

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

CALL TO ORDER

Mayor Henry called the March 1, 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 Witzczak
Councilman John Andrus

Also present: Fred Semrau, Esq.
Ellen Sandman, Administrator

Absent: Councilman Stephen Carr

CONSENT AGENDA:

Approval of minutes of the Regular Meeting of February 16, 2010
Facility Use Agree-Pastime Club-Labor Day Carnival-8/23/10-9/13/10

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 Murphy
Seconded by Councilman Witzczak

Discussion: Councilman Witzczak announced that he is a member of the Pastime Club but does not hold office for the organization.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

DISCUSSION ITEMS: None

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #43-10 Release Performance Bond-Escrows/ PNC Bank-B1501, L11*

- Tabled from 1.18.10 Borough Council Meeting
- Tabled from 2.01.10 Borough Council Meeting
- Tabled from 2.16.10 Borough Council Meeting

Mayor Henry called for Motion to approve this resolution

Administrator Sandman reported that she has not received a response from the corporate office of PNC Bank. It was suggested by the Council that a letter be sent to the President of the bank and that this resolution be tabled until the first borough council meeting in April allowing time for a response from PNC. Atty. Semrau reminded the Council these funds are not connected to repairs or maintenance of the property.

Mayor called for a motion with regard to this resolution.

Res. #43-10: (Cont'd)

Motion to **Table** this resolution to the April 5, 2010 meeting was made by Councilman Witczak
Second by Councilman Badal
Discussion: No further discussion.
Roll Call - the vote was as follows:
In favor: Murphy, Garubo, Badal, Witczak
Opposed: None
Abstain: Andrus
Absent: Carr

Res. #44-10 Return of Escrow Fees –Site Plan Waivers

(A copy of Resolution #44-10 is attached to these minutes)
Motion to approve this resolution was made by Councilman Murphy
Second by Councilman Witczak
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Murphy
Opposed: None
Abstain: None
Absent: Carr

Res. #45-10 Change Order #1-Lowery Lane Road Improvement-Crossroad Construction Corp (Net Decrease 2.70%)

(A copy of Resolution #45-10 is attached to these minutes)
Motion to approve this resolution was made by Councilman Andrus
Second by Councilman Badal
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Murphy
Opposed: None
Abstain: None
Absent: Carr

ADMINISTRATOR REPORT:

Administrator Sandman explained the program sponsored by the Morris County Improvement Authority-Save Energy Program and recommended submitting the paperwork for a new roof at the Water Reclamation Facility. She further commented on the prior success of this program. The administrator concluded that after the County evaluates the Borough's submission then a final decision can be made by the Borough on whether or not to participate.

Administrator Sandman further reported that she is reviewing grant information received from New Jersey Transit with Charles Nahabedian of the MASH for the purchase of a smaller van for the seniors; working with NJ American Water, Borough Engineer Paul Ferriero and Mr. Adams; and the capital budget figures will be forwarded to Councilman Andrus tomorrow with additional figures forwarded after a meeting Bud Jones, Borough Auditor at the end of the week.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Badal reported that the Administrator will circulate the performance appraisal forms to the department heads. He further reported that employee, Pamela Andrus will be have surgery and is expected to be out of work for at least 6 weeks. According to the personnel policy, an employee who is out due to illness for this length of time needs the approval of Council.
Motion to approve 30 days additional sick leave for employee Pamela Andrus pursuant to the Borough's personnel policy and with the recommendation of the Borough Administrator was made by Councilman Witczak
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was as follows:
In favor: Badal, Witczak, Murphy, Garubo
Opposed: None
Abstain: Andrus
Absent: Carr

COUNCIL REPORTS, OLD & NEW BUSINESS: (Cont'd.)

Councilman Murphy reported that he met with the Mike Bruin, Fire Chief to discuss two purchase orders from the last meeting that were held for payment. After their discussion, he was pleased to report a satisfactory response and these checks were good to release.

Councilman Garubo commented that the ski programs promoted by the recreation commission have gone well. After a brief discussion on the funding requested for the upcoming fishing derby, it was suggested and agreed to that this be placed on the next meeting agenda for further discussion.

Councilman Andrus had no further comments this evening.

Councilman Witczak complimented the DPW for a job well done during the last snow storms and reported no vehicle damage.

ATTORNEY ITEMS:

Atty. Semrau commented that last year Borough Engineer Paul Ferriero and Administrator Sandman discussed the sanitary sewer usage at the waste water treatment facility. There will be a meeting on Friday on an ordinance for introduction and a report given to Administrator Sandman. Further information and report on the DAS System will be available for the next meeting. Atty. Semrau requested an executive session, under Atty.-Client Privilege to discuss private roads.

MAYOR'S ITEMS:

Mayor Henry noted that the Shared Services meeting at Mendham Township was postponed due to inclement weather. The Mayor reported that there will be a public information session before Phase II Historic District ordinance is introduced possibly end of May or early June. The occupancy ordinance has been updated after the Land Use Committee review and is in draft form for possible introduction at the next meeting.

Mayor Henry commented that correspondence received from the West Morris Regional High School Superintendent Anthony di Battista with regard to the School Resource Officer apparently does not contain reduction discussed and is in error. Contact with the Superintendent will be made by Administrator Sandman.

PUBLIC COMMENT: No comments were made from the public.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated March 1, 2010

Motion to approve was made by Councilman Garubo

Second by Councilman Murphy

Discussion: Councilman Badal noted that one of the vendors (G.T.B.M. Inc.) on the current bill list is a subdivision of one of his products for his business. Atty. Semrau responded that this did not represent a conflict.

Roll Call - the vote was unanimous as follows:

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

Opposed: None

Abstain: None

Absent: Carr

EXECUTIVE SESSION:

Res. #46-10-Executive Session-Atty. Client Privilege

(A copy of Resolution #46-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Murphy

Second by Councilman Garubo

Discussion: Attorney Semrau noted that private roadways in the Borough will be discussed during this session.

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Carr

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 9:00 P.M. next to convene at the Regular Meeting on March 15, 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