ordinance for the Council's consideration for the next meeting to include this expansion of the Historic District into the Borough Code. He concluded that the ordinance would be introduced at the October 5th meeting and considered for adoption at the November 2nd meeting.

Farmland Preservation Project- Pyznar Farm-Cty. Ag. Board-(Res.#132-09):

Atty. Semrau reported that this parcel of land consists of 23 acres and the County would be purchasing the development rights. This land would be for agricultural use and permanently restricted. The county is asking for the Borough's endorsement with the passing of this resolution. Council members were unsure of the location of this property. Concerns or recommendations have been solicited but not received from the Borough Planner or the Master Plan Committee. The Council will consider this resolution when this additional information is received.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

**Res. #132-09 Farmland Preservation Project– Pyznar Farm
Block 2402/L 31**

(A copy of Resolution #132-09 is attached to these minutes)
Motion to table this resolution was made by Councilman Garubo
Second by Councilman Badal
Discussion: None
Roll Call - the vote was as follows:
In favor: Badal, Witczak, Andrus, Murphy, Carr, Garubo
Opposed: None
Abstain: None
Absent: None

**Res. #133-09 Approval of Sanitary Sewer App-B1902, L21/
J. Neil Kazan-Kazan Realty, LLC. - Revised**

(A copy of Resolution #133-09 is attached to these minutes)
Motion to approve this resolution was made by Councilman Garubo
Second by Councilman Murphy
Discussion: Attorney Semrau noted that there is prior deficient escrow from the previous tenant. He asked the Council to consider a revision to this resolution with the condition that the outstanding escrow be satisfied if legally possible.
Motion to approve this resolution with the additional condition as outlined by Atty. Semrau was made by Councilman Garubo
Second by Councilman Murphy
Roll Call - the vote was as follows:
In favor: Andrus, Murphy, Carr, Garubo, Badal, Witczak
Opposed: None
Abstain: None
Absent: None

Res. #134-09 Approval of Sanitary Sewer App-B 601, L2

(A copy of Resolution #134-09 is attached to these minutes)
Motion to withdraw this resolution was made by Councilman Badal
Second by Councilman Murphy
Discussion: This resolution was withdrawn based on correspondence received by the applicant.
Roll Call - the vote was as follows:
In favor: Carr, Garubo, Badal, Witczak, Andrus, Murphy
Opposed: None
Abstain: None
Absent: None

Res. #135-09 Release Cash Bond Block 902, Lot 34

(A copy of Resolution #135-09 is attached to these minutes)
Motion to approve this resolution was made by Councilman Andrus
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Murphy, Carr
Opposed: None
Abstain: None
Absent: None

**Res. #136-09 Approval of Sanitary Sewer App-B1902, L21/
The Grand Bazaar**

(A copy of Resolution #136-09 is attached to these minutes)
Motion to approve this resolution was made by Councilman Badal
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was as follows:
In favor: Badal, Witczak, Andrus, Murphy, Carr, Garubo
Opposed: None
Abstain: None
Absent: None

**Res. #137-09 PSA Matthew J. Giacobbe, Esq./Scarinci & Hollenbeck, LLC. –
Labor Counsel Svcs.**

(A copy of Resolution #137-09 is attached to these minutes)

Motion to approve this resolution was made by Councilman Witczak

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Administrator Sandman was not present at this meeting. There was no administrator's report to review. Mayor Henry stated that Ms. Sandman has been out ill and will be returning on a limited basis.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that the Department of Public Works has received approximately 500 calls for brush pick up since June 1st. More than they expected.

Councilman Murphy noted that at a meeting this evening with Public Safety members it was decided to move the pedestrian sign at Wilson Street to the cross walk of Tempe Wick and Main Street. Councilman Carr will contact Chief Taylor to make the arrangements to have it moved.

Councilman Garubo announced that he attended a 4-Towns Meeting and asked Recreation Director Bruce DiBisceglie who was in the audience to comment. Bruce reported that the recreation document was in the final stages and should be on line by October 1st. A press release will be release and meeting scheduled for public comments.

Councilman Carr commented that the Land Use Committee is revisiting the sign ordinance with regard to the current issues at Kings Shopping Center. He further commented that the Police, Department of Public Works and Craig Bellamy's group did a wonderful job helping the Pastime Club with the Labor Day parade.

Councilman Andrus commented on a research project headed by Bob Diffen of the King's Shopping Center and placing of signs on poles facing the driveways into the parking lot. Councilman Carr responded that he has asked Mr. Diffen not to attempt this until the Planning Board revisits the sign ordinance.

Councilman Andrus further commented that the sign issues have already been discussed with the Council. Councilman Andrus reported that tax collection is up from last year and that a report from Chief Taylor shows that the over time hours to date is under control. He recommended that disability and worker's compensation coverage and reimbursement to the Borough along with State resources be reviewed. He concluded that private vs. the State options need to be compared.

Councilman Witczak reported that he attended a County seminar at which the Swine Flu was discussed. He noted that it was announced that first responders would have first access to the vaccine and it was further suggested that all government employees should be included.

ATTORNEY ITEMS:

Atty. Semrau reported no objection to our COAH third round submission, reviewing the Borough's property maintenance code, and the finalizing by letter to Mendham Township the termination of any interlocal agreements on a joint library. The Borough attorney further reported that the reassessment will begin shortly and noticed that there will another upcoming landfill litigation with regard to a pick up sludge from the Borough back in the 1960's. He anticipates the Borough's exposure to be approximately \$8,000.

MAYOR'S ITEMS:

Mayor Henry's items were covered by the prior sign discussion.

PUBLIC COMMENT:

Vi Hannigan, 74 Dean Road, commented on the high taxes and the impact to seniors and widows and suggested forming a coalition of municipalities with similar concerns. Ms. Hannigan recommended that the pond at the Borough Park be tested on a daily basis since it is frequently used by residents. The Mayor commented that he will check ask the Administrator to check when it was last tested.

Jean Jaeckle, 41 East Main Street, commented on housekeeping issues in the Borough. She suggested a wooden sign ordinance, the removal of all the temporary signs on Route 24, and the removal of an above ground oil tank at a property on East Main Street. Mayor Henry commented that signs are an on-going issue and a balance between charm vs. business continues to be the discussion.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 21, 2009
Motion to approve by Councilman Andrus
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Murphy, Carr
Opposed: None
Abstain: None
Absent: None

EXECUTIVE SESSION: None

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, the meeting was adjourned at approximately 8:45P.M. next to convene at the Regular Meeting to be held on October 5, 2009 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk