

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

CALL TO ORDER

Mayor Henry called the May 16, 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 Witczak
Councilman David Sharkey
Councilwoman Veronica Daly

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

Absent: Councilman John Andrus

CONSENT AGENDA: (Minutes)

Approval of the minutes of the Regular Session Meeting of 4/18/11

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

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

DISCUSSION:

Dan Flynn (Ferriero Engineering)-Stormwater Presentation

Mr. Flynn gave his stormwater presentation outlining the responsibilities in the areas of education-employee and the public. He continued by sharing the Department of Public Works and the Borough's record keeping and inspection responsibilities. He commented on the jet vac annual cleaning and inspection of at least 1000 basins per year (if necessary); Mendham Borough has 645 catch basins and 40 outfalls. Mr. Flynn noted that an annual report is compiled by Ferriero Engineering and the NJDEP enforcement officer makes an (DPW) on-site visit to check all documentations, checks fueling yards, standard operating procedures, education activity records, and infrastructure conditions.

This presentation to the Mayor and Council will give the borough 3 points toward the required Tier A Permit requirements.

Motion to form a Stormwater Committee consisting of the TRC Members
This motion was made by Councilman Garubo
Seconded by Councilman Witczak
Discussion: None
Roll Call – the vote was as follows:
In favor: Garubo, Badal, Witczak, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Andrus

Bob Diffin-Banner Project-Mendham Business Association:

Mr. Diffin provided the Mayor and Council with a written estimate for two (2) poles and installation to replace the dead trees on which banners were displayed across Route #24. The Mendham Business Association has agreed to pay half if the Borough will pay the balance. Alleviating some of the numerous signs being posted throughout the Borough was an argument to reinstating the banner program. Councilman Garubo suggested policies and procedures for banner requests be instituted to reduce scheduling conflicts.

Mendham Co-Op /Pre K-Kickers-(Tabled from 5/2/11 mtg.)

Councilman Garubo-Atty. Fred Semrau

Atty. Semrau shared his conversation with Ms. Silver of the Mendham Co-Op which explained the reasons for their submitting multiple applications to use the Borough fields. After some discussion with regard to use of the fields by “for-profit” groups and the use of green acres (public) funding for the fields, all agreed to conditionally approve Mendham Co-Op’s outdoor facility use application for use of the fields.

Motion to approve the Mendham Co-Op’s Outdoor Facility Use Request with the condition that only co-op members participate in the Pre K-Kickers program. The Co-Op should collect the fees from the participants and then submit payment to the sponsors of the Pre K-Kickers. This motion was made by Councilman Garubo
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: Andrus

Harvest Hustle 5K-10/1/11-Mtn. Ave-Finish @ Boro Park

Ms. Johanson reported on the use of the proceeds from these events going toward a scholarship in memory of Sgt. Morales, updates to the gym at Mountain View School and the athletic scoreboard. Ms. Amy Johanson responded to questions regarding any changes made from the event last year. In response that there are no changes and explaining the success of the prior event with no costs to the Borough, this request was accepted and approved by motion.

Motion to approve the “Request for Road Closure”-Harvest Hustle 5K was made by Councilwoman Daly
Seconded by Councilman Garubo
Discussion: None
Roll Call – the vote was as follows:
In favor: Daly, Garubo, Badal, Witczak, Sharkey
Opposed: None
Abstain: None
Absent: Andrus

ORDINANCE INTRODUCTION:

ORDINANCE #3-11

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES TO BE UNDERTAKEN IN AND BY THE BOROUGH OF MENDHAM, IN THE COUNTY OF MORRIS, NEW JERSEY, AND APPROPRIATING \$277,325 THEREFOR FROM PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED AND FROM VARIOUS FUNDS OF THE BOROUGH

(A copy of Ordinance #3-11 is attached to these minutes)

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 **June 6, 2011** 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 Ordinance #3-11 was made by Councilman Badal
Second by Councilwoman Daly

Discussion: Administrator Sandman noted that the Borough's capital projects are fully funded.

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

ORDINANCE INTRODUCTION:

ORDINANCE #4-11

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 38, POLICE DEPARTMENT, OF THE CODE OF THE BOROUGH OF MENDHAM WITH THE ADDITION OF SECTION 38-20 ENTITLED, "PROMOTIONS"

(A copy of Ordinance #4-11 is attached to these minutes)

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 **June 6, 2011** 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 Ordinance #4-11 was made by Councilman Badal
Second by Councilman Garubo

Discussion: Councilman Badal commented that this is a sound ordinance and will be the Borough's needs in the foreseeable future. Atty. Semrau added that it is significant to have an outside former police chief as a consultant in the process.

Roll Call - the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #68-11 Award Contract QC Labs- Sampling/Testing Monitoring Wells-WRF

Motion to adopt Resolution #68-11 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

Res. #69-11 Sanitary Sewer App- B601, L 3

Motion to adopt Resolution #69-11 was made by Councilman Witczak

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

Res. #70-11 Interlocal Agreement /Mendham Board BOE-School Resource Officer

Motion to adopt Resolution #70-11 was made by Councilman Badal

Seconded by Councilman Sharkey

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

ADMINISTRATOR REPORT:

Administrator Sandman reminded Chief Taylor and DPW Superintendent that the work on the heating system at the Police Department will be started on Thursday. She further noted that between rebates and grant monies this \$70,000 project should only cost the Borough approximately \$7,000.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak reported that utilizing “Shared Services”, the Borough was assisted on Saturday during the electronics and shredding events, by a Mendham Township DPW employee. The Borough will also share a street sweeper with the Township. He further commented that the grass was cut in the Borough when the rain finally stopped for a few days, the dug outs were painted and the recycling numbers have risen based on the yearly tonnage report. Councilman Sharkey has been working with DPW for tree planting.

Councilman Sharkey reported on the progress of the sign ordinance. Changes and time frames are being made and the committee is moving toward completion for ordinance introduction at an upcoming Council meeting.

The expansion of the historic district and the inclusion of the Loop Trail in the Master Plan have been discussed by the Planning Board with tentative public hearings for September.

Councilman Garubo reported that the day camp preparations are on schedule and Jim Cillo has accepted to be the Labor Day Grand Marshall. He further reported discussions were held with regard to a Tennis Director but this may be put on hold till next summer.

Councilwoman Daly reported that the personnel evaluation forms are being streamlined and Administrator Sandman will be working on these shortly.

Councilman Badal commented that the present Borough LOSAP ordinance predates the splitting of the First Aid Squad from the Fire Department. He reported that this is under discussion and after the cost of the changes is available, final recommendations will be presented to the Mayor and Council for consideration.

Councilman Badal reported back from the last meeting that he did check and was told that the AED's being donated for placement at the fields could be used in the police vehicles but the ones presently being used by the Police Department could not be used on the fields due to design differences.

Discussion was held with regard to the criteria used for deciding what fields will have AEDs since there is not enough funding for coverage at all locations. It was agreed that Atty. Semrau and Administrator Sandman will take over until this is finalized and will review the certification agreement signed by the Borough and Atlantic Health Care to insure that the Borough is protected.

Motion was made giving the Borough Administrator the authority to sign the certification agreement on behalf of the Borough. This authority is subject to the satisfaction of the Borough Attorney and the Borough Administrator that the Borough has protection.

This motion was made by Councilman Badal

Seconded by Councilwoman Daly

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: Andrus

It was recommended that the field usage form used by the Borough include the requirement that Coaches receive AED training. It was noted that Rutgers offers training as well as Mendham Township First Aid Squad. Administrator Sandman will talk to the First Aid Squad with regard to this training.

ATTORNEY ITEMS:

Atty. Semrau reported that the towing ordinance will be available for consideration at the next meeting. Mr. Semrau noted that the sanitary sewer /waste water treatment allocation for the Borough will require technical background to determine policy. This is a work in progress and will be going forward with the assistance of Borough Engineer Paul Ferriero.

He further commented that Tax Assessor Scott Holzhauer has been successful in defending the Borough during the appeal process, in the best interest of the Borough and fairness to the residents.

Correspondence was received from the State of New Jersey with regard to repairs to the Mountain Valley Park Dam. Borough Engineer Paul Ferriero has submitted a proposal of approximately \$26,000 to prepare an EAP (Emergency Action Plan) and an Operational and Maintenance Manual. It was determined that funds can be used from the Open Space Trust Fund for this purpose. A resolution and PSA (Professional Service Agreement) will be on the next agenda for consideration by the Council.

MAYOR'S ITEMS:

Mayor Henry noted that the neighbors are being notified with regard to the moving of the Mendham Co-Op sign; a summit will be held by the West Morris Regional High School District of which he and Councilwoman Daly will participate; appointment at the next meeting of Anthony Germinario to the Board of Adjustment and a meeting will be held this Thursday with Ellen Sandman, Ken O'Brien and Mendham Township.

PUBLIC COMMENT: There were no public comments at this time.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated May 16, 2011
Motion to approve the May16, 2011 bill list was made by Councilwoman Daly
Second by Councilman Garubo
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: Andrus

Res. #71-11-Atty.-Client Privilege (Read aloud by the Clerk)

Motion to adopt Resolution #71-11 was made by Councilman Garubo
Seconded by Councilman Sharkey
Discussion: None
Roll Call – the vote was as follows:
In favor: Badal, Witczak, Sharkey, Daly, Garubo
Opposed: None
Abstain: None
Absent: Witczak

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 10:00 P.M. next to convene at the Regular Meeting on June 6, 2011 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk