

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

CALL TO ORDER

Mayor Neil Henry called the December 19, 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 Stanley Witzak
Councilman John Andrus
Councilman David Sharkey
Councilwoman Veronica Daly

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

Absent: None

CONSENT AGENDA:

- Approval of the minutes of the Regular Session Meeting of 12/5/11
- Appoint Andrew Cascais, Regular Member-Alexander Cascais, Junior Member-Mendham Borough Fire Department

Motion to approve the consent agenda was made by Councilman Sharkey
Seconded by Councilman Andrus

Discussion: Councilman Badal and Councilwoman Daly abstained from the approval of the 12/5/11 minutes. They were not present at this meeting.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

DISCUSSION:

Councilman Badal -Emergency Shelter-Mendham Borough:

Councilman Badal led the discussion with regard to making the Garabrant Center a Tier 1 shelter. He stressed keeping an open dialog, with the schools in the Borough, on the use of their buildings as Tier 2 shelters (showers, more room). After the 1st of the year this will be discussed further, along with the purchase and the costs associated with the purchase of a generator for the Department of Public Works.

Carol Spencer's (Web Manager-Information Technology County of Morris) classes on the use of the social media during emergency situations will begin after the holidays. Police and fire members should attend.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #129-11 Return Engineering Inspection Escrow Fees-B801/L15

(Copy of Res. #129-11 attached to these minutes)

Motion to adopt Resolution #129-11 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #130-11 Tax Appeal Settlements 2010/2011

(Copy of Res. #130-11 attached to these minutes)

Motion to adopt Resolution #130-11 was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: Councilman Sharkey asked how many appeals are denied by the County Tax Board. Atty. Semrau would have to confer with the Tax Assessor for the answer to this question. He continued that TA Scott Holzhauer has defended and won most of the appeals. Mr. Semrau reported further that the changes in the real estate market and the reassessment of the Borough have reduced the number of appeals. Mr. Semrau will contact Scott and report back to the Council on the number of appeals filed vs. settled in favor of the resident.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #131-11 Refund Overpayment Property Tax-B801/L1-7 Wedgewood Lane

(Copy of Res. #131-11 attached to these minutes)

Motion to adopt Resolution #131-11 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #132-11 Tax Sale Redemption- 2 Cold Hill Road, Block 801; Lot 12.01

(Copy of Res. #132-11 attached to these minutes)

Motion to adopt Resolution #132-11 was made by Councilman Badal

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #133-11 General Capital Account “Reserve” Cancellation

(Copy of Res. #133-11 attached to these minutes)

Motion to adopt Resolution #133-11 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: Councilman Andrus explained to the Council that this involved movement of funds from one line item to another, which occurs with large expenditures.

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #134-11 Award Bid-Truck-Department of Public Works

(Copy of Res. #134-11 attached to these minutes)

Motion to adopt Resolution #134-11 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

Administrator Sandman reported the receipt of the outstanding \$11,000 for the modules completed for the Highlands. Ms. Sandman is continuing to work on having low hanging wires attached and a new pole installed in the Borough.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak stated that Superintendent O'Brien has reported that the DPW is on the second round of tree/brush removal throughout the Borough.

Mayor Henry expressed his thanks to the DPW and all the employees for their efforts during and after the October storm.

Councilman Andrus noted that the last report from Tax/Sewer collections show the Borough is ahead and better than last year. He further reported that a capital budget meeting was held with him, Mayor Henry, CFO Giordano, Administrator Sandman and Auditor Bud Jones. The expenditures for consideration are a Fire (Ladder) Truck, Fire and First Aid's list of improvements, paving of roads, additional DPW equipment (Chipper, De-Icing), and tennis/basketball courts (safety issue).

Councilman Andrus requested that Saturday budget meeting date or dates for January be finalized.

Councilman Sharkey has received the application from the Clerk on "Tree City USA". He will complete the application and met with the Clerk to review and submit. Mr. Sharkey has made phone calls to clarify some of the requirements and to confirm if the Borough complies. He reported the only items needed would be to schedule an Arbor Day which he will do by asking the Girl Scouts to participate and plant a tree, and a proclamation from the Mayor.

Mayor Henry asked if a meeting could be scheduled early in January with Councilman Sharkey, Councilman Andrus and himself to finalize the draft of the sign ordinance for introduction.

Councilman Garubo reported on the tree lighting at the Gazebo and the planned ski trips with the Township for January and February.

Councilwoman Daly reported that the personnel evaluation process will be reviewed early in the new year and discussions will be held with Holly Manor on their generator needs for the future.

ATTORNEY ITEMS:

Atty. Semrau reported that Comcast has concluded their negotiations with Mendham Township. He will present a report on the progress of the Borough's negotiations at the first regular scheduled meeting of the Mayor and Council in January, 2012. Mr. Semrau is completing work on the draft sanitary sewer allocation ordinance.

Borough Attorney Semrau reported that the cell tower application for the Kings Shopping Center is in a holding pattern. The Judge allowed the applicant to come back to the Borough with a new site location or oppose the appeal decision. The applicant has come back to the Board of Adjustment and has requested additional time to search for a new location.

MAYOR'S ITEMS:

Mayor Henry reported that he does not expect to resume talks on shared services with Mendham Township until January, 2012. Mr. Henry reported that the education summit that was cancelled by the Township with Mr. Vito Gagliotti will be held on January 12th, 2012 at 7:30PM. The Mayor encouraged attendance.

Mayor Henry asked Administrator Sandman to contact OEM Coordinator Thomas Berenbak to attend the second meeting in January to give the Council a report on the status of the Borough's FEMA application for funds.

Mayor Henry announced the change in the day and time of the 2012 Reorganization Meeting to January 3rd, Tuesday, 7:30PM at the Mendham Borough Fire House.

Mayor Henry has been in contact with Lucy Forgione regarding health services for the Borough. It was determined that a change to Randolph Township would result in no savings to the Borough. He concluded with Ms. Forgione the Borough's recommitment. Mr. Henry noted that Donna Cummins, Tax Collector, is up for tenure. There will be a resolution on the reorganization agenda. The Mayor concluded that he will send the Council a list of Ms. Cummins accomplishments before the meeting for review.

Mayor Henry noted that a resolution for a Borough Engineer and Zoning Officer for a month to month appointment will also be on the reorganization agenda for consideration.

Councilman Daly commented that from her exposure on the Mendham Borough Board of Health, that health services under State mandate and there is very little wiggle room. Ms. Daly further commented that she was offended by some of the comments she read coming from the Township with regard to this issue.

Mayor Henry asked Attorney Semrau, Council and Administrator Sandman if there were any items that needed to be addressed before the end of the year. Hearing none, he called for a motion to cancel the December 27th, 2011(Tuesday) additional scheduled meeting

Motion to cancel the December 27th, 2011(Tuesday) additional scheduled meeting was made by Councilman Garubo
Seconded by Councilwoman Daly
Discussion: No further discussion.
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

PUBLIC COMMENT: There was no public comment.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated December 19, 2011
Motion to approve the December 19, 2011 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

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 8:50 P.M. next to convene at the annual Reorganization Meeting January 3, 2012 at 7:30 P.M. at the Mendham Borough Fire House, 24 East Main Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk