

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

CALL TO ORDER

Mayor Neil Henry called the March 19, 2012 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

Councilman Stanley Witzcak
Council President John Andrus
Councilman David Sharkey
Councilman Louis Garubo

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

Absent: Councilwoman Veronica Daly, Councilman Brad Badal

CONSENT AGENDA:

- Approval of the minutes of the Regular Meeting of 3/5/12
- Approval of the minutes of the Special Meeting (Budget) 2/11/12
- Approval Road Closure-Harvest Hustle 5K Race-9/29/12/8am-11am
- Res. #44-12 Release of Engineering Inspection Escrow Fees

Motion to approve the consent agenda was made by Councilman Witzcak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Witzcak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: Councilman Garubo abstained from approval of the minutes from the meeting of March 5, 2012.

Absent: Daly, Badal

DISCUSSION:

- Chuck McGroarty, Planner-Banisch Associates, Inc.
'State Strategic Plan'

Mr. McGroarty gave a brief overview to the governing body regarding the "State Strategic Plan". He noted that the State Development and Re-Development Plan was heading for adoption but has now been replaced. The mapping process used to determine the preservation and development areas has been eliminated. The Plan Endorsement which was long, expensive and accomplished nothing is also not longer to be utilized.

The State Strategic Plan is approximately 41 pages and lists goals of Targeted Economic Growth, Effective Planning for Vibrant Regions, Preservation/Enhancement of Critical State Resources and Tactical Alignment of Government with objectives attached to each. There are unanswered questions at the county and municipal levels.

Mr. McGroarty noted that the Borough's "Center Designation" has expired. This designation is different under the new plan and the Borough will need to make a decision if they want to continue under this designation.

The State held 6 public hearings and has 60 days to vote. April 2, 2012 is the deadline for public comment. Mr. McGroarty will be making his comments.

Planner McGroarty noted that it remains to be seen if our Master Plan will conflict with this new State plan.

Atty. Semrau commented that the State Strategic Plan is not disruptive for the course the Borough is on. Mr. McGroarty assured the governing body that he is watching this new plan play out and he will keep the Borough informed of the planning changes.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #45-12 Appt. to Planning Board-Alt. II-Cristin Isaccson

(Copy of Res. #45-12 attached to these minutes)

Motion to adopt Resolution #45-12 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Badal

Res. #46-12 Appt. to Recreation Commission-Alt.II-Richard Grayson

(Copy of Res. #46-12 attached to these minutes)

Motion to adopt Resolution #46-12 was made by Councilman Garubo

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Daly, Badal

Res. #47-12 Appt. to Board of Health-Alt. II-Melanie Miller

(Copy of Res. #47-12 attached to these minutes)

Motion to adopt Resolution #47-12 was made by Councilman Sharkey

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Daly, Badal

Res. #48-12 SS Connection App-B601/L10

(Copy of Res. #48-12 attached to these minutes)

Motion to adopt Resolution #48-12 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrus, Sharkey, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Daly, Badal

Res. #49-12 Emergency Appropriation to Temporary Budget 2012

(Copy of Res. #49-12 attached to these minutes)

Motion to adopt Resolution #49-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Sharkey, Garubo, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Daly, Badal

Res. #50-12 Emergency Appropriation to Sewer Budget 2012

(Copy of Res. #50-12 attached to these minutes)

Motion to adopt Resolution #50-12 was made by Councilman Andrus

Seconded by Councilman Witczak

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Badal

Res. #51-12 Transfer of Appropriation Reserves

(Copy of Res. #51-12 attached to these minutes)

Motion to adopt Resolution #51-12 was made by Councilman Andrus

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Badal

**Motion: Appt. Amanda Sherwin and Jenna Wells – Day Camp Director
and Asst. Camp Director Discussed and Approved @ 2/21/12 Meeting**

Motion to appoint Amanda Sherwin – Day Camp Director
and Jenna Wells Asst. Camp Director was made by Councilman Witczak

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

In favor: Witczak, Andrus, Sharkey, Garubo

Opposed: None

Abstain: None

Absent: Daly, Badal

ADMINISTRATOR REPORT:

Mayor Henry noted that the Administrator Sandman's report was circulated to the Council prior to the meeting. He asked if there were any questions.

Councilman Sharkey asked the Administrator to share information on the Economic Development Summit that she attended. The Administrator will forward to Councilman Sharkey any handouts she received from this seminar.

Administrator Sandman referred to her report with regard to American NJ Water and further commented that she will be contacting the Board of Public Utilities on the high cost to the Borough for the fire hydrants.

Ms. Sandman noted that there is an insurance seminar that should be attended by the governing body through the Joint Insurance Fund and given by Atty. Semrau. Mr. Semrau agreed to give the presentation at the Borough before an upcoming meeting. If all

governing body members attend, this will mean a saving of \$1,000 to the Borough.

The Mayor asked the Administrator about the balance in the Borough's COAH account. Ms. Sandman responded that there is very little left and this balance will be used at the MASH to upgrade one Section 8 unit.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Garubo reported that the recreation committee discussed a grand marshal for the Labor Day parade and selected Charles Topping.

Councilman Sharkey reported progress continues on the changes in the sign ordinance.

Councilman Andrus commented that there will be no property tax increase this year. Mr. Andrus noted that our Auditor Bud Jones commented on the Borough's secure position citing the fund balance and the paying down of our debt service. There was a \$70,000 (14%) increase in the Borough's portion for health benefits. He reported that there will be a meeting next week to discuss capital projects. Mr. Andrus attended the last open space meeting and opened the discussion with regard to using money from the open space trust fund for fencing around the Borough fields and the baseball courts. The general consensus of the committee, even though legally it is allowed, is not to use the money in these areas. Mr. Andrus noted the open space committee is an advisory board to the governing body. He further commended that he understands both sides, and fully respects the committee's decision.

Councilman Witczak reported that the Department of Public Works is presently rehabilitating the storm basins. He also noted that the rear of the DPW office and shop sustained storm water damage. The employees removed the wall down to the studs and moved the soil from up against the building.

Mr. Witczak commented that Ken O'Brien has been working with FEMA and making headway. Mr. O'Brien has discussed this damage, as well as other areas that might result in funds for the Borough. Mr. O'Brien will contract with a company to grind the debris from the storms.

ATTORNEY ITEMS:

Atty. Semrau commented on new legislation that has passed the Senate and is on its way to the Assembly for a vote. This legislation will directly impact municipalities and although there some portions that are relatively good, there are some areas that need to be addressed. The League of Municipalities has stated their concerns. Atty. Semrau stated that he felt strong enough to compose a letter outlining areas of concern that the League did not address. One part of this legislation would not allow any additional items added to the agenda at the meeting, unless 75% of the governing body agrees. Even then, no action can be taken on that item. Another concern, all subcommittee meetings are required to be advertised and minutes to be taken. Mr. Semrau will keep the governing body updated on this bill.

MAYOR'S ITEMS:

Mayor Henry reported that Councilman Badal asked for the Council to consider his request to begin Sergeant promotional process. Councilman Sharkey expressed his concern with starting the process and being required to make the promotion.

Atty. Semrau stated that the Council did not have to make the promotion.

Mayor Henry called for a motion.

Motion to begin the Sergeant's promotion process was made by Councilman Garubo

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

In favor: Garubo, Witczak, Andrus, Sharkey

Opposed: None

Abstain: None

Absent: Daly, Badal

Mayor Henry asked for a committee meeting to review the Engineering/Zoning proposals received. He also requested that Mr. Dick Kraft and Mr. Brian Seavy also be invited. Tentative agreement was reached for April 4, 2012 at 6PM Phoenix House.

PUBLIC COMMENT: There were no public comments.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated March 19, 2012
Motion to approve the March 19, 2012 bill list was made by Councilman Andrus
Second by Councilman Sharkey
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Witczak, Andrus, Sharkey
Opposed: None
Abstain: None
Absent: Daly, Badal

EXECUTIVE SESSION:

Res. #52-12 Atty. Client Privilege/Contract Negotiations*
(Read aloud by the Clerk) (*Comcast Franchise Agreement)
Motion to adopt Resolution #52-12 was made by Councilman Witczak
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Witczak, Andrus, Sharkey, Garubo
Opposed: None
Abstain: None
Absent: Daly, Badal

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 9:35P.M. next to convene at the Regular Meeting on April 2, 2012 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk