

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

CALL TO ORDER

Mayor Henry called the February 16, 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

Also present: Fred Semrau, Esq. (Arrived at approx. 8:06PM)
Ellen Sandman, Administrator

Absent: Councilman Stephen Carr

CONSENT AGENDA:

Approval of minutes of the Regular Meeting of February 1, 2010

Mayor Henry asked if any member of the Council or any member of the public wished to discuss this one item on the Consent Agenda. No requests were made.

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: Garubo, Witczak, Murphy

Opposed: None

Abstain: Councilman Badal and Councilman Andrus abstained from the approval of the February 1, 2010 Regular Meeting minutes since they were not in attendance at this meeting.

Absent: Carr

DISCUSSION ITEMS:

2010 Harvest Hustle 5K-Committee Chairs:- Amy Johanson/Tracy Marchesi:

Ms. Johanson, 42 Gunther Street, reported that this event will be held on Saturday, October 2, 2010 and explained with enthusiasm not only how financially successful it was but how it fostered community spirit. She further reported that there were approximately 450 runners and 100 children, not counting volunteers. Last year 50% of the proceeds raised was used for the HAS and 50% went to the family of Police Sgt. Richard Morales. The route for the 2010-5K route will have minor changes from last year and the proceeds will be used for scholarships and/or projects honoring Sgt. Morales.

Mayor Henry commented that the number of participants from the Borough and other communities was impressive. He shared concerns with regard to the Borough's 2010 budget and expressed his support for this event as long as it is paid for by in-kind donations and voluntary service. Councilman Badal echoed these sentiments.

There was further discussion with regard to police barricades, 5K route and sponsoring of expenses such as port-a-johns.

Administrator Sandman will be the point person and will work closely with Police Chief John Taylor and DPW Superintendent Ken O'Brien.

Scott Holzhauer-Borough Tax Assessor:

Tax Assessor Holzhauer reported that the reassessment process is complete and final values were sent to the Morris County Board of Taxation on January 25th. He is waiting to collect the last of the data from the assessment company. He commented on what a large undertaking this was to complete without the luxury to plan and with the real estate market plunging the Borough had to be proactive. He commented that the real estate market still has room to decline.

Tax Assessor Holzhauer shared with the Council that the 2009 tax appeals are not finalized with approximately 6-7 cases outstanding. These outstanding appeals, once settled, will have no major impact to the Borough.

Mayor Henry asked about resident questions posed to him and the appraisal company at the meetings held at the Garabrant Center. Mr. Holzhauer responded that overall he pleased that the Borough was proactive. He continued that those residents that appealed in the past came at the expense of those residents that did not appeal. Now with the completion of the reassessment it will be even across the board. He briefly referenced Chapter 123 vs. the Constitution with regard to no assessments greater than 100% vs. 15% + or – being considered legal. Some residents expressed a need to know the other assessments in their neighborhood and were directed to a web page posted by the appraisal company where this information could be obtained.

Atty. Semrau concluded with his comments on how Scott Holzhauer gets involved and physically goes to the properties in the Borough who make an appeal. This helps an assessor to become very familiar with their towns and provides the municipality with good results. He specifically referenced the Kings Shopping Plaza as an example of good appeal results and the incorporation of new assessment figures. He further noted that Scott was the expert used by the Borough for the appeal process before he became the assessor.

Memo of Understanding-Randolph Township-Animal Control Svcs.:

Administrator Sandman reported that the interlocal agreement was not available tonight and is being written by the Morris County Shared Services Coordinator, Linda Murray. The Memo of Understanding was reviewed by the Borough Attorney Fred Semrau who has suggested three minor items which will be incorporated in the interlocal agreement. Randolph Township will be responsible for the Borough's animal control services as of March 1, 2010. Atty. Semrau has notified St. Hubert's in writing of the Borough's decision to terminate their services. Administrator Sandman noted no change in the cost of services. Randolph Township will review and revisit the costs of this agreement after they have performed these services for the Borough. A meeting of the Health Officer and Animal Control Officer from Randolph and Borough employees will be held on Thursday at Mendham Borough Police Headquarters. Atty. Semrau suggested a motion be made to approve the memo of understanding in its present form this evening.

Motion to approve the Memo of Understanding-Randolph Township-Animal Control Services which was subject to legal and administrative review was made by Councilman Murphy
Second by Councilman Badal
Discussion: No further discussion.
Roll Call - the vote was as follows:
In favor: Murphy, Garubo, Badal, Witczak, Andrus
Opposed: None
Abstain: None
Absent: Carr

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #38-10 Contract QC Labs/Acute and Chronic Bioassay Test/WRF

(A copy of Resolution #38-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #39-10 Sanitary Sewer App Yack Yao/Cerulean Enterprises-B801, L 20

(A copy of Resolution #39-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Badal

Second by Councilman Murphy

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

Res. #40-10 Release Performance Bond-Escrows/ PNC Bank-B1501, L11*

(A copy of Resolution #40-10 is attached to these minutes)

- Tabled from 1.18.10 Borough Council Meeting
- Tabled from 2.1.10 Borough Council Meeting

Mayor Henry called for Motion to approve this resolution

Councilman Murphy noted that this resolution was tabled from the meeting of January 18, 2010 and February 1, 2010 requested an update. Administrator Sandman responded that DPW Superintendent O'Brien visited the site and reported back with recommendations. She has reached out with no results with regard to the property maintenance. She had recently placed a call to a PNC representative which has remained unanswered. There was a brief discussion and it was noted that the escrow funds and performance bond funds cannot be used to fix or repair this facility.

Motion to **Table** this resolution to the March 1, 2010 meeting was made by Councilman Badal

Second by Councilman Garubo

Discussion: No further discussion.

Roll Call - the vote was as follows:

In favor: Garubo, Badal, Witczak, Murphy

Opposed: None

Abstain: Andrus

Absent: Carr

Res. #41-10 Auction-Gov Deals-Borough Property

(A copy of Resolution #41-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Badal

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

ADMINISTRATOR REPORT:

Councilman Badal commented on lack of public awareness with regard on the open space parcel purchase entitled "Tranquility Garden" and its use for passive recreation. Administrator Sandman commented that the driveway, wall and fencing are issues in progress and once they are resolved public awareness will be addressed.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak commented on the DPW's handling of the snow storms with only minor truck repairs and few complaints.

Councilman Andrus reported that there is no new budget news. Borough Auditor Bud Jones is continuing to work the numbers and has commented that the Borough is in good shape.

Mayor Henry reported for Councilman Carr that the Occupancy Limitation Ordinance is in draft form and was forward to the Planning Board last week. It will be sent to the Land Use Committee and possible introduction at the borough council meeting on March 1st.

Councilman Garubo deferred to the Recreation Director Bruce DiBisceglie in the audience who reported that through the best efforts and communication of the 4-Towns Committee a field usage issue for Lacrosse teams was resolved.

Councilman Murphy reported that the Mendham Police Department is back to its full force and he thanked Chief Taylor for all that was done in their absence. He further reported that deer related car accidents are down due to the deer culling program.

Administrator Sandman commented that she is continuing to work on getting a light for Budd Street and the County will be taking over general assistance for the Borough for Linda Durney when she retires.

ATTORNEY ITEMS:

Atty. Semrau reported receiving a report late this evening from Ms. Malone regarding this phase of moving forward for Mendham and potential vendors for the DAS system. This will be discussed at the next meeting but will have no impact on any present planning or application. He further reported that there has been a new ruling regarding the copy fee for OPRA requests effective July 1, 2010 which he will discuss further with the Clerk and Administrator. Another check has been received with regard to the Combe Landfill litigation and there may be additional monies forthcoming to the Borough.

MAYOR'S ITEMS:

Mayor Henry reported the citizen group TAG did not receive a resolution of endorsement from Mendham Township for a presentation by Dan Mason of Jersey Management. A forum will be held on February 25th in the Township featuring Linda Murphy from the County and highlighting shared services.

The Mayor commented that the report to be discussed at the next meeting on the DAS system and prepared by Linda Malone will be covered under the original amount set aside for her services.

PUBLIC COMMENT: No comments were made from the public.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated February 16, 2010

Motion to approve with the removal of checks #002832 and #002804 was made by Councilman Andrus

Second by Councilman Murphy

Discussion: None

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Carr

EXECUTIVE SESSION:

Res. #42-10-Atty. Client Privilege- Resolution was withdrawn.

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 9:20 P.M. next to convene at the Regular Meeting on March 1, 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