

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

CALL TO ORDER

Mayor Henry called the February 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 Stephen Carr
Councilman Louis Garubo
Councilman Stanley Witzak

Also present: Dominic DiYanni, Esq.
Ellen Sandman, Administrator

Absent: Councilman Brad Badal
Councilman John Andrus

CONSENT AGENDA:

Approval of minutes of the Regular Meeting of January 18, 2010
Approval of minutes of the Executive Session Meeting of January 18, 2010
Raffle License-Minutemen Sports Club-5/6/10-Off Premise Draw-Merchandise
Raffle License- Minutemen Sports Club-5/6/10-OnPremise Draw-Merchandise
Raffle License Minutemen Sports Club-5/6/10-On Premise Draw-50/50 Cash
Res. #32-10 Refund a 2009 Tax Overpayment
Res. #33-10 Transfer of Funds-Appropriation Reserves
Permission For Use of Borough Park-Circus-Pastime Club
Res. #34-10 Refund Eng. Inspection Escrow Fees/Cash Bonds
Approve Appt. Greg Wiatroski-Regular Member-Mendham Borough Fire Dept.
Add:
Approval Red Light Permit-Mendham Boro Fire Dept./M. Bruin, R. DeNicola, C. Nelson

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. Councilman Murphy raised the question regarding what positions were allowed by law to apply and receive a red light permit. It was briefly discussed.

No requests were made for any item to be removed from the Consent Agenda.

Motion to approve the Consent Agenda was made by Councilman Murphy
Seconded by Councilman Witzak
Discussion: Councilman Witzak mentioned that he is a member of the Pastime Club but is not an officer in charge.

Roll Call – the vote was as follows:

In favor: Carr, Garubo, Witzak, Murphy

Opposed: None

Abstain: Councilman Garubo abstained from the approval of the January 18, 2010 Regular Meeting minutes since he was not in attendance at this meeting.

Absent: Badal, Andrus

DISCUSSION ITEMS: None

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION:

**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)**

Was published in full in the Observer Tribune
(A copy of Ordinance #1-10 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #1-10. There were no comments from the public.

The public hearing was closed.

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 and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

Motion to adopt Ordinance #1-10 was made by Councilman Witczak
Second by Councilman Murphy
Discussion: None
Roll Call-the vote was as follows:
In favor: Murphy, Carr, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Badal, Andrus

ORDINANCE PUBLIC HEARING/ADOPTION:

**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**

Was published in full in the Observer Tribune
(A copy of Ordinance #2-10 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #2-10. There were no comments from the public.

The public hearing was closed.

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 and adopted on this, the final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune, according to law.

ORDINANCE #2-10:

Motion to adopt Ordinance #2-10 was made by Councilman Witczak
Second by Councilman Carr
Discussion: None
Roll Call-the vote was as follows:
In favor: Murphy, Carr, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Badal, Andrus

ACTIONS TO BE TAKEN:

Res. #35-10 Refund Overpayment Penalty on Construction Permit

(A copy of Resolution #35-10 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: Murphy, Carr, Garubo, Witczak
Opposed: None
Abstain: None
Absent: Badal, Andrus

Res. #36-10 Release Performance Bond-Escrows/ PNC Bank-B1501, L11*

(A copy of Resolution #36-10 is attached to these minutes)

- Tabled from 1.18.10 Borough Council Meeting

Mayor Henry called for Motion to approve this resolution
Councilman Murphy noted that this resolution was tabled from the last meeting of January 18, 2010 and requested an update. Administrator Sandman responded that Superintendent Ken O'Brien has prepared a punch list of concerns which she has discussed with Eagle Realty who has been very responsive in the past. She is awaiting a response.
Councilman Murphy requested that Zoning, Fire and the Construction Code departments be notified of the items on the punch list.

Motion to **Table** this resolution to the February 16, 2010 meeting was made by Councilman Witczak
Second by Councilman Murphy
Discussion: No further discussion.
Roll Call - the vote was as follows:
In favor: Carr, Garubo, Witczak, Murphy
Opposed: None
Abstain: Andrus
Absent: Badal, Andrus

Res. #37-10 Appointment to Environmental Commission-A. Perrone

(A copy of Resolution #37-10 is attached to these minutes)
Motion to approve this resolution was made by Councilman Murphy
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was as follows:
In favor: Garubo, Witczak, Murphy, Carr
Opposed: None
Abstain: None
Absent: Badal, Andrus

ADMINISTRATOR REPORT:

Administrator Sandman commented on the status of the 2010 budget. She will be attending a NJ League of Municipalities meeting with Mr. Bill Drexel from the State who will be discussing funding for the municipalities and the cap for the 2010 budget.

Borough Auditor Bud Jones has been in contact and working with the Borough CFO Sue Giordano to finalize the numbers needed to continue the budget process. It was noted that the Borough's debt service is in good shape and it is anticipated that a budget meeting will be finalized soon.

ADMINISTRATOR REPORT: (Cont'd.)

Administrator Sandman does not have any further information from Ms. Malone of Comp Comm with regard to the DAS system proposal nor from Atty. Semrau on the Windymere Association issue. She further reported that Animal Control Services with Randolph Township will begin as of March 1, 2010. Their Animal Control Officer and the Borough's Health Officer will coordinate procedures and will mirror those handled by St. Hubert's. Administrator Sandman has seen and discussed a recommended street light fixture which will be white light but green in service.

COUNCIL REPORTS, OLD & NEW BUSINESS:

No reports from Councilman Garubo and Witczak.

Councilman Carr reported few changes since the last meeting. It was noted by the Mayor that a meeting will be scheduled with him, Councilman Carr and Administrator Sandman to discuss signs with the Mendham Business Association and an occupancy ordinance draft will be reviewed by the Planning Board and Land Use Committee prior to the expected ordinance introduction at the first Borough Council meeting in March.

Councilman Murphy reported that Sgt. Libertino will work his first shift on Friday and his return is a miracle after his accident. He further reported that the Public Safety Committee met and discussed the School Resource Officer, LOSAP improvements, and plans to meet with heads of emergency services to discuss this year's issues.

ATTORNEY ITEMS: Atty. Dominic DiYanni, Esq. had no further items to discuss.

MAYOR'S ITEMS:

Mayor Henry followed up from the last Council meeting that the TAG Group returned to Mendham Township where that Council's decision was not to fund nor endorse a town hall meeting with Mr. Dan Mason. Mayor Henry further reported that he has a meeting set up with both Mayors of Randolph and Mendham Township to discuss shared services. There is a gathering set up for February 25th with L. Murphy of the County of Morris and representatives from the Mendham's, Chester's and Randolph to discuss shared services.

PUBLIC COMMENT:

Paul Kuepferle, 17 Halstead Road, brought to the attention of the Mayor and Council an on going drainage problem and the impact on his property. Mayor Henry asked Mr. Kuepferle to provide the Borough Administrator with the history and any information he can produce.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated February 1, 2010

Motion to approve by Councilman Garubo

Second by Councilman Murphy

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Garubo, Witczak, Murphy, Carr

Opposed: None

Abstain: None

Absent: Badal, Andrus

EXECUTIVE SESSION: None

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 8:35 P.M. next to convene at the Regular Meeting on February 16, 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