

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

CALL TO ORDER

Mayor Henry called the January 18, 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 Brad Badal
Councilman Stanley Witczak
Councilman John Andrus

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

Absent: Councilman Stephen Carr
Councilman Louis Garubo

CONSENT AGENDA:

Approval of minutes of the Regular Meeting of December 21, 2009
Approval of minutes of the Reorganization Meeting of January 1, 2010
Approval Blue Light Permit-Greg Wiatroski-Mendham Boro Fire Dept.
Res. #22-10 Transfer of Funds
Res. #23-10 Refund Property Tax Overpayment
Res. #24-10 Release Maintenance Bond-2006 Sidewalk Reconstruction Project
Res. #25-10 Release Maintenance Bond-Knollwood Drive Road Improvement Project
Res. #26-10 Release Maintenance Bond-Ward Sands Municipal Parking Lot Project
Res. #27-10 Morris County Adaptive Recreation Program (Annual)
(A copy of Res. #22-10 to and including Res. #27-10 will be attached to the minutes)

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 Garubo
Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witczak, Andrus, Murphy

Opposed: None

Abstain: Councilman Badal abstained from the approval of the January 1, 2010 Reorganization Meeting minutes since he was not in attendance at this meeting.

Absent: Carr, Garubo

DISCUSSION ITEMS: None

ORDINANCE INTRODUCTION:

ORDINANCE #1-10
ORDINANCE AMENDING A REAPPROPRIATION
ORDINANCE OF THE BOROUGH OF MENDHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY,
HERETOFORE ADOPTED ON JUNE 2, 2008 (#10-08)

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #1-10
ORDINANCE AMENDING A REAPPROPRIATION
ORDINANCE OF THE BOROUGH OF MENDHAM, IN
THE COUNTY OF MORRIS, NEW JERSEY,
HERETOFORE ADOPTED ON JUNE 2, 2008 (#10-08)

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 **February 1, 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.

Motion to approve the introduction of Ord. #1-10 was made by Councilman Murphy
Second by Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Badal, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Carr, Garubo

ORDINANCE INTRODUCTION:

ORDINANCE #2-10
AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY
TO AMEND CHAPTER 102, FEES, OF THE CODE OF
THE BOROUGH OF MENDHAM WITH REGARD TO
TOWING FEES

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that

ORDINANCE #2-10
AN ORDINANCE OF THE BOROUGH OF MENDHAM,
COUNTY OF MORRIS, AND STATE OF NEW JERSEY
TO AMEND CHAPTER 102, FEES, OF THE CODE OF
THE BOROUGH OF MENDHAM WITH REGARD TO
TOWING FEES

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 **February 1, 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.

Motion to approve the introduction of Ord. #2-10 was made by Councilman Witczak
Second by Councilman Murphy

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Badal, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Carr, Garubo

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #28-10 Support Participation Paris Grant-Records Imaging

(A copy of Resolution #28-10 is attached to these minutes)

Motion to approve this resolution was made by Councilman Badal

Second by Councilman Andrus

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Badal, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Carr, Garubo

Res. #29-10 Release Performance Bond-Escrows/ PNC Bank-B1501, L11

(A copy of Resolution #29-10 is attached to these minutes)

Mayor Henry called for Motion to approve this resolution

Councilman Murphy asked to speak and expressed his concerns over the condition of the property and the building. He suggested that a punch list be compiled and sent to the owners for compliance before releasing this bond and escrow. Atty. Semrau indicated that this money could not be used for compliance but suggested that this resolution be tabled to the February 1st meeting. DPW Superintendent Ken O'Brien will make a site visit and provide a punch list to Administrator Sandman for Council review.

Motion to **Table** this resolution was made by Councilman Murphy

Second by Councilman Badal

Discussion: No further discussion.

Roll Call - the vote was as follows:

In favor: Badal, Witczak, Murphy

Opposed: None

Abstain: Andrus

Absent: Carr, Garubo

Res. #30-10 Sanitary Sewer Connection App- B 501/L9

(A copy of Resolution #30-10 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: Badal, Witczak, Andrus, Murphy

Opposed: None

Abstain: None

Absent: Carr, Garubo

ADMINISTRATOR REPORT:

Administrator Sandman was asked for the status of the Sanitary Sewer Inspection process which she responded that it is complete and being reviewed by Paul Ferriero and it will be available for the next meeting and included in the agenda package. The Administrator further reported that Tax Assessor Scott Holzhauer has updated the revalue information on the web page and a letter of intent for animal control services with Randolph Township has been drafted and circulated to the Mayor, Council and Borough Attorney for review. A decision with regard to the letter of intent needs to be made by March 1st.

Mayor Henry asked the Administrator what the content of feedback from residents has been on assessment letters that were sent. Administrator Sandman remarked that it has been positive and appointments have been set up for residents when necessary. Atty. Semrau commented that he has met with the Borough Assessor and representation from the revaluation company and noted that February 1st is the deadline for presentation to the County but residents have a right to appeal afterwards.

Mayor Henry noted a brown out in the Borough over the weekend with Administrator Sandman responding that there has been conversation with Mr. Andersen of JCP&L with regard to this issue and was informed by him that there will be a special meeting held to review its cause. She further noted that a call was received from a resident regarding the Talmage Road area and the length of time it took to return service. The Borough Engineer's office has also been in contact with Mr. Andersen regarding the cost of

ADMINISTRATOR REPORT: (Cont'd.)

fixtures for street lights in the Borough. A meeting is scheduled for this coming Wednesday with Mr. Andersen.

The Mayor commented that a meeting with the Mendham Business Association and Councilman Carr to discuss signage needs to be arranged.

COUNCIL REPORTS, OLD & NEW BUSINESS:

No reports from Councilman Badal and Witczak.

Councilman Murphy commented that Police Chief Taylor and Administrator Sandman are discussing new schedule and public safety issues this year for the resource officer at West Morris High School. Councilman Murphy shared statistics with regard to car accidents involving deer since the inception of the deer management program.

Councilman Andrus commented on the decrease in state funding to the municipalities. He noted that there will be an Open Space Advisory Committee meeting Thursday and it is anticipated that Bob Collins will be the Chairman.

ATTORNEY ITEMS:

Atty. Semrau gave a brief summary of the progress and time line for the upcoming Highlands decision for the Borough. It was noted that modules 4-5-6 have been completed and the Planning Board is continuing its work to complete the remaining modules.

MAYOR'S ITEMS:

Appointment to the Whippany River Watershed Action Committee:

Mayor Henry noted that after discussion with Councilman Witczak, he has agreed to continue to hold this position on this committee. Mayor Henry nominated Councilman Witczak and Janis Slutsky of the Environmental Commission to continue on the Whippany River Watershed Action Committee. Mayor Henry asked for further nominations from the Council, receiving none, he called for a motion.

Motion to nominate Councilman Witczak and Janis Slutsky to the Whippany River Watershed Action Committee was made by Councilman Murphy

Second by Councilman Badal

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Badal, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Carr, Garubo

Mayor Henry reported that an occupancy ordinance is being drafted and will be presented to the Council by the end of March. The Historic District-Phase II is also being worked at this time.

PUBLIC COMMENT:

Lucy Monahan, 28 Drake Road, thanked Atty. Semrau for his help with the Garden Club's 501C paperwork and Administrator Sandman for all her help with the restoration of the Phoenix House Garden.

Jacke Schram, 2 Melrose Lane, asked about the Borough revaluation and property taxes. In response, it was noted that the figures are preliminary, adjustments are being made and the final report to the County will be February 1st.

Meg Berlin, 1 Redman Farm Road, representing TAG – Mendham Township- commented that the TAG (Transparency and Accountability in Government) organization promotes accountability and transparency in government. TAG is promoting a Town Hall Meeting

PUBLIC COMMENT: (Cont'd.)

between the Borough and Township on "Shared Services". This meeting will be for resident information and educational purposes only. TAG would like to contract with Mr. Dan Mason, Jersey Professional Management, for a fee of \$500 to be shared by both municipalities. If the cost makes this prohibitive, TAG will absorb the cost. The TAG group does not pick political candidates or share in the process.

Mayor Henry responded that the Borough does participate in shared services with the Township for municipal court, mutual aid with police-fire, EMS dispatch with Morris County. The Borough belongs to the 4-Towns committee in the areas of recreation and shares our playing fields. The Borough is a member of the Morris County Joint Insurance Fund and has an interlocal agreement with Bernards Township as the Borough Health Department. The Borough does not have an agreement but employs the same Building and Plumbing Code Officials and Tax Assessor as Mendham Township.

Mayor Henry continued that the Borough is presently negotiating for animal control services with the Borough of Randolph and belongs to the Morris County Coop for salt and asphalt. All these areas, not limited to those mentioned, are shared services between the Borough and other government entities. The Mayor further commented that there is still more to be done.

Councilman Badal commented that the Borough will continually look and talk about shared services. He further commented that the Borough public is made aware of shared services and does not feel there needs to be funds expended for a forum.

Councilman Murphy commented on a joint venture with the Township approximately four years ago regarding the merger of the two police departments. This did not work and feels that this cannot continue to be revisited.

Mayor Henry further commented on the police services and the history between the two municipalities.

Meg Berlin clarified that this Town Meeting will focus on information regarding the process of shared services for residents of both municipalities.

Councilman Andrus commented on the past attempt to merge the police departments of the Mendhams and how when it came to the cost and the idea that bigger is more efficient, it did not prove to be better. He further comment that a 45 minute presentation on shared services is not a bad idea but felt that Mendham Borough could identify areas which would benefit our town.

Councilman Murphy, Meg Berlin and Councilman Badal again discussed the police merger and the fact that the town meeting would be for information on shared services, of which the councilmen feel that Borough residents are well informed.

Ellen Greenberg, 1 Samantha Lane, Mendham Township, commented that Dan Mason is an expert who goes from town to town and can share problems and solutions. It would benefit both towns to get this information. She further commented that there will be less money available to municipalities and any ideas for coming years could make for interesting dialogue.

Meg Berlin commented that Mendham Township voted against the Town Meeting until the Borough had a chance to decide.

Councilman Murphy commented that the Borough's budget is in good shape and controlling cost and managing debt and is going well.

Councilman Badal responded also that the Borough does not need to spend any money for ideas since shared services is standard and is always open for discussion. Our Borough Administrator has many years of experience, numerous discussions and attends seminars on shared services on an on-going basis.

Lucy Monahan commented that the Borough should come out with a general statement in the Mendham Messenger on shared services for the percentage who do not understand. She suggested that the Council not vote down and support the town meeting as an educational forum.

PUBLIC COMMENT: (Cont'd.)

Mayor Henry further commented that it is a good idea to focus on shared services and to adapt information for our web page with Cit-E-Net.

There was further conversation and concern expressed with regard to giving support to Mr. Mason and the Borough's obligation to endorse his ideas.

Atty. Semrau suggested that prior to the Town Hall Meeting the Borough would make the distinction that this was to disseminate information and for education purposes.

Councilman Witczak asked where this town meeting was to take place and Ms. Berlin responded that they have reserved a room at the High School.

Administrator Sandman commented that she has interacted with Mendham Township Administrator Steve Mountain and that he has shared service experience and dedication. She referenced the use of the Borough jet vac and employees for a Township problem and the present interaction on a shared animal control services contract with Randolph Township.

Atty. Semrau commented that shared service agreements, dialogue, resources and staff are limited in public meetings.

Jacke Schram, asked about the Borough's state aid. Councilman Andrus responded that this is unknown at this time.

Councilman Witczak commented that the Borough is stable due to long-term planning for purchases and building maintenance.

Dennis Deegan, 12 Summit Road, Mendham Township, thanked the Mayor and Council for the giving TAG the opportunity to speak this evening.

Rob Stroble, 2 Stoney Hill Road, Mendham Township, commented on the good dialogue and noted the emotional reaction present from the Council on past dealings with the Township.

It was the decision of the Council not to fund this Town Hall Meeting or endorse this consultant but the Borough will endorse the concept. The Council will send a representative to the Town Hall Meeting and will publish the meeting information in the Mendham Messenger and post on the Borough web site.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated January 18, 2010

Motion to approve by Councilman Witczak

Second by Councilman Murphy

Discussion: Councilman Badal questioned a payment to Custom ---- in the amount of \$1612. DPW Superintendent O'Brien was in the audience and responded that this was to respond and fix a flat time on the backhoe which broke down on the road. It was noted how expensive it is to service heavy duty equipment.

Roll Call - the vote was unanimous as follows:

In favor: Badal, Witczak, Andrus, Murphy

Opposed: None

Abstain: None

Absent: Carr, Garubo

EXECUTIVE SESSION: Read aloud by the Borough Clerk:

Res. #31-10 Executive Session: Atty.-Client Privilege*

(*Comp-Comm/STM COMM, LLC and Windymere Road-Windymere Homeowners Association)

(A copy of Resolution #31-10 is attached to these minutes)

Motion to approve was made by Councilman Andrus

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Garubo, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Carr, Garubo

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 9:45 P.M. next to convene at the Regular Meeting on February 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