

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

CALL TO ORDER

Mayor Neil Henry called the November 21, 2011 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 Louis Garubo
Councilman Brad Badal
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly

Also present: Fred Semrau, Atty.
Ellen Sandman, Administrator
Maureen Massey, Borough Clerk

Absent: Councilman Stanley Witczak

CONSENT AGENDA:

(Minutes)

- Approval of the minutes of the Regular Session Meeting of 11/7/11
- Approval of the minutes of the Executive Session Meeting of 11/7/11

Motion to approve the consent agenda was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

DISCUSSION:

Mendham Co-Op Pavilion:

Administrator Sandman led the discussion and noted that she consulted with the Construction Code Official, Zoning Officer and the Department of Public Works and this proposed project received approvals from all departments. She further noted that James Siminelli was not present at tonight's meeting (away with family) but can be reached by phone if there are any questions.

Atty. Semrau added that adherence to the law on payment of the prevailing wage is understood and compliance was assured by the Co-Op. He believes that this project may fall below the threshold and this law will then not apply.

Administrator Sandman further stated that this project will allow increased outdoor activity for the children and it makes common sense to proceed and therefore Council approval is being requested to move forward. She continued that Mendham Co-Op has further requested a

meeting in the near future to negotiate a longer contract. The Co-Op is incurring additional expenses for improvements and they feel that a contractual agreement for a longer period of time would be in order at this time.

It was briefly mentioned and confirmed that the Co-Op property is not in the historic district. Councilman Sharkey asked the Administrator to request that the materials used for this improvement to the pavilion be of a historic nature since they are so close to the historic district area.

Councilman Andrus suggested that going forward the Council consider a procedure where either the technical review committee or any related board or committee/commission review these projects and advise Council if there is an area that needs further consideration before approval.

This project can move forward.

***Prentice Lane/Whispering Ivy Path – Kelly Act:**

A correction was made to change this to Garrison Lane

Atty. Semrau reported that after his review of the documents he received, these two streets do meet the criteria outlined in the Kelly Act. The law is written that after it is determined that the criteria is met, towns will reimburse or service the areas making the request. It was noted that Department of Public Works Superintendent Ken O'Brien will snow plow these areas going forward.

Motion to accept as qualified under the Kelly Act, Garrison Lane and Whispering Ivy Path for snow plowing services was made by Councilwoman Daly

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #8-11

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 102, FEES, OF THE CODE OF THE BOROUGH OF MENDHAM

(A copy of Ordinance #8-11 is attached to these minutes)

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 #8-11

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 102, FEES, OF THE CODE OF THE BOROUGH OF MENDHAM

Motion to adopt Ordinance #8-11 was made by Councilman Andrus

Second by Councilman Sharkey

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #9-11
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS AND
EMPLOYEES OF THE BOROUGH OF MENDHAM**

(A copy of Ordinance #9-11 is attached to these minutes)

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 #9-11
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS AND
EMPLOYEES OF THE BOROUGH OF MENDHAM**

Motion to adopt Ordinance #9-11 was made by Councilwoman Daly
Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ACTIONS TO BE TAKEN:

Res. #124-11 Hire Part-Time Laborers/Department of Public Works

(Copy of Res. #124-11 attached to these minutes)

Motion to adopt Resolution #124-11 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: Councilman Badal asked why there was a discrepancy in the hour rate. The Administrator responded that it was based on experience and licenses.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

Res. #125-11 Sanitary Sewer Connection App- B 801, L 20 (Denial)(Tabled 11.7.11)

(Copy of Res. #125-11 attached to these minutes)

Motion to adopt Resolution #125-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: Atty. Semrau noted that this resolution was revised to include that the applicant can reapply when the necessary flow becomes available.

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Badal, Daly

Opposed: None

Abstain: Garubo

Absent: Witczak

**Res. #126-11 Request Bd. of Public Utilities Enforce Current Stds./Implement
Improvements of Electrical Svc. Provided to the Borough**

(Copy of Res. #126-11 attached to these minutes)

Motion to adopt Resolution #126-11 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: Mayor Henry will include a cover letter with a copy of this resolution to the Board of Public Utilities. A meeting will be held early in December with John Anderson of JCP&L for further discussions.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

ADMINISTRATOR REPORT:

Administrator Sandman discussed an upcoming county sponsored meeting on the use of social media during power outages and storm conditions to get information to residents. Ms. Sandman and Chief Taylor will be attending.

There was discussion held with regard to Councilman Andrus' question on whether the Borough can develop a roster of our seniors in the Borough. Privacy issues, contacting senior citizens groups, contacting the County office on aging for assistance were discussed. The use of the Mendham Messenger Mayor's Letter to ask residents to submit their name if they are seniors or in need of medical support which can be interrupted during a power outage or during storm conditions.

Councilman Badal responded that he will put this topic on the agenda for discussion at the next public safety meeting.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal noted the upcoming public safety meeting. He also reported that Chief Taylor will be in receipt of Navy night vision goggles for use by the Borough police department. This contract for this item will cost approximately \$300 and is subsidized for law enforcement use. Without this arrangement this item could be purchased for approximately \$20,000.

Councilwoman Daly reported that employee evaluations will be discussed at the next personnel meeting. Discussion on an Engineer and revisions to the personnel policy will also be addressed.

Councilman Garubo reported that Recreation Director Bruce DiBisceglie will be discussing regulating the playing fields with the Chester's', which was suggested in the 5Town Study that was completed.

Councilman Andrus noted that the sewer and tax payments are down. Mr. Andrus would like a capital budget subcommittee meeting scheduled first and then Saturday, December department head budget meetings.

ATTORNEY ITEMS:

Atty. Semrau is working on the allocation wastewater ordinance and will have a draft for review in December. This ordinance will not be considered for introduction until possibly January, 2012. He further reported on the ongoing Comcast negotiations and is optimistic on his request to be offered the same dollar amount as Mendham Township or at least higher than the original offered amount. There will be a response approximately a week after the Thanksgiving holiday.

MAYOR'S ITEMS:

Mayor Henry has met with Mr. Tully regarding DPW talks and has asked Mayor Cioppettini for suggested January meeting dates.

Mayor Henry noted that the scheduled Reorganization Meeting is for January 1st which is a Sunday. After some discussion, all agreed to reschedule this meeting to January 3, 2012 at 7:30 at the Mendham Borough Fire House. Only dessert and coffee to be served.

PUBLIC COMMENT: There was no public comment.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated November 21, 2011

Motion to approve the November 21, 2011 bill list was made by Councilman Sharkey

Second by Councilman Badal

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Witczak

EXECUTIVE SESSION: There was no executive session held.

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 8:40 P.M. next to convene at the Regular Meeting on December 5, 2011 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk