

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

CALL TO ORDER

Mayor Neil Henry called the July 6, 2009 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 Witczak
Council President John Andrus
Councilman David Murphy
Councilman Louis Garubo

Also present: Dominic DiYanni, Esq.
Ellen Sandman, Administrator
Connor Monahan, Student Representative

Absent: Councilman Stephen Carr, Councilman Brad Badal

CONSENT AGENDA:

Approval of minutes of the Regular Session meeting of June 15, 2009
Res. #104-09 Annual Audit (2008) - Resolution of Certification
Proclamation September Ovarian Cancer Awareness Month
Res. #105-09 Refund Overpayment 2nd Qtr. 2008 Taxes
Res. #106-09 2009 Taxes-Not Subject to Int/Penalties-Until 25th Calendar
Day After Tx Bills 3rd Installment Are Mailed
Approval of Request For Road Closure App-New St.-9/13/09

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. No requests were made.

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

Mayor Henry read aloud the proclamation “September Ovarian Cancer Awareness Month” and made the presentation to Debra Smith and Jane MacNeil representing the Kaleidoscope of Hope Foundation, Atlantic Health and the National Ovarian Cancer Coalition (NOCC).

DISCUSSION ITEMS: None

ORDINANCE INTRODUCTION:

ORDINANCE #11-09
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #11-09
**AN ORDINANCE CONCERNING SALARIES FOR OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MENDHAM**

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 **August 3, 2009** 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 by Councilman Witczak

Second by Councilman Garubo

Discussion: None

Roll Call-the vote was as follows:

In favor: Garubo, Witczak, Murphy

Opposed: None

Abstain: Andrus

Absent: Badal, Carr

ORDINANCE PUBLIC HEARING/ADOPTION:

ORDINANCE #10-09
**ORDINANCE PROVIDING FOR IMPROVEMENT
OF LOWERY LANE IN AND BY THE BOROUGH
OF MENDHAM, IN THE COUNTY OF MORRIS, NEW
JERSEY, AND MAKING AN APPROPRIATION OF
\$70,000 THEREFOR CONSTITUTING PROCEEDS
OF A GRANT FROM THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION**

Was published in full in the Observer Tribune.

(A copy of Ordinance #10-09 attached to these minutes.)

Mayor Henry opened the public hearing on Ordinance #10-09

Resident, Michael Monahan of 28 Drake Road, asked what improvements were to be made by this ordinance. Administrator Sandman responded that it would be paving and that the Borough has received funding from the State.

The public hearing was closed.

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that,

ORDINANCE #10-09
**ORDINANCE PROVIDING FOR IMPROVEMENT
OF LOWERY LANE IN AND BY THE BOROUGH
OF MENDHAM, IN THE COUNTY OF MORRIS, NEW
JERSEY, AND MAKING AN APPROPRIATION OF
\$70,000 THEREFOR CONSTITUTING PROCEEDS
OF A GRANT FROM THE NEW JERSEY DEPARTMENT
OF TRANSPORTATION**

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 approve by Councilman Witczak

Second by Councilman Garubo

Discussion: None

Roll Call-the vote was as follows:

In favor: Garubo, Andrus, Witczak, Murphy

Opposed: None

Abstain: None

Absent: Badal, Carr

ACTIONS TO BE TAKEN:

Res. #107-09 Sanitary Sewer App-B801, L20

(A copy of Resolution #107-09 is attached to these minutes)

Motion to approve was made by Councilman Andrus

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

In favor: Witczak, Andrus, Murphy, Garubo

Opposed: None

Abstain: None

Absent: Badal, Carr

Res. #108-09 Morris Cty. Public Works Agree-Road Opening Permits

(A copy of Resolution #108-09 is attached to these minutes)

Motion to approve was made by Councilman Murphy

Second by Councilman Garubo

Discussion: None

Roll Call - the vote was as follows:

In favor: Andrus, Murphy, Garubo, Witczak

Opposed: None

Abstain: None

Absent: Badal, Carr

ADMINISTRATOR REPORT:

Administrator Sandman noted an article in the newspaper on Scott Holzhauser Borough Assessor and the possible 2010 reassessment of the Borough. Ms. Sandman reported that she is working on a grant with Fire Chief Ed Tencza for funding of the work needed to be done at the Fire House and the real estate closing on Tranquility Garden (34B East Main Street property).

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak noted that the Administrator stopped the Phoenix House Garden project for insufficient top soil. The problem was corrected.

Councilman Andrus referred to an article in the Star Ledger on Governor Corzine's forcing the merger of schools.

Mayor Henry noted that he attended a meeting on July 22nd with the County Superintendent of Schools regarding the deregulation regulation.

Connor Monahan commented that on his graduation 2 weeks ago and his attending Rochester Institute of Technology in the Fall.

Councilman Garubo reported that enrollment in day camp is up about 3% from last year. He noted that everyone has been conscientious with regard to the 'swine flu'. The scheduled movie in the park was rained out, the concert on Sunday was held and the fields are in good shape.

Councilman Murphy commented that the 'shred program' held by the DPW went well and that it was a good program with a good vendor. He reported that Ofc. L. Barnes was hit by car while on duty and will be unable to work for at least 12+ weeks. This will increase overtime in the Police Department which is down 2 officers. He further reported that the DWI paperwork is in for grant funding.

ATTORNEY ITEMS: None

MAYOR'S ITEMS:

Mayor Henry referenced correspondence from Freeholder Gene Feyl on shared services. One of the areas mentioned was in General Assistance. Administrator is doing research and has been in contact with Linda Durney, the Borough's General Assistance Director.

Councilman Murphy asked when the Phoenix House parking signs would be moved back. Administrator Sandman noted that when and how to re-install them would be discussed at the next DPW meeting.

PUBLIC COMMENT: None

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated July 6, 2009

Motion to approve by Councilman Murphy

Second by Councilman Andrus

Discussion: None

Roll Call - the vote was unanimous as follows:

In favor: Garubo, Witczak, Andrus, Murphy

Opposed: None

Abstain: None

Absent: Badal, Carr

EXECUTIVE SESSION:

Res. #109-09 Executive Session: Land Acquisition

(A copy of Resolution #109-09 is attached to these minutes)

Motion to approve was made by Councilman Murphy

Second by Councilman Witczak

Discussion: None

Roll Call - the vote was as follows:

In favor: Murphy, Garubo, Witczak, Andrus

Opposed: None

Abstain: None

Absent: Badal, Carr

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, the meeting was adjourned at approximately 9:10 next to convene at the Regular Meeting to be held on August 3, 2009 at 8:00 P.M. at the Garabrant Center, 4 Wilson Street, Mendham, New Jersey 07945.

Respectfully submitted,

Maureen Massey, RMC, CMC
Borough Clerk