

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

**CALL TO ORDER**

Mayor Henry called the December 20, 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 John Andrus  
Councilman David Sharkey

Also present: Fred Semrau, Esq.  
Ellen Sandman, Administrator  
Absent: Councilman Stanley Witczak

Mayor Henry presented Councilman Murphy with a painting of the Phoenix House and his best wishes from himself and the Council. Councilman Murphy thanked everyone and noted that he enjoyed his two terms on Council.

**CONSENT AGENDA:** (A copy of Resolution #144-10 will be attached to these minutes)  
Approval of minutes of the Regular Session Meeting of December 6, 2010  
Res. #144-10 Transfer of Funds

Motion to approve the consent agenda was made by Councilman Andrus  
Seconded by Councilman Badal  
Discussion: None  
Roll Call – the vote was as follows:  
In favor: Sharkey, Garubo, Badal, Andrus, Murphy  
Opposed: None  
Abstain: None  
Absent: Witczak

(Atty. Semrau arrived at approximately 8:14PM)

**DISCUSSION:**

**Fire Chief Michael Bruin-Year End Review:**

Chief Bruin reported on the amount of time he has worked with the communications center and other fire departments for a mutual aid procedure. He further commented on the accomplishment of the Fire Department in the development of a "Mayday" Procedure, "Bail Out" System", 39 members received certification, and upgrade of the uniforms for continuity and professionalism. He further noted improvements and savings from a grant to purchase new pagers and the implementation of "Fit 5" (contained extinguisher units).

Chief Bruin commented that at least 11 members attended a class for instruction in the new fire harnesses. A new command vehicle has been purchased and will be delivered shortly. The fire department has been discussing the purchase of a new fire truck and welcomed any council member to attend the discussion.

Fire Chief Michael Bruin-Year End Review: (Cont'd.)

The Fire Chief further reported on the good relationship with the Department of Public Works and how it has saved money for the fire department. He commented that older residents are volunteering, necessitating the need to adopt of in-house training to accommodate this new group of volunteers.

**MASH-Community Development Block Grant:**

This item is open for discussion as a requirement for MASH to apply for a Community Block Grant to purchase new lighting for its residents. Administrator Sandman reported that there are no matching funds on behalf of the Borough. This is a procedural requirement and serves only as notification to the Borough that this grant is being pursued on behalf of MASH and for their comments. No comments or objections were made.

**Professional Service Agreement-Shawn Hopkins, Tax Assessor Jefferson Twp.:**

Atty. Semrau reported that he did attend a meeting this afternoon with the Division of Taxation and the Deputy Attorney General regarding the Borough's complaint filed for an appeal of the 2010 ratio calculation. Atty. Semrau discussed the fees submitted by Mr. Hopkins with the Borough Assessor Scott Holzhauser and finds them to be fair. Atty. Semrau will review and discuss the results of today's meeting. If Atty. Semrau believes that continuing this complaint is in the best interest of the Borough, a professional service agreement and resolution will be made available for approval at the reorganization meeting.

**ORDINANCE INTRODUCTION:** None

**ORDINANCE PUBLIC HEARING/ADOPTION:** None

**ACTIONS TO BE TAKEN:**

**Res. #145-10 Christopher P. Irons-Permanent Police Officer**

(A copy of Resolution #145-10 is attached to these minutes)

Motion to approve Resolution #145-10 was made by Councilman Murphy

Seconded by Councilman Garubo

Discussion: No further discussion

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Patrolman Irons was in the audience and thanked the Mayor and Council for the opportunity to work for the Borough of Mendham.

**Res. #146-10 Overpayment 4<sup>th</sup> Qtr. Taxes Refund**

(A copy of Resolution #146-10 is attached to these minutes)

Motion to approve Resolution #146-10 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: No further discussion

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**ADMINISTRATOR REPORT:** No comments on the Administrator's written Report.

**COUNCIL REPORTS, OLD & NEW BUSINESS:**

Councilman Sharkey reported that there will be a resident meeting on the expansion of the Historic District (January 19, 2011) and the sign ordinance should be introduced at the first regular meeting of the Council in January 2011.

**ATTORNEY ITEMS:**

Atty. Semrau will report to the Mayor and Council on the cell tower litigation after the New Year. He will meet with the Board of Adjustment Chairman and their Attorney prior to updating the Council.

The "Bems" landfill litigation settlement has been discussed verbally with Atty. Peter King and Atty. Semrau reported that there will be no cost to the Borough.

**MAYOR'S ITEMS:** No further comments were made by the Mayor.

**PUBLIC COMMENT:** No one from the public wished to be heard.

Police Chief John Taylor thanked Councilman Murphy and appreciated working with him.

**APPROVAL OF VOUCHERS:**

Minute Book Attachment Bill List dated December 20, 2010  
Motion to approve the December 20, 2010 bill list was made by Councilman Andrus  
Second by Councilman Murphy  
Discussion: None  
Roll Call - the vote was unanimous as follows:  
In favor: Garubo, Badal, Andrus, Murphy, Sharkey  
Opposed: None  
Abstain: None  
Absent: Witczak

**EXECUTIVE SESSION:**

Res. #147-10 Executive Session- Contract Negotiations  
(A copy of Resolution #147-10 is attached to these minutes)  
Motion to approve Resolution #147-10 was made by Councilman Garubo  
Seconded by Councilman Badal  
Discussion: No further discussion  
Roll Call – the vote was as follows:  
In favor: Badal, Andrus, Murphy, Sharkey, Garubo  
Opposed: None  
Abstain: None  
Absent: Witczak

**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 9:33 P.M. next to convene at the Regular Meeting on December 28, 2010 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

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Maureen Massey, RMC, CMC  
Borough Clerk