

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

CALL TO ORDER

Mayor Neil Henry called the September 19, 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 Witzak (Arrived at approx. 8:06pm)
Councilman John Andrus
Councilman David Sharkey

Also present: Fred Semrau, Atty. (Arrived at approx. 8:02pm)
Ellen Sandman, Administrator
Maureen Massey, Borough Clerk

Absent: None

CONSENT AGENDA: (Minutes)

- Approval of the minutes of the Regular Session Meeting of 9/6/11

Motion to approve the consent agenda was made by Councilman Andrus

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

In favor: Badal, Witzak, Andrus, Sharkey, Daly, Garubo

Opposed: None

Abstain: None

Absent: None

DISCUSSION:

- Bridge Street-Resident C. Loeber

Mr. Loeber noted that he has appeared in the past before the Council to suggest the paving of Bridge Street. Attorney Semrau had composed a letter asking the residents of Bridge Street for their comments and suggestions regarding their street. Since it would mean an added assessment for the residents on Bridge Street an affirmative majority would be needed to start the process. Mr. Loeber was appreciative that this is a private, unpaved road which is snow plowed by the Borough. However, after a rain it results in ruts in the road. Mr. Loeber stressed the safety concerns especially citing the end of the road where the impact is quite severe. The location where residents exit Bridge Street on to Route #24 was also cited for having a "lip" that has appeared making it a safety concern when entering the roadway.

Atty. Semrau responded that the Borough is obligated to take any action but can try some options but that does not commit them to a solution.

It was noted that the water flow may be the issue to investigate and the fact that the road is not up to Borough standards could be why there is water problems. The cost of engineering, paving and redoing the road was discussed and to the surprise of Mr. Loeber it was noted it could be in the area of \$1M. Mayor Henry noted that do to budget constraints there is a list of roads in the Borough that need work.

Bridge Street-Resident C. Loeber: (Cont'd.)

Mr. Loeber was very complimentary to the Borough and the Department of Public Works

In conclusion it was decided that the DPW Superintendent Ken O'Brien, Borough Administrator Ellen Sandman and the neighbors will conduct an assessment. The Administrator will report back to the Council.

- Neon Signs

Mayor Henry noted that at Monday evening's Planning Board meeting during a review on the draft sign ordinance, there was a misunderstanding and disagreement with regard to neon signs. Atty. Semrau cited the present ordinance 124-7 and commented that enforcement is not for discussion at the Planning Board level and that it is a dangerous precedent to start. Enforcement is an administrative function. After review of the information available, there is 1 establishment presently in violation of the existing ordinance and not numerous violations as were insinuated.

Atty. Semrau stressed consistency and keeping on track during review of this ordinance. Mr. Semrau will contact Planning Board Atty. Peter Henry to discuss Monday evening's meeting.

ORDINANCE INTRODUCTION: None

ORDINANCE PUBLIC HEARING/ADOPTION: None

ACTIONS TO BE TAKEN:

Res. #104-11 Single Stream Recycling-Curbside Recyclable Materials

(Copy of Res. #104-11 attached to these minutes)

Motion to adopt Resolution #104-11 was made by Councilman Badal

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #105-11 Renew Agreement Morris County Cooperative Pricing Council

(Copy of Res. #105-11 attached to these minutes)

Motion to adopt Resolution #105-11 was made by Councilman Andrus

Seconded by Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

Res. #106-11 Appt. Crossing Guard-Renee' Arezzi @ \$18.13 per hour

(Copy of Res. #106-11 attached to these minutes)

Motion to adopt Resolution #106-11 was made by Councilman Badal

Seconded by Councilman Garubo

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

**Res. #107-11 Approval for submission grant app-Contract NJDOT-
Pleasant Valley Road Improvement Project**

(Copy of Res. #107-11 attached to these minutes)

Motion to adopt Resolution #107-11 was made by Councilman Witczak

Seconded by Councilman Andrus

Discussion: None

Roll Call – the vote was as follows:

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

Opposed: None

Abstain: None

Absent: None

ADMINISTRATOR REPORT:

It was noted that the Administrator's report was circulated before the meeting. There were no comments or discussion regarding this report.

COUNCIL REPORTS, OLD & NEW BUSINESS:

Councilman Witczak noted the damage to the fields at the Borough Park. He noted that the Department of Public Works and members of the Pastime Club are in the process of making repairs and he will report further at the next meeting.

Councilman Garubo commented that Recreation is in good shape.

Councilwoman Daly reported that she is working on program to purchase flu vaccine and scheduling the inoculation of our volunteers.

Councilman Badal reported that the Public Safety committee is reviewing the LOSAP program and will report its findings to the Council by the end of the year. He further reported on the inventorying of the old radios and pages for sale on Gov Deals; damage report of Borough equipment; and the review and proposed estimates to purchase a ladder truck for the Mendham Borough Fire Department. Mr. Badal recommended that since the Police Chief has made it know that he will be retiring in the near future, the commencing of the procedure to fill the position per the newly adopted ordinance. He further noted that this would allow for some transition time.

Atty. Semrau responded that he would consult with the Borough's Labor Counsel and circulate a response before the next meeting.

ATTORNEY ITEMS:

Atty. Semrau reported that there would be an executive session held at the next Council meeting to discuss the Comcast renewal agreement and to formulate a comparison from the last contract. The cable TV parties will be kept informed and recommendations taken into consideration.

MAYOR'S ITEMS:

Mayor Henry commented on the ongoing follow up to the education summit with meetings being held by the four (4) Mayors. The Mayor asked the Council to review the agreement with Mendham Townhouse Association for a future discussion.

PUBLIC COMMENT:

Frank Lupo, 17 Dean Road, asked by the Fire Department needs a new tanker truck since the equipment he viewed at the Labor Day parade did not look like it needed replacement. Councilman Badal responded that the Fire Department takes very good care of the equipment. It is recommended that this piece of equipment be replaced every 20 years and was scheduled to be replaced last year. It was not replaced and was pushed forward for future consideration. It is now approximately between 21/22 years old and beyond the replacement time frame.

Atty. Semrau suggested, due to a negative experience in another municipality, a thorough review of the specs before making any decisions.

APPROVAL OF VOUCHERS:

Minute Book Attachment Bill List dated September 19, 2011
Motion to approve the September 19, 2011 bill list was made by Councilman Badal
Second by Councilman Andrus
Discussion: None
Roll Call - the vote was unanimous as follows:
In favor: Garubo, Badal, Witczak, Andrus, Sharkey, Daly
Opposed: None
Abstain: None
Absent: None

EXECTUIVE SESSION:

This resolution was withdrawn before the meeting started.

Res. #108-11 Contract Negotiations/Atty. Client Privilege
(Comcast Franchise Agreement) (Mendham Commons Townhouse Association)

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 8:45P.M. next to convene at the Regular Meeting on October 3, 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